

minutes

MEETING HELD ON **TUESDAY, 19 NOVEMBER 2013**

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CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP ON TUESDAY, 19 NOVEMBER 2013.**

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Mayor declared the meeting open at 7.05pm.

Mayor:

TROY PICKARD

Councillors:

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

Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MS DALE PAGE	Director Planning and Community Development <i>absent from 8.38pm until 8.43pm</i>
MR NICO CLAASSEN	Director Infrastructure Services
MR BRAD SILLENCE	Manager Governance
MR JOHN CORBELLINI	Manager Planning Services
MR DANIEL DAVINI	Media Advisor
MR JOHN BYRNE	Governance Coordinator
MRS DEBORAH GOUGES	Governance Officer
MRS LESLEY TAYLOR	Governance Officer

Guests:

Mr Gary Murphy, General Manager Lismore City Council

There were 26 members of the public and one member of the press in attendance.

DECLARATIONS OF INTEREST

Disclosures of Financial / Proximity Interest

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

Name/Position	Chief Executive Officer, Mr Garry Hunt.
Item No./Subject	CJ228-11/13 - Request for Annual Leave – Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Mr Hunt is seeking annual leave.

Disclosures of interest affecting impartiality

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

Name/Position	Cr Sam Thomas.
Item No./Subject	CJ202-11/13 - Objection to Refusal of Trading in Public Places Licence at Ocean Reef Boat Harbour.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas is a member of the Whitford Volunteer Sea Rescue Group, Ocean Reef.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ203-11/13 - Initiation of Scheme Amendment No. 72 – Lot 929 (1244) Marmion Avenue, Currambine.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean lives in the subject area.

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ204-11/13 - Proposed Car Park Addition to St Stephen's School at Lot 9693 (100) Doveridge Drive, Duncraig.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard's son attends St Stephen's Early Learning Centre and his daughter will be attending St Stephen's Early Learning Centre in 2014.

Name/Position	Cr John Chester.
Item No./Subject	CJ206-11/13 - Whitford Activity Centre Structure Plan and Scheme Amendment No. 68 to District Planning Scheme No. 2 - Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's son owns a property within the structure plan boundary.

Name/Position	Cr Liam Gobbert.
Item No./Subject	CJ206-11/13 - Whitford Activity Centre Structure Plan and Scheme Amendment No. 68 to District Planning Scheme No. 2 - Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Employees of the consultant are known to Cr Gobbert.

Name/Position	Cr Sam Thomas.
Item No./Subject	CJ206-11/13 - Whitford Activity Centre Structure Plan and Scheme Amendment No. 68 to District Planning Scheme No. 2 - Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas is the Vice President of the Whitford Senior Citizens Club.

Name/Position	Cr Michael Norman.
Item No./Subject	CJ215-11/13 - Warwick Open Space Bushland Management Plan.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman coordinates three friends groups that work on the City managed natural areas and will be commenting from his experience in that role.

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ226-11/13 - Petition Requesting Review of Traffic Management Hobsons Gate, Currambine.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean lives in the subject area.

PUBLIC QUESTION TIME

The following questions were taken on notice at the ordinary Council meeting held on 8 October 2013:

Mr R Repke, Kallaroo:

- Q1 *In case the Performing Arts and Cultural Centre is not being built what will happen to the money the City has received for selling land, will that money be used exclusively in those suburbs in which the sold land is located?*
- A1 If the project does not go ahead, it will be up to the Council to decide how the funds will be reallocated.

Q2 *Can Lot 971 Creaney Drive Kingsley be used as an offset as required to get approvals for the Ocean Reef Marina? And if not, why not?*

A2 This lot is not under consideration for inclusion in the off-set package currently being investigated for the Ocean Reef Marina based on an analysis of sites available to the City as potential offsets. The site is unlikely to meet key criteria for consideration of offset suitability due to its small size, location, condition and limited opportunities for habitat restoration or revegetation.

Q3 *What is the precise definition of bushland?*

A3 The definition of Bushland as used by the Western Australian Planning Commission is:

Bushland is land on which there is vegetation which is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation, and provides the necessary habitat for native fauna (Bush Forever, Government of Western Australia 2000a and 2000c).

This definition is also used in the State Planning Policy 2.8 - *Bushland Policy* for the Perth Metropolitan Region.

Mrs M Macdonald, Mullaloo:

Re: *Ocean Reef Marina Project.*

Q1 *Given that the City has spent or committed \$4 million on the Ocean Reef Marina project, why is there no report on risk analysis and financial cost of the proposed marina in the reports and studies published on the City's internet site?*

A1 The City has expended \$2.23 million on the project to date. \$700,000 was given to the City by way of a State Government grant and further grants will be applied for.

The risk assessment analysis and financial feasibility report are considered confidential under Section 5.23(2)(e)(ii) of the *Local Government Act 1995*.

Q2 *How many reports received by Council on the Ocean Reef Marina are not published on the internet site?*

A2 With the exception of those considered confidential under Section 5.23(2)(e)(ii) of the *Local Government Act 1995*, all reports presented to Council on the Ocean Reef Marina are available on the City's website.

The resolutions associated with the confidential reports are also available on the City's website.

Re: *2013 Council Elections.*

Q3 *Given that:*

- *Candidates for the Council election are not required to state their residential address on their 150 words sent out with the election papers*

- *Councillors do not stand and state their residential address at the beginning of a Council meeting*
- *Local government guidelines state that a full address should not be required before asking a question during question time at a Council Meeting.*

Why is the privacy of a person who wishes to ask a question or make a statement at a live streamed Council meeting being ignored by Council, in that it insists that they must state their residential address otherwise forfeit the right to ask a question or make a statement?

A3 The rules governing public question time are determined by the City's *Standing Orders Local Law 2005* (and now the *Meeting Procedures Local Law 2013*), the procedures adopted by Council and as directed by the Mayor.

Re: *Annual General Meeting of Electors.*

Q4 *Is Council aware that many people who work will have no opportunity of attending the Annual General Meeting of Electors if it is held at 5.30pm and is it the intention of Council to limit the amount of time available for the meeting?*

A4 Records indicate that the time of the Annual General Meeting of Electors has not been a deterrent to attendance by interested electors. The meeting will conclude when all business has been conducted.

Re: *Presentation of Confidential Reports to Council.*

Q5 *Who determines which reports will be confidential and not published for a Council meeting and what rules are they following?*

A5 The Chief Executive Officer in accordance with the provisions of the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

Mr D Blackburn, Kingsley:

Re: *Lot 549 (11) Moolanda Boulevard, Kingsley.*

Q1 *When do the leases for the buildings on Lot 549 (11) Moolanda Boulevard, Kingsley expire?*

A1 The lease for Silver Chain expires on 31 December 2013.

Community Vision's lease is currently held over under the terms and conditions of its lease which expired on 31 March 2007. The City is progressing new leases with community groups in line with the Council endorsed *Property Management Framework*.

Q2 *Why is the sale of 4,040m² of Lot 549 (11) Moolanda Boulevard, Kingsley to Masonic Care WA for \$1,050,000 not being subjected to a business plan process with advertising to the community, when it was understood from commentary at the Council meeting held on 20 March 2012 that the process for such Civic and Cultural blocks would be in two parts - the rezoning, then the business case regarding what kind of development could occur on the land?*

A2 Before commencing on a major land transaction, or undertaking a major trading undertaking, Section 3.59 of the *Local Government Act 1995* requires a local government to prepare and advertise for public comment a business plan. On 27 September 2011, the *Local Government (Functions and General) Regulations 1996* were amended to increase the minimum value defining a major land transaction from \$1 million to \$10 million. Advertising a business plan for the sale of an area of land on Lot 549 (11) Moolanda Boulevard, Kingsley has never been intended.

The City invited comments on the amendment to *District Planning Scheme No. 2* to rezone the area of Lot 549 (11) Moolanda Boulevard, Kingsley, from 'Civic and Cultural' to 'Residential'. The scheme amendment documents were made available on the City's website and at the Joondalup Customer Service Centre. Advertising closed on 13 November 2013.

Q3 *As there are many remnant trees on the 4,040m² portion of Lot 549 (11) Moolanda Boulevard, Kingsley proposed to be sold including very large tuarts, jarrah and grass trees will the City make an inventory of this mature vegetation?*

A3 The City has noted the vegetation on the vacant area of Lot 549 (11) Moolanda Boulevard, Kingsley but not in terms of an inventory related to their proposed sale.

Q4 *At the Council meeting held on 16 July 2013 (CJ121-07/13 refers) it was resolved that:*

"2 ENCOURAGES the retention of mature trees near the periphery of Lot 549 during the development application phase and in the event that these very large trees need to be cut down that they should be offered to a timber merchant so that they can be value-added as high quality furniture."

How will the City implement this Council resolution considering that on change of ownership and prior to any development application the new owner has the right to completely clear the 4,040m² of all vegetation?

A4 MASONIC Care WA has been made aware of Council's resolution from its meeting held on 16 July 2013 and advice received is that, where at all possible, trees will be retained.

The following questions were submitted verbally at the Council meeting:

Mr L Pamos, Subiaco:

Re: *CJ202-11/13 – Objection to Refusal of Trading in Public Places Licence at Ocean Reef Boat Harbour.*

Q1 *Has the Council had an opportunity to read and consider the email correspondence that I forwarded to the City via a City officer on 17 November 2013?*

A1 Mayor Pickard advised that the Director Governance and Strategy forwarded the email to Elected Members at 9.02am on 19 November 2013. A City response was included to each of the seven issues raised by Mr Pamos.

Q2 *Has the City considered the granting of a licence with sufficient conditions attached to it to address the legitimate concerns raised by the City, given the broad nature of the discretion available to the City to grant a licence such as a licence for a certain amount of trading hours during a day, or only during winter or on a probationary period?*

A2 Mayor Pickard advised he did not believe so. In reading the email that was distributed to Elected Members, it was clear that it was the view of the City that it was not its responsibility to make suggestions on an application. It is the applicant's place to put an application forward with what terms and conditions they wish to seek and it is the City's role to then assess that application as opposed to suggesting alternative locations or trading hours.

The Director Planning and Community Development advised it was not up to the City to suggest alternate locations or make alternate suggestions. A trading in public places licence can be issued with conditions if the City determines that the site and proposal is considered desirable and suitable for commercial trade.

PUBLIC STATEMENT TIME

The following statements were submitted verbally at the Council meeting:

Mr G Burridge, Burns Beach:

Re: CJ225-11/13 – Petition Request to Close Tyinga Crescent, Burns Beach.

Mr Burridge referred to the deputation he provided at the Briefing Session held on 12 November 2013 and spoke in support of closing Tyinga Crescent.

Mr L Bennett, Carramar:

Re: CJ202-11/13 – Objection to refusal of Trading in Public Places Licence at Ocean Reef Boat Harbour.

Mr Bennett spoke in support of the application to grant a Trading in Public Places Licence and made reference to initiatives being trialled in the Cities of Perth and Fremantle.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Kerry Hollywood

8 November to 19 November 2013 inclusive.

CONFIRMATION OF MINUTES**C68-11/13 MINUTES OF THE ORDINARY COUNCIL MEETING HELD 8 OCTOBER 2013**

MOVED Cr Hamilton-Prime, **SECONDED** Cr Norman that the minutes of the ordinary Council meeting held on 8 October 2013 be **CONFIRMED** as a true and correct record.

The Motion was Put and **CARRIED (12/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

C69-11/13 MINUTES OF THE SPECIAL COUNCIL MEETING HELD 22 OCTOBER 2013

MOVED Cr Chester, **SECONDED** Cr Ritchie that the minutes of the special Council meeting held on 22 October 2013 be **CONFIRMED** as a true and correct record.

The Motion was Put and **CARRIED (12/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

C70-11/13 MINUTES OF THE SPECIAL COUNCIL MEETING HELD 5 NOVEMBER 2013

MOVED Cr Amphlett, **SECONDED** Cr Thomas that the minutes of the special Council meeting held on 5 November 2013 be **CONFIRMED** as a true and correct record.

The Motion was Put and **CARRIED (12/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSIONCity Summer Events Calendar

Mayor Pickard announced that the City's popular summer events had started and that thousands of local residents have already enjoyed a number of outstanding free events held by the City.

Mayor Pickard believed that the Little Feet Festival provided a successful opening to the City's summer program on Sunday 10 November 2013. Despite temperatures hovering in the mid-30s, over 3,000 people attended the festival at the Edith Cowan University Joondalup campus.

Mayor Pickard commented that the Little Feet Festival is one of Perth's most popular events for youngsters, and once again in 2013 it lived up to its reputation of providing outstanding family-friendly entertainment.

Mayor Pickard advised that the City's first Music in the Park concert was held on Saturday 16 November 2013 at Mawson Park in Hillarys.

Mayor Pickard stated that it was great to see a big turnout to see the headline act, local band The Ghost Hotel, as well as supporting acts Jonny Taylor and Matt Cal.

Mayor Pickard announced that the next Music in the Park concert will be held on Saturday 7 December 2013 at Chichester Park in Woodvale featuring Kim Churchill, the Polly Medlen Band and Tash Shanks.

Mayor Pickard advised that this year's newly-named Joondalup Twilight Markets will be held on five consecutive Friday evenings in the newly enlightened Central Walk from 6.00pm to 9.00pm, beginning this Friday 22 November 2013. The Mayor commented that for those that haven't seen it yet, they might want to have a look at Central Walk at night time with the new LED lighting, the City already having received positive feedback from the business community.

Mayor Pickard commented that the best of Western Australian arts, crafts, food and fashion will be showcased as culture and creativity comes to the heart of the City during the Joondalup Twilight Markets.

Mayor Pickard stated that the Twilight Markets will also feature a special ticketed performance of *Public Space*, an exciting piece of theatre that will take the audience, and unsuspecting bystanders, on a journey through the vibrant streets of the markets.

Mayor Pickard felt that the summer events calendar, which runs until the end of March 2014, offers a fantastic variety of free, fun events to residents in suburbs throughout our City so the community has access to outstanding entertainment in their own backyards.

Mayor Pickard advised that information on all summer events is available on the City's website and Facebook and Twitter pages. The City is conducting a competition for those people who 'like' the City on Facebook or follow the City on Twitter, with a \$1,000 voucher to be won during the City's summer events calendar.

Warwick Venturer Scouts in Attendance

Mayor Pickard announced that it was a pleasure to welcome members of the Warwick Venturer Scouts to tonight's meeting of Council.

Mayor Pickard added that it is great to see the City's youth taking an interest in the affairs of local government, learning about issues affecting the community, and observing democracy in action.

Mayor Pickard advised that their visit is part of the Citizenship badge, which allows Venturers to learn about meeting procedures, Council procedures and issues covered by local government.

Mayor Pickard once again welcomed and thanked the Warwick Venturer Scouts for their attendance and interest in the Council and hoped they found tonight's meeting both interesting and informative.

Annual General Meeting of Elected Members

Mayor Pickard advised that the City's Annual General Meeting of Electors is being held on Tuesday 10 December 2013 in the Council Chambers.

Mayor Pickard stated that the meeting will start at 5.30pm and will give electors an opportunity to ask questions about the City's performance during the 2012-13 financial year.

Mayor Pickard noted that the City's Annual Report will also be received, together with the Annual Financial Statements and Auditor's Report and a DVD highlighting achievements in the previous financial year will be shown.

Mayor Pickard encouraged members of the community to attend as it is a great opportunity to see what was achieved by the City during the last financial year.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC

Nil.

PETITIONS

Nil.

REPORTS**CJ201-11/13 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - SEPTEMBER 2013**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07032, 101515
ATTACHMENTS	Attachment 1 Monthly Development Applications Determined – September 2013 Attachment 2 Monthly Subdivision Applications Processed – September 2013 Attachment 3 Monthly Building R–Code Applications Decision – September 2013
AUTHORITY / DISCRETION	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* (R-Code) 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 September 2013 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (applications for planning approval (development applications) and R-Code applications).
- 2 Subdivision applications.
- 3 Building R–Code applications.

BACKGROUND

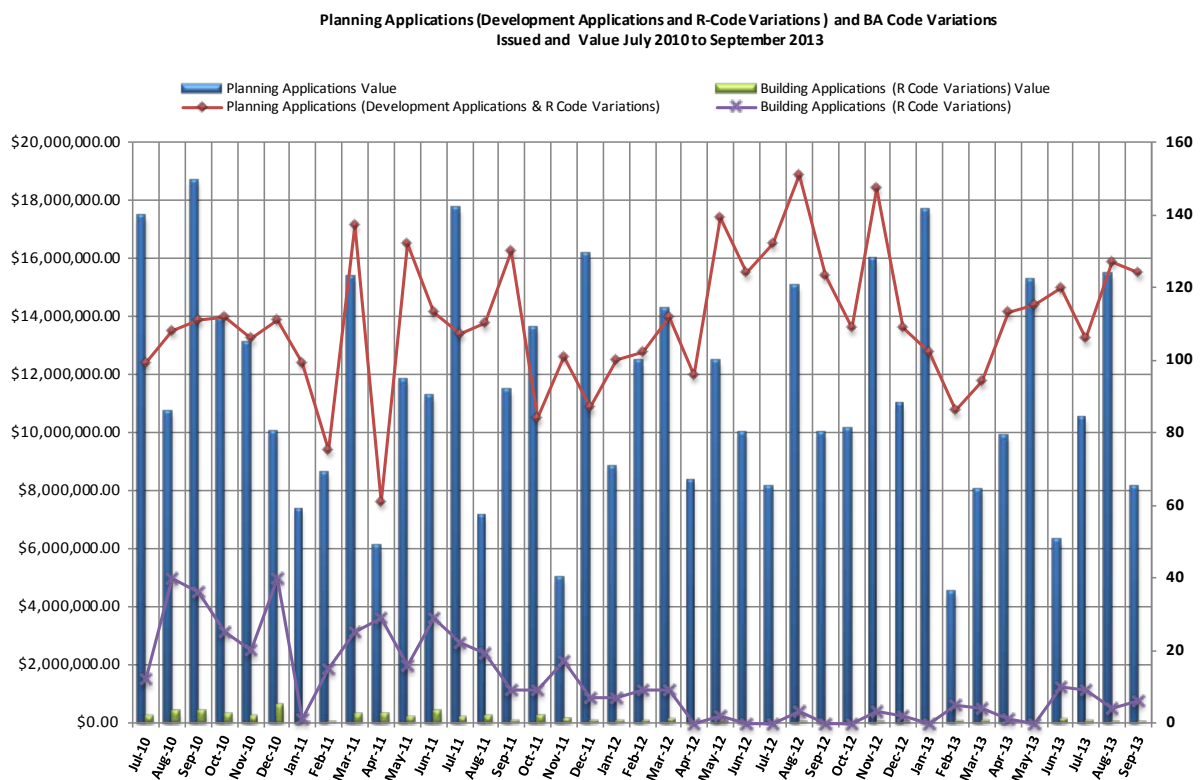
DPS2 requires that delegations be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 25 June 2013 (CJ094-06/13 refers), Council considered and adopted the most recent Town Planning Delegations via its review of the Register of Delegation of Authority.

DETAILS

The number of applications determined under delegated authority during September 2013, is shown in the table below:

Applications determined under delegated authority – September 2013		
Type of Application	Number	Value (\$)
Planning applications (development applications and R-Codes applications)	124	\$ 8,122,677
Building applications (R-Codes applications)	6	\$42,374
TOTAL	130	\$ 8,165,051

The total number and value of planning and building applications determined between July 2010 and September 2013 is illustrated in the graph below:



The number of development applications received during September was 149. (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 September was 294. Of these, 71 were pending additional information from applicants, and 87 were being advertised for public comment.

In addition to the above, 290 building permits were issued during the month of September with an estimated construction value of \$21,519,771.

The number of subdivision and strata subdivision referrals processed under delegated authority during September 2013 is shown in the table below:

Subdivision referrals processed under delegated authority for September 2013		
Type of referral	Number	Potential additional new lots
Subdivision applications	1	1
Strata subdivision applications	2	2

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 130 applications were determined for the month of September with a total amount of \$37,903 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 R-Codes, any relevant policy and/or the DPS2.

Of the 124 development applications determined during September 2013 consultation was undertaken for 60 of those applications. R-Codes applications for assessment against the applicable Design Principles (previously known as Performance Criteria), which are made as part of building applications, are required to include comments from adjoining landowners. Where these comments are not provided, the application will remain the subject of an R-Codes application, but dealt with by Planning Approvals. The three subdivision applications processed during September 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 Council, rather than day-to-day operational and statutory responsibilities.

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 applications for planning approval and R-Codes applications described in Attachment 1 to Report CJ201-11/13 during September 2013;**
- 2 subdivision applications described in Attachment 2 to Report CJ201-11/13 during September 2013;**
- 3 Building Residential Design Code applications described in Attachment 3 to Report CJ201-11/13 during September 2013.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf121113.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Sam Thomas.
Item No./Subject	CJ202-11/13 - Objection to Refusal of Trading in Public Places Licence at Ocean Reef Boat Harbour.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas is a member of the Whitford Volunteer Sea Rescue Group, Ocean Reef.

CJ202-11/13 OBJECTION TO REFUSAL OF TRADING IN PUBLIC PLACES LICENCE AT OCEAN REEF BOAT HARBOUR

WARD	North-Central
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	103366, 101515
ATTACHMENT	Attachment 1 Location Plan
AUTHORITY / DISCRETION	Review - Council reviews a decision made by officers.

PURPOSE

For Council to consider an objection, lodged under section 9.5 of the *Local Government Act 1995*, against the City's refusal of a street trading licence application to sell fishing tackle and other accessories at Ocean Reef Boat Harbour.

EXECUTIVE SUMMARY

The City recently considered an application for a street trading licence to sell fishing tackle, bait and boat supplies at Ocean Reef Boat Harbour. The application was refused, particularly in consideration of limited car parking availability during peak periods. The City has issued 658 infringement notices relating to vehicles parking illegally at Ocean Reef Boat Harbour since October 2011.

The applicant subsequently lodged an objection under section 9.5 of the *Local Government Act 1995*, which is required to be considered by Council.

It is recommended that Council dismisses the objection.

BACKGROUND

The City received an application on 30 July 2013 as per the provisions of the *City of Joondalup Trading in Public Places Local Law 1999* (the Local Law) for the sale of fishing tackle, bait and boat supplies from a trailer at the Ocean Reef Boat Harbour.

The application involved a proposal to park a Mitsubishi Pajero and trailer with dimensions of three metres by 2.1 metres in a boat trailer parking bay within the elevated car park of Ocean Reef Boat Harbour.

The Local Law allows the City to consider the desirability of any proposed activity or place of trading and the suitability of the proposed stall in any respect to the activity or location for which the licence is sought.

An assessment of a street trading licence therefore considers many factors, including:

- car parking availability
- history of any car parking issues
- pedestrian and general safety
- nearby businesses offering similar products or services
- compliance with planning and environmental health legislation
- appropriateness of the trading activity
- suitability of the activity and trading location
- protection of the City's infrastructure.

On 3 September 2013, the City refused the street trading licence application stating that the proposal was considered to be unsuitable in respect to the activity and location. It was noted that:

- the car park is in high demand during the summer months resulting in cars parking illegally on verges
- the area subsequently receives the highest number of vehicle infringements compared to any other area of the City
- the loss of a car parking bay is not supported
- commercial trade is not acceptable within a paid parking station.

On 24 September 2013, the City received an objection from the applicant, lodged under section 9.5 of the *Local Government Act 1995*. The objection was received within the 28 day appeal period and is required to be considered by Council.

DETAILS

The objection contained supporting information for a street trading licence to be issued at Ocean Reef Boat Harbour and suggested amendments to the original application. The revised details included a 6.5 metre by 2.4 metres enclosed merchandise trailer with towing vehicle and operating times of 5.00am – 10.00am. The applicant indicates that he is willing to amend the hours of operation to better suit the City if required.

Alternate locations were also suggested by the applicant including a grassed area between an existing toilet block and boat launching ramps, traffic islands within the elevated car park and a traffic island adjacent to the boat launching ramps.

Comments made in support of the objection included that:

- the applicant does not consider that the loss of a single car bay during summer months provides a reasonable basis to refuse the original application
- there are many public benefits to the trading activity that would outweigh any issues associated with the loss of a car parking bay

- there are no comparable enterprises in close proximity
- resources and information by Department of Fisheries can be displayed
- boat safety and personal safety products would be available for sale
- the applicant is an experienced and highly respected angler and upstanding member of the community.

Use of traffic islands

Car park infrastructure such as kerbing, islands, line marking and signage are installed to encourage drivers and pedestrians to move safely within City car parks. Median islands within car parks function to keep vehicles separated, provide drivers with delineation and offer safe refuge for pedestrians.

Sight lines for both drivers and pedestrians are important to enable the car park to operate safely. Vehicles parked outside designated parking bays, such as on median islands can reduce or eliminate sight lines creating an unsafe situation.

Use of parking bays

The Ocean Reef Boat Harbour provides 160 paid parking bays for boat trailers. The existing parking conditions do not restrict the use of bays solely for vehicles with boat trailers, as other vehicles can park without the requirement to pay a fee.

Since October 2011, there have been 20,307 tickets purchased at the parking station of Ocean Reef Boat Harbour. The majority of these are during peak periods of the year and before 10.00am.

Within the same time period, the City has issued 658 infringement notices for vehicles parking illegally due to the car park being at capacity.

The removal of a parking bay to allow commercial activity would reduce the availability of parking bays to the wider community and negatively impact on boat owners, who already have limited access to boat launch facilities in the northern suburbs.

A boat launching facility can have its own unique challenges with many vehicles being large four wheel drives towing boats that are also of considerable size. Locating a commercial business within a parking station would result in an increase of pedestrian movement within the parking station, which is a safety concern.

Grassed area

The Whitfords Sea Rescue group currently utilise the grassed area to conduct occasional sausage sizzles as a fund raiser for their community organisation. This space is limited and includes pedestrian pathways.

A vehicle access point is provided to this area however, it is not paved nor designed for heavy vehicles. A merchandise trailer with towing vehicle could have difficulties manoeuvring and would risk damage to the City's infrastructure, including sprinklers and valve box associated with irrigation. Due to the existing coastal conditions, the lawn is already difficult to maintain and could be damaged by frequent vehicle movements.

Issues and options considered

Council is required to consider the objection and may decide to either:

- dismiss the objection
- vary the decision to refuse the street trading licence application
or
- revoke the decision to refuse the street trading licence application, with or without substituting for another decision.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Trading in Public Places Local Law 1999.
City of Joondalup Parking Local Law 2013.
Local Government Act 1995.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

Strategic initiative Enable safe, logical and accessible pedestrian movements throughout public spaces.

Policy Not applicable.

Risk management considerations

The City could be liable to claims of personal injury should a safety incident occur as a result of the positioning of the commercial trader.

The applicant has a right of review against Council's decision, or any conditions included therein, in accordance with the section 9.7 of the *Local Government Act 1995*.

Financial/budget implications

A fee of \$31 was received for the original application. Should a licence be issued, an annual licence fee of \$650 would be required.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The set-up of a merchandise trailer to sell fishing tackle, bait and boat supplies may provide a convenience to boat users. However, the Ocean Reef Boat Harbour is designed for the launching of boats and is not intended for the provision of commercial trade.

There has been no request from the community for the provision of a dedicated stall for boat and fishing related activities. It would be expected that boat users would plan ahead with the purchase of fishing tackle, bait and boat supplies before arrival at the boat harbour.

As traffic islands and grassed areas are unable to be utilised, a car parking bay would be the most suitable location for trade. Considering that the City has issued 658 infringement notices for vehicles parking illegally since October 2011, the loss of a car parking bay should not be supported. The City could be criticised if it endorsed the loss of a car parking bay to allow commercial trade, while having to issue a high number of infringement notices due to illegal parking.

It is recommended that the objection be dismissed.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr McLean that Council DISMISSES the objection in relation to the refusal on 3 September 2013, of a street trading licence to sell fishing tackle, bait and boat supplies at Ocean Reef Boat Harbour.

The Motion was Put and

CARRIED (7/5)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Fishwick, Gobbert, Hamilton-Prime and McLean.

Against the Motion: Crs Chester, Norman, Ritchie, Taylor and Thomas.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf121113.pdf](#)

The proposal is considered to have merit, as it will facilitate the development of complementary land uses for the convenience of local residents, without affecting the amenity of the area, and will be consistent with the objectives the CDCSP.

It is recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising.

BACKGROUND

Suburb/Location	Part of Lot 929 (1244) Marmion Avenue, Currambine.
Applicant	Dynamic Planning.
Owner	Davidson Pty Ltd and Roman Catholic Archbishop.
Zoning	DPS2 Commercial.
	MRS Urban.
Site area	75,000m ²
Structure plan	<i>Currambine District Centre Structure Plan No. 6.</i>

Lot 929 is bound by Shenton Avenue to the south and Marmion Avenue to the west. To the east and north it is bound by properties that are also contained within the Currambine District Centre Structure Plan (CDCSP). This includes a number of 'Business' zoned properties as well as a 'Civic and Cultural' zoned property, which is the site of the new Currambine Community Centre (Attachment 1 refers).

Lot 929 has a split zoning with the southern portion zoned 'Commercial' and the northern portion zoned 'Business.'

The area proposed to be rezoned is adjacent to an existing cinema complex and would front a yet to be constructed car park.

Recently, a development application that includes an extension to the cinema complex has been submitted to the City. If approved, the proposed additions to the cinema complex will abut the area proposed to be rezoned. This development application is yet to be determined by the Joint Development Assessment Panel.

It is the applicant's intention to locate a 'vehicle repairs' land use on the site if the rezoning is finalised. Previously, a development application for 'vehicle repairs' (Automasters), fronting the main street of the Currambine District Centre, was refused by Council due to the inappropriate location of this use fronting the main street. The applicant subsequently requested a review of the decision by State Administrative Tribunal. The review was unsuccessful and Council's decision was upheld.

DETAILS

The purpose of the proposed scheme amendment is to rezone a portion of the existing 'Commercial' zone to 'Business' in order to facilitate the development of 'vehicle repairs' on the subject site. The area proposed to be rezoned is located at the northern edge of the 'Commercial' zoned portion and abuts the boundary between the different zones (Attachment 2 refers).

In support of the application, a summary of the applicant's justification is provided below:

- *The rezoning is considered minor to the extent that it only requires a minor boundary realignment of the existing 'Business' and 'Commercial' zones applicable to the subject site.*
- *The future intended use arising from the scheme amendment is considered to complement the existing variety of uses forming part of the Currambine Centre, consistent with the main role/function of 'District Centres' as per the provisions of State Planning Policy 4.2 Activity Centres for Perth and Peel.*
- *The rezoning is not considered to compromise any of the objectives contained under the Currambine District Centre Structure Plan No. 6.*
- *The future intended use is not considered to compromise the function or amenity levels of existing and future land uses in the locality. To this end, various examples throughout the Perth Metropolitan Region already exist such as Kmart Tyre and Auto Services which are located within several high order activity centres.*
- *The rezoning provides Council an opportunity to activate an area otherwise planned as a 'back of shop' for the cinema complex and spill-parking area.*
- *Existing services and infrastructure in the immediate area relative to employment, public transport routes and established road networks are all in favour of the proposed scheme amendment.*

Issues and options considered

The issue to be considered by Council is the suitability of the proposed zone.

The options available to Council in considering the scheme amendment proposal are either:

- proceed with the proposed scheme amendment and adopt it for the purposes of public advertising
- modify and proceed with the proposed scheme amendment and adopt it for the purposes of public advertising
or
- not proceed with the proposed scheme amendment.

Legislation / Strategic Community Plan / policy implications

Legislation

*Planning and Development Act 2005.
Town Planning Regulations 1967.
District Planning Scheme No. 2.
Currambine District Centre Structure Plan No. 6.*

Strategic Community Plan

Key theme

Economic Prosperity, Vibrancy and Growth.

Objective

Activity Centre development.

Strategic initiative

Support the development of fresh and exciting de-centralised areas of activity.

Policy

Not applicable.

Planning and Development Act 2005 and Town Planning Regulations 1967

Part 5 of the *Planning and Development Act 2005* along with the *Town Planning Regulations 1967* enables local governments to amend a local planning scheme and sets out the process to be followed.

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

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse to adopt the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC) which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

The process flow chart for amendments to DPS2 is included as Attachment 4.

District Planning Scheme No. 2 (DPS2)

It is proposed to rezone the subject land from 'Commercial' to 'Business.' The following clause of DPS2 sets out the intent and objectives of 'Business' zones:

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

The objectives of the Business Zone are to:

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

Currambine District Centre Structure Plan No. 6

All subdivision and development within the Currambine District Centre is guided by the *Currambine District Centre Structure Plan No. 6*. The objectives of the 'Business' zone, which are in addition to the DPS2 objectives, are listed below:

The Business zone is intended to accommodate a wider range of uses including entertainment, professional offices, business services and residential. The land uses listed in the Scheme for the Business Zone are the land uses that can be considered in the Business Area.

8.2.1 Objectives

The general objectives of the Business Area are:

- i To create an active focus for the community with a diversity of non-retail mainstreet uses that generate day and evening activity.*
- ii To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community.*
- iii Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction.*
- iv Provide efficient vehicle access and circulation with pedestrian priority.*
- v Encourage a high level of passive surveillance of public and private spaces.*

Risk management considerations

Not applicable.

Financial/budget implications

The applicant has paid fees of \$5,447 (excluding GST) for the processing of the scheme amendment.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. It is proposed that advertising will occur as follows:

- Letters to adjoining land owners as indicated in Attachment 4.
- A notice placed in the Joondalup Community newspaper and *The West Australian* newspaper.
- A sign on the subject site.
- A notice on the City's website.

COMMENT

Suitability of the proposed zoning

The land use permissibility of the 'Business' zone and the 'Commercial' zone are almost identical. Only two uses would become permissible on the subject site if it was rezoned from 'Commercial' to 'Business', being 'vehicle repairs' and 'warehouse'. In addition it should be noted that a number of uses that are currently permissible on the subject site will become prohibited if the subject site is rezoned from 'Commercial' to 'Business', and that a number of uses will change from permitted ("P") uses to discretionary ("D") uses (Attachment 5 refers).

The applicant's intention is to locate a vehicle repair business on the site. Notwithstanding this intention, the land use 'warehouse' would also become permissible under a 'Business' zoning. The subject site is located at the rear of the existing Currambine Shopping Centre and Cinemas, off the main street and fronting a proposed future car park. The 'vehicle repairs' and 'warehouse' land uses are both considered to be appropriate in this location as they would not be highly visible from or have a detrimental impact on the main street of the Currambine District Centre.

The rezoning is in effect a minor realignment of existing boundary between the 'Business' and 'Commercial' zones which, although relatively small in area (280m²), takes account of the existing and potential future development of the area, in particular the future redesign of the existing cinemas.

Given the above, it is recommended that the proposed amendment to DPS2 be initiated for the purposes of advertising, after which further consideration can be given to the proposal.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Amphlett that Council, pursuant to Part 5 of the *Planning and Development Act 2005* and Regulations 13 and 25 of the *Town Planning Regulations 1967*, PROCEEDS with proposed Amendment No. 72 to the *City of Joondalup District Planning Scheme No. 2* to rezone portion of Lot 929 (1244) Marmion Avenue from 'Commercial' to 'Business' as depicted at Attachment 2 to Report CJ203-11/13, for the purposes of public advertising for a period of 42 days.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Hamilton-Prime that the words "*rezone portion of Lot 929 (1244) Marmion Avenue from 'Commercial' to 'Business' as depicted at Attachment 2 to Report CJ203-11/13,*" be OMITTED and that additional Parts 1 and 2 be ADDED to the Motion as follows:

"1 Include portion of Lot 929 (1244) Marmion Avenue, Currambine, in Schedule 2 – Section 1 – Additional Uses as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-24	1244 Marmion Avenue, Currambine	Portion of Lot 929	Vehicle Repairs ("D")

2 Amend the Scheme Map to depict 'Additional Use: 1-24' over portion of Lot 929 (1244) Marmion Avenue, Currambine, as depicted in the attached,".

The Amendment was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

The Original Motion as amended, being:

That Council, pursuant to Part 5 of the *Planning and Development Act 2005* and Regulations 13 and 25 of the *Town Planning Regulations 1967*, PROCEEDS with Amendment No. 72 to the *City of Joondalup District Planning Scheme No. 2* to:

- 1 Include portion of Lot 929 (1244) Marmion Avenue, Currambine, in Schedule 2 – Section 1 - Additional Uses as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-24	1244 Marmion Avenue, Currambine	Portion of Lot 929	Vehicle Repairs ("D")

- 2 Amend the Scheme Map to depict 'Additional Use: 1-24' over portion of Lot 929 (1244) Marmion Avenue, Currambine, as depicted in the attached,

for the purpose of public advertising for a period of 42 days.

Was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendices 3 and 23 refer

To access this attachment on electronic document, click here: [Attach3brf121113.pdf](#)
[Attach23min191113.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Mayor Troy Pickard.
Item No./Subject	CJ204-11/13 - Proposed Car Park Addition to St Stephen's School at Lot 9693 (100) Doveridge Drive, Duncraig.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Mayor Pickard's son attends St Stephen's Early Learning Centre and his daughter will be attending St Stephen's Early Learning Centre in 2014.

**CJ204-11/13 PROPOSED CAR PARK ADDITION TO
ST STEPHEN'S SCHOOL AT LOT 9693 (100)
DOVERIDGE DRIVE, DUNCRAIG**

WARD	South
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	07560, 101515
ATTACHMENT	Attachment 1 Location plan Attachment 2 Development plans
AUTHORITY / DISCRETION	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

PURPOSE

For Council to determine an application for a car park addition to St Stephen's School at Lot 9693 (100) Doveridge Drive, Duncraig.

EXECUTIVE SUMMARY

An application for development approval has been received for a 107 bay car park addition to the Doveridge Drive frontage of St Stephen's School located at Lot 9693 (100) Doveridge Drive, Duncraig.

District Planning Scheme No. 2 (DPS2) requires a 3.0 metre landscaping strip where a car parking area abuts a street which shall be designed, developed and maintained to the satisfaction of the City. The applicant seeks approval for a landscaping strip width of 2.4 metres. As the width of the landscaping strip does not meet the requirements by greater than 10% as outlined within DPS2, the application is required to be determined by Council.

The reduced width of the landscaping area is considered to be minor in nature and will not have a detrimental impact on the existing streetscape or locality. In addition the car park itself will formalise an existing arrangement and is not considered to have a greater impact on adjoining properties than that of the existing unsealed car park. It is therefore recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location	Lot (9693) 100 Doveridge Drive, Duncraig.
Applicant	Pritchard Francis.
Owner	St Stephen's School.
Zoning	DPS Urban.
	MRS Private Clubs/Recreation.
Site area	9.65 ha.
Structure plan	Not applicable.

Lot 9693 (100) Doveridge Drive, Duncraig, is bound by Hepburn Avenue to the north, the Mitchell Freeway to the east, Doveridge Drive to the south and residential properties to the west. A location plan is provided as Attachment 1.

The site is zoned 'Urban' under the Metropolitan Region Scheme and 'Private Clubs/Recreation' under the City's *District Planning Scheme No. 2* (DPS2). An Educational Establishment is a discretionary ("D") land use within the 'Private Clubs/Recreation' zone.

Initially approved in 1983, this part of the St Stephen's campus consists of both a primary school and high school. An early learning centre associated with the school is located on a separate lot, being Lot 18216 (9) Brookmount Ramble, Duncraig.

A number of applications have since been approved at the site for additional classrooms, buildings and ancillary structures at the school. In 2007, approval was granted by the City for a design and technology building to the high school. No significant development applications have been determined at this site since that approval.

The school proposes a substantial reconfiguration of the site to take place over a period of 10 years as part of their overall master plan. The car park which is the subject of this application will form stage 1 of this plan and will be utilised by staff only. This will then enable the existing car park to the eastern boundary of the school, which provides parking for 76 staff bays, to be removed during stage 2 of the redevelopment.

DETAILS

Approval is sought for the addition of a car park to be constructed with direct access from Doveridge Drive. The car park is proposed to be operational for a period of seven years while works are undertaken as part of the redevelopment of the school. The car park will be utilised by staff members only and will formalise an existing informal car park arrangement currently used for parking by students with a provisional drivers licence.

The car park will accommodate 107 car bays and has been based on a one way movement of traffic. Access to and from the car park is proposed from Doveridge Drive (Attachment 2 refers).

The application for the proposed car park was initially advertised in late 2012, with a number of concerns raised by adjoining and nearby land owners. As a result of that consultation, the applicant modified the proposal to ensure that existing mature trees would be retained where possible; additional shade trees would be provided; and the ingress and egress points were located to allow for safe traffic movements to and from the car park (Attachment 2 refers).

The development generally meets the requirements of DPS2 with the exception of the proposed 2.4 metre width of landscaping strip in lieu of the minimum width of three metres required by DPS2 where a car park abuts a street.

Issues and options considered

Council must consider whether the proposed landscaping strip width of 2.4 metres will be adequate to achieve the intent of this provision of DPS2, and screen the car park from the street.

Council has the discretion to:

- approve the application without conditions
- approve the application with conditions
or
- refuse the application.

Legislation / Strategic Community Plan / policy implications

Legislation	<i>City of Joondalup District Planning Scheme No. 2.</i>
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.

City of Joondalup District Planning Scheme No. 2

Clause 4.5 of DPS2 allows standards or requirements to be varied by Council

4.5 Variations to site and development standards and requirements

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

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

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

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

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

Clause 6.8 of DPS2 sets out the matters to be considered by Council when determining an application for planning approval.

6.8 *Matters to be considered by Council*

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

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

Risk management considerations

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

Financial/budget implications

The applicant has paid fees of \$688 (excluding GST) for the assessment of the application.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The application was advertised to 18 adjoining and nearby land owners for a period of 21 days from 18 October 2012 to 9 November 2012. A total of 11 submissions were received, being 10 objections and one comment stating no objection. The concerns raised during the consultation period included:

- the visual impact which will result from the removal of a number of existing large trees
- anti-social behaviour within the car park after hours
- utilisation of the car park by train users
- traffic congestion along Doveridge Drive
- the likely impacts of student parking on the surrounding area.

As a result of the concerns raised during the advertising period, modifications were made to the proposed development. The amended proposal was re-advertised to 18 adjoining and nearby land owners for a period of 21 days from 19 September 2013 to 10 October 2013. A total of two submissions were received, being two objections. The concerns raised during this consultation period included:

- the location of future parking for students who drive to attend the school
- the ingress and egress for the site being dangerous during peak periods
- the increase in traffic within a residential area
- consideration of an alternative parking area off Hepburn Avenue.

Responses to the issues raised in the submissions are discussed in the Comment section below.

COMMENT

The applicant seeks approval for the construction of a 107 bay car park to the south-west of the existing school. The car park is proposed to be operational for a period of seven years and will accommodate staff parking during redevelopment works at the school. The car park will formalise an existing unsealed area currently used for informal parking which typically accommodates between 40 and 60 vehicles.

Concerns were raised by nearby landowners during both consultation periods that the car park will create additional traffic congestion along Doveridge Drive and will create dangerous situations during peak periods.

The applicant proposes a one way movement throughout the car park and will allow vehicles exiting the option of turning either left or right onto Doveridge Drive. The formalised circulation system will improve the use of this area as a car park and therefore reduce the risk of vehicle conflicts on Doveridge Drive. Given that the car park will be used by members of staff only, peak periods for vehicle movements within the car park will generally be prior to peak morning traffic and afternoon periods of student drop off and collection. The applicant's traffic consultant has in addition advised that no additional net traffic increase will be generated by the proposed car park and that it will not result in an increase in staff and/or parent related school traffic during these peak periods.

The existing informal car park is currently used for the parking of vehicles driven to the school by students. The school has identified that measures will be required to be undertaken to ensure that as a result of this car park addition for staff, students will not drive to the school and park within the surrounding streets at the detriment of adjoining residents. The school is currently looking at measures to address this situation which may include a ban on students driving to the school. The City will closely monitor any impacts of students disobeying this injunction by the school. Should nearby residents become concerned with excessive street parking by students the City could look to implement a minor parking scheme amendment to manage any apparent issues through its *Parking Local Law 2013*.

Additional concerns were raised during the initial consultation period regarding a number of large existing trees which were proposed to be removed to maximise the number of bays that could be provided within the new car park. As a result of these concerns, the applicant has modified the plans so as to retain a number of these existing trees in addition to providing additional shade trees within the car park and along the landscaping strip. The DPS2 requirement for shade trees at a rate of one tree for every four bays has been adhered to ensuring that the car park addition is not at the detriment of the visual amenity of nearby residents.

The reduction to the required three metre landscaping strip along the Doveridge Drive frontage is considered to have a minimal impact on both the overall development and on the existing streetscape. The applicant proposes the planting of a number of trees within the 2.4 metre landscaping strip in addition to the retention of existing large trees and the provision of additional shade trees within the car park so as to reduce the visual impact of the car park onto the locality.

The application is therefore recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.5.1 of the *City of Joondalup District Planning Scheme No. 2* and determines that a 2.4 metre landscaping strip width is appropriate in this instance;
- 2 APPROVES the application for planning approval dated 8 October 2012, submitted by Pritchard Francis on behalf of the owners, St Stephen's, for a car park addition at Lot 9693 (100) Doveridge Drive, Duncraig, subject to the following conditions:
 - 2.1 This decision constitutes planning approval only and is valid for two years from the date of this decision. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
 - 2.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
 - 2.3 All development shall be contained within the property boundary;
 - 2.4 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
 - 2.5 The car park shall be utilised for the purposes of staff parking only;
 - 2.6 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of construction. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - 2.6.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 2.6.2 provide all details relating to paving, treatment of verges and tree planting in the car park and in the landscaping strip between the car park and the Doveridge Drive boundary;
 - 2.6.3 show spot levels and/or contours of the site;
 - 2.6.4 indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - 2.6.5 be based on water sensitive urban design principles to the satisfaction of the City;
 - 2.6.6 be based on Designing out Crime principles to the satisfaction of the City;
 - 2.6.7 show all irrigation design details;
 - 2.7 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the car park first being utilised and thereafter maintained to the satisfaction of the City;

- 2.8 An arboriculturist report shall be submitted to the City prior to the commencement of construction. The report shall survey the existing trees to be retained and indicate compliance with Australian Standard 4970-2009 (plus amendment) to ensure that the structural root zone area of those trees will not be impacted;
- 2.9 Car parking shade trees shall be installed within the car park tree wells indicated on the approved plans and shall be installed prior to the car park first being utilised;
- 2.10 The proposed trees and the trees proposed by others, as indicated on the approved plans, shall be installed prior to the car park first being utilised. Trees shall be located within tree wells and protected from damage by vehicles and maintained to the satisfaction of the City.

MOVED Cr Fishwick, SECONDED Cr Ritchie that Council:

- 1 **EXERCISES** discretion under clause 4.5.1 of the *City of Joondalup District Planning Scheme No. 2* and determines that a 2.4 metre landscaping strip width is appropriate in this instance;
- 2 **APPROVES** the application for planning approval dated 8 October 2012, submitted by Pritchard Francis on behalf of the owners, St Stephen's, for a car park addition at Lot 9693 (100) Doveridge Drive, Duncraig, subject to the following conditions:
 - 2.1 This decision constitutes planning approval only and is valid for two years from the date of this decision. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
 - 2.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
 - 2.3 All development shall be contained within the property boundary;
 - 2.4 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
 - 2.5 The car park shall be utilised for the purposes of staff parking only;
 - 2.6 Detailed landscaping plans shall be submitted to the City for approval prior to the commencement of construction. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
 - 2.6.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 2.6.2 provide all details relating to paving, treatment of verges and tree planting in the car park and in the landscaping strip between the car park and the Doveridge Drive boundary;

- 2.6.3 show spot levels and/or contours of the site;
 - 2.6.4 indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
 - 2.6.5 be based on water sensitive urban design principles to the satisfaction of the City;
 - 2.6.6 be based on Designing out Crime principles to the satisfaction of the City;
 - 2.6.7 show all irrigation design details;
- 2.7 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the car park first being utilised and thereafter maintained to the satisfaction of the City;
- 2.8 An arboriculturist report shall be submitted to the City prior to the commencement of construction. The report shall survey the existing trees to be retained and indicate compliance with Australian Standard 4970-2009 (plus amendment) to ensure that the structural root zone area of those trees will not be impacted;
- 2.9 Car parking shade trees shall be installed within the car park tree wells indicated on the approved plans and shall be installed prior to the car park first being utilised;
- 2.10 The proposed trees and the trees proposed by others, as indicated on the approved plans, shall be installed prior to the car park first being utilised. Trees shall be located within tree wells and protected from damage by vehicles and maintained to the satisfaction of the City;
- 2.11 Prior to occupation of the car park, a mechanism shall be installed preventing access after school hours. Details shall be provided to and approved by the City prior to the commencement of construction.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf121113.pdf](#)

CJ205-11/13 OBJECTION TO NOTICE REQUIRING REMOVAL OF DISUSED GOODS FROM FRONT SETBACK OF LOT 499 (NO. 5) PERIWINKLE ROAD, MULLALOO

WARD	North-Central	
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development	
FILE NUMBER	69346, 101515	
ATTACHMENT	Attachment 1	Location plan
	Attachment 2	Site photos
	Attachment 3	Notice issued September 2013
AUTHORITY / DISCRETION	Review - Council reviews a decision made by officers.	

PURPOSE

For Council to consider an objection lodged by the land owner of 5 Periwinkle Road, Mullaloo, in respect of a notice issued by the City to remove disused materials.

EXECUTIVE SUMMARY

The City has received ongoing complaints since 2008 regarding the unsightly and unkempt visual appearance of the front setback area of 5 Periwinkle Road, Mullaloo. During this time different materials have been accumulating within the front setback area and these disused materials have an adverse impact on the amenity of the surrounding residents and the visual amenity of the streetscape and locality.

The City has taken action against the owner of this property before, which resulted in a prosecution and associated penalties and costs. The previous prosecution has not changed the behaviour of the landowner and in September 2013 the City issued a further notice under Section 3.25 of the *Local Government Act 1995* (the notice) requiring the removal of all materials.

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

It is recommended that the objection be dismissed.

BACKGROUND

Suburb/Location	Lot 499 (5) Periwinkle Road, Mullaloo.
Applicant	Andrew James Hunter.
Owner	Andrew James Hunter.
Zoning	DPS: Residential.
	MRS: Urban.

Site area	709.48m ² .
Structure plan	Not applicable.

The City has received ongoing complaints since 2008 regarding the unsightly and unkempt visual appearance of the front setback area of 5 Periwinkle Road, Mullaloo. The landowner has not complied with the City's requests to improve the front setback area or remove the disused goods and materials being stored in this area. Various disused items are being removed from the front setback, as directed by the City, only to be replaced by other visually unappealing items.

In November 2009, the City issued a notice to the landowner under Section 3.25 of the *Local Government Act 1995*, to remove all disused materials within 28 days so as to improve the amenity of the surrounding landowners and the locality. The landowner subsequently lodged an objection to this notice with the City. At its meeting held in February 2010, the Council resolved to revoke the notice that had been issued and to substitute it with a different notice requiring the removal of all goods except the children's play equipment and to allow the landowner a longer period of three months to remove the goods (CJ008-02/10 refers).

Further inspections by City officers and regular meetings with the landowner were undertaken until the notice was substantially complied with in August 2010.

Over time however the owner began to bring more disused goods and materials to the property until the situation once again warranted formal action to be taken by the City. Upon advice from the City's lawyers, the City decided to take a different approach to try and resolve the matter and improve the amenity of surrounding landowners and the locality. The City therefore issued a notice to the landowner in April 2011 to erect a suitable front fence that would enable the landowner to store the materials without creating an amenity issue for the neighbours. The landowner failed to comply with this notice.

A prosecution brought before the Magistrate's Court on 3 July 2012 found the landowner guilty and the Magistrate imposed penalties and costs totalling \$5,000.

On 7 November 2012 the City withdrew a further separate prosecution for untidy land due to a belated effort by the landowner to tidy the front of his property. However, the landowner was advised that the City would commence further prosecutions if the condition of the property deteriorated again.

The City has been monitoring the site on a weekly basis since this time and the landowner has continued to bring more disused materials onto the property.

The City is currently prosecuting the landowner for a second time for failing to erect a front fence as requests to tidy the land were not complied with. The court trial date is set for 5 December 2013.

The notice that the landowner is now objecting to, was issued in September 2013, and is separate from those proceedings and is in relation to a second prosecution for continuing to bring disused materials onto the land.

DETAILS

The landowner has lodged an objection with the City in relation to the notice. The objection states: *"I am not encroaching on anyone, I am not causing any health or safety issues, I am not being treated fairly or reasonably."*

Under the provisions of section 9.6 of the *Local Government Act 1995*, the objection is required to be dealt with by Council.

Issues and options considered

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

- dismiss the objection and therefore require the removal of the disused materials
- vary the decision objected to
- revoke the decision objected to, therefore not requiring removal of the disused materials
or
- revoke the decision objected to and substituting it for another decision or referring it back to the person whose function it is to make the decision.

Legislation / Strategic Community Plan / policy implications

Legislation

Local Government Act 1995.

Schedule 3.1, Division 1 5A (1).

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

Section 3.25

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

- (a) is prescribed in Schedule 3.1, Division 1; or*
- (b) is for the purpose of remedying or mitigating the effects of any offence against a provision prescribed in Schedule 3.2, Division 2.*

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

- (a) Object to the notice by lodging an objection form with the City of Joondalup within 28 days of receiving the notice;
or*
- (b) Apply to the State Administrative Tribunal for a review of the decision to give the notice within 42 days of receiving the notice.*

Section 9.6

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

Strategic Community Plan

Key theme	Quality Urban Environment.
Objective	Quality built outcomes.
Strategic initiative	Not applicable.
Policy	Not applicable.

Risk management considerations

If Council upholds the notice and requires the removal of the materials and these materials are not removed, the City will commence prosecution for failure to comply with the notice. At that time the applicant would have the right to defend the matter in court. The City is likely to be successful in such prosecution action. It is uncertain what financial or other impact further penalties would have on the landowner.

If Council upholds the objection and dismisses the notice then the applicant will have the right to store the disused materials in the front setback area, as illustrated in the attached photographs. This does not prevent the City from issuing a further notice in the future should it again come to the City's attention that the materials are having an adverse impact on the amenity of the locality.

Financial/budget implications

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

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City has consulted extensively with the City's solicitors regarding this matter. The advice received is that the notice is valid and that if the notice is not complied with then a prosecution would result in a conviction and costs against the landowner.

COMMENT

The subject site at 5 Periwinkle Road, Mullaloo is in an unkempt state resulting from a large amount of disused goods stored within the front setback area of the property. The City was first made aware of these concerns in June 2008 and has since made consistent efforts to have the appearance of the site improved, though the process is a lengthy, complex and costly one.

It is recommended that the objection be dismissed.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 DISMISSES the objection in relation to the notice issued to the landowner of 5 Periwinkle Road, Mullaloo to remove disused materials;
- 2 NOTES that if the landowner fails to comply with the notice, the City will move to initiate a further prosecution against the landowner;
- 3 NOTES that if the landowner fails to comply with the notice, the City will also do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given and will seek to recover the cost of such action from the landowner as a debt due.

MOVED Mayor Pickard, SECONDED Cr Gobbert that Council:

- 1 DISMISSES the objection in relation to the notice issued to the landowner of 5 Periwinkle Road, Mullaloo to remove disused materials;**
- 2 NOTES that if the landowner fails to comply with the notice, the City will move to initiate a further prosecution against the landowner;**
- 3 NOTES that if the landowner fails to comply with the notice, the City will also do anything that it considers necessary to achieve, so far as is practicable, the purpose for which the notice was given and will seek to recover the cost of such action from the landowner as a debt due;**
- 4 NOTES that although a significant amount of time, money and human resource has already been expended on trying to get the landowner to tidy up the front setback area of his property and to keep the area free of disused items and materials, the City will continue to take whatever action is required to achieve permanent resolution of this matter;**
- 5 REQUESTS the Chief Executive Officer to prepare a report for Council's consideration to create an Unkempt Land Local Law to be used as a mechanism to address problems encountered with storage of disused vehicles and materials in front yards of properties which unduly impact on the streetscape and the amenity of neighbouring land owners.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf121113.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr John Chester.
Item No./Subject	CJ206-11/13 - Whitford Activity Centre Structure Plan and Scheme Amendment No. 68 to District Planning Scheme No. 2 - Consideration Following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Chester's son owns a property within the structure plan boundary.

Name/Position	Cr Liam Gobbert.
Item No./Subject	CJ206-11/13 - Whitford Activity Centre Structure Plan and Scheme Amendment No. 68 to District Planning Scheme No. 2 - Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Employees of the consultant are known to Cr Gobbert.

Name/Position	Cr Sam Thomas.
Item No./Subject	CJ206-11/13 - Whitford Activity Centre Structure Plan and Scheme Amendment No. 68 to District Planning Scheme No. 2 - Consideration following Public Consultation.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Thomas is the Vice President of the Whitford Senior Citizens Club.

CJ206-11/13 WHITFORD ACTIVITY CENTRE STRUCTURE PLAN AND SCHEME AMENDMENT NO. 68 TO DISTRICT PLANNING SCHEME NO. 2 - CONSIDERATION FOLLOWING PUBLIC CONSULTATION

WARD	South-West
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	102910, 101515, 102714
ATTACHMENT	Attachment 1 Location plan Attachment 2 Zoning and residential density code plans Attachment 3 Structure plan map Attachment 4 Assessment A: Model centre framework Attachment 5 Assessment B: Statutory provisions Attachment 6 Traffic report assessment comments Attachment 7 Scheme amendment - summary of submissions by theme Attachment 8 Structure plan - summary of submissions by theme Attachment 9 Submitter details Attachment 10 Summary of submissions from service authorities Attachment 11 Indicative development plan Attachment 12 Implementation table

Attachment 13	Draft Whitford Activity Centre Structure Plan
Attachment 14	Retail sustainability assessment
Attachment 15	Structure plan transport report
Attachment 16	Whitford shopping centre water urban water balance assessment
Attachment 17	Servicing report
Attachment 18	Scheme amendment and structure plan process flowcharts

(Please Note: Attachments 13-17 are only available electronically and a hard copy is also available in the Councillor's reading room)

AUTHORITY / DISCRETION

Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

Legislative – includes the adoption of local laws, planning schemes and polices.

PURPOSE

For Council to consider the draft Whitford Activity Centre Structure Plan (WACSP) and Scheme Amendment No. 68 to *District Planning Scheme No. 2* (DPS2) following public consultation.

EXECUTIVE SUMMARY

At its meeting held on 23 October 2012 (CJ199-10/12 refers), Council resolved to initiate Scheme Amendment No. 68 to DPS2. The scheme amendment proposes to zone the area to be covered by a Whitford Activity Centre Structure Plan to 'Centre' and remove the existing 'R20' residential density code that currently applies across the site. This is the appropriate zoning to facilitate the implementation of a structure plan. Given that the scheme amendment is linked to a structure plan for the area, Council resolved that advertising of the scheme amendment would occur concurrently with any advertising of the draft WACSP.

At its meeting held on 19 March 2013 (CJ024-03/13 refers), Council considered the draft WACSP for the purposes of public consultation. While a number of significant issues were raised with the draft WACSP it was considered timely for it to be advertised so the community could be given an opportunity to comment. This would then allow the applicant to consider making changes to the document to address both the City's and community's issues prior to Council making a final decision on the structure plan. Prior to community consultation commencing, Council required the structure plan to be amended to include a requirement for the preparation of a Development Contribution Plan for the area.

Advertising of the draft WACSP and Scheme Amendment No. 68 took place from 15 May to 15 July 2013 (60 days). A total of 514 responses were received, with the majority of submissions relating to the development contemplated under the draft WACSP. Concerns raised in this regard related to the increased traffic, additional residential dwellings and multiple dwelling style development, oversupply of retail floorspace and commercial land uses, and an overall intensity and scale of development not suited to a suburban setting.

Concerns regarding Scheme Amendment No. 68 related to the inclusion of residential lots on the south side of Banks Avenue which does not provide separation between commercial and residential development, the inclusion of St Mark's School, and requesting that the activity centre only comprise of the shopping centre site itself. Comments in support of the structure plan and scheme amendment included welcoming the increase in residential development, the additional commercial floor space and overall upgrade of the area.

Under the provisions of DPS2, the City has 60 days to put a report to Council following the close of consultation, after which the applicant can seek a right of review via the State Administrative Tribunal (SAT) on the basis of a deemed refusal. Alternatively, if agreed with the applicant, this period can be extended for a further 60 days before the application is deemed to be refused for the purpose of a SAT appeal in accordance with DPS2.

Following feedback from the City post consultation, the applicant requested on 2 September 2013 that a report to Council be deferred to the November Council meeting so as to allow the applicant to address concerns and issues raised. The City agreed to this deferral.

The applicant has since advised that they do not intend to wait for a formal decision of Council at this Council meeting, and, as the additional 60 day period expired on 13 November 2013, will elect to lodge an application for SAT review following the expiration of the additional 60 day period. Considering that the timing of any appeal would need to occur after 13 November 2013, the SAT proceedings will be unlikely to commence prior to the Council meeting of 19 November 2013. Therefore any appeal will unlikely affect Council's ability to make a decision on the structure plan and associated scheme amendment at this Council meeting.

This report presents an overview of the submissions received during public consultation, additional information provided by the applicant and subsequent final assessment of the draft WACSP and Scheme Amendment No. 68.

During and following public consultation, the applicant was provided with opportunities to amend the draft WACSP to address the concerns raised. While the structure plan was amended to include the requirement for a Development Contribution Plan as per Council's resolution on 19 March 2013, no further changes have been made to the structure plan documents. Rather, the applicant has sought to justify its position on the matters raised by the City and the community and has requested that the structure plan be approved subject to modifications.

Following consideration of the submissions received, and additional justification provided by the applicant, it is considered that there still remain a number of significant concerns with the draft WACSP. These include issues regarding the amount of retail floorspace proposed, traffic generation and transport implications; lack of detail around the responsibilities and timing of infrastructure upgrades; and inadequate development provisions relating to staging and implementation and development assessment.

Given the scale of issues that remain with the structure plan, it is considered that these could not be addressed without substantial revision of the document. These revisions would require further detailed assessment by the City, and possibly additional public consultation. As such, it is not considered that the structure plan can be supported at this point in time, and is therefore recommended for refusal.

In the absence of a structure plan being progressed it is not considered timely to continue to progress Scheme Amendment No. 68. The scheme amendment process set out in the *Town Planning Regulation 1967* does not give Council the option to defer a Scheme Amendment once it has been advertised. If the area is zoned 'Centre' and a structure plan is not endorsed in due course there could be a significant period where no specific development provisions will apply. It is therefore recommended that Scheme Amendment No. 68 not proceed at this point in time. Notwithstanding, it is noted that the scheme amendment must still be forwarded to the WAPC which is required to submit its recommendation to the Minister who is required to make a determination in relation to the amendment.

BACKGROUND

Suburb/Location	Lot 501 and Lot 6 Whitford Avenue, Hillarys; 503 and Lot 9089 Banks Avenue, Hillarys; Lot 14284 Endeavour Road, Hillarys; Lot 181 St Mark's Drive, Hillarys; various residential lots in Hillarys (Attachment 1 refers).
Applicant Owner	Urbis (planning consultants). Westfield Management Ltd; City of Joondalup; Department for Family and Children's Services; The Anglican School Commission Inc; the Crown; various other individual owners.
Zoning	DPS Commercial; Business; Civic and Cultural; Residential; Private Clubs/ Recreation; Local Reserve – Parks and Recreation. MRS Urban.
Site area	Various.
Structure plan	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 provisions of clause 9.1.1 of DPS2 (at that time), a landowner cannot lodge a structure plan for approval without the Council formally requesting or requiring the lodgement of the structure plan. Given 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 a planning consultancy, on behalf of Westfield Management Ltd, 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 State Planning Policy 4.2 (SPP4.2).

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 SPP 4.2) via the section 76 process.

The City considered that working with the Department of Planning to amend DPS2 in line with Westfield's request but including extra provisions to align DPS2 with SPP 4.2 was the most appropriate option. 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 to incorporate the request made by Westfield in September 2011, but also to include provisions to align DPS2 with the SPP4.2. This included the requirement for the lodgement and approval of an activity centre structure plan for the site before an application for major development could be approved.

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 No. 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) subsequently approved the amendment, subject to further modifications requested by the Minister.

Whitford Activity Centre boundary and Centre zoning (Scheme Amendment No. 68)

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 indicated in Attachment 1.

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 with the activity centre boundary. The zoning plan is provided in Attachment 2.

The proposed rezoning of the activity centre area to 'Centre' was proposed to provide the statutory basis for the implementation of the WACSP, with the standards and provisions applicable to development within the 'Centre' zone 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 would 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 was 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 could be advertised concurrently.

The proposed amendment was referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required.

Current draft Whitford Activity Centre Structure Plan

At its meeting on 19 March 2013, Council resolved as follows:

That Council:

1 NOTES:

- 1.1 *the draft Whitford Activity Centre Structure Plan is not a plan that has been prepared by the City;*
 - 1.2 *the City is obliged to assess and the Council is obliged to make a determination on the draft structure plan;*
 - 1.3 *a number of issues have been identified which require resolution to the City's satisfaction, including the implications and future management of increased traffic, the staging and implementation of development and cost-sharing arrangements for infrastructure upgrades and public realm improvements, and the scale of the retail expansion and its impact on other nearby centres and the Joondalup City Centre;*
 - 1.4 *notwithstanding part 1.3 above, it is considered timely for the structure plan to be advertised so the community is given opportunity to comment, after which the applicant may consider making changes to the document to address both the City's issues and any community issues before Council is asked to make a final decision on the structure plan after advertising;*
- 2 *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 of Report CJ024-03/13 for the purpose of public consultation and make it available for comment for 60 days, by way of:*
- 2.1 *written notification to land owners within the Whitford Activity Centre Structure Plan Area;*
 - 2.2 *written notification to land owners within 400 metres of the Whitford Activity Centre Structure Plan Area;*
 - 2.3 *notices placed in the Joondalup Community newspaper;*
 - 2.4 *signs on the Westfield Shopping Centre site;*
 - 2.5 *a notice on the City's website;*
- 3 *prior to the commencement of public advertising, REQUIRES the applicant to amend the draft Whitford Activity Centre Structure Plan to include the requirement for the preparation of a Development Contribution Plan for the Whitford Activity Centre area and surrounds in accordance with State Planning Policy 3.6;*
- 4 *REQUESTS the preparation of a report seeking Council's approval to initiate an amendment to the City of Joondalup District Planning Scheme No. 2 (DPS2) to include generic provisions for Development Contributions and to introduce a Development Contribution Plan into DPS2 for the Whitford Activity Centre Structure Plan area and surrounds;*
- 5 *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.*

The draft Structure Plan was amended by the applicant in accordance with above resolution 3 and the structure plan and Scheme Amendment No. 68 were subsequently advertised from 15 May to 15 July 2013.

Development application for proposed retail expansion at Westfield Whitford City Shopping Centre

A development application for redevelopment of and extensions to the existing shopping centre was received by the City on 4 July 2013. The extensions proposed were to be concentrated at the eastern end of the shopping centre site, comprising of 31,461m² shop-retail NLA (bringing the total shop-retail NLA of the shopping centre site to 81,451m²). This included a new supermarket, two storey department store, relocated discount department store and externally oriented retail space. To accommodate the expansion additional car parking, a new entrance point from Marmion Avenue, new loading docks, and an updated building facade were also proposed.

The development application was considered by the Metro North-West Joint Development Assessment Panel (DAP) on 17 October 2013. The DAP resolved to refuse the application, with a key reason for this refusal being the development preceded a structure plan being endorsed for the activity centre.

DETAILS

Scheme Amendment No. 68

Scheme Amendment No. 68 seeks to zone land within the structure plan area to 'Centre' which will provide the statutory basis for the implementation of an activity centre structure plan. The standards and provisions applicable to development within the 'Centre' zone will be contained within the structure plan. The proposed zoning is consistent with SPP 4.2. The existing 'R20' residential density code over the land within the activity centre is also required to be removed as an approved structure plan will contain the appropriate density and associated provisions.

Draft WACSP

The purpose of a structure plan is to provide a guiding framework for the growth and evolution of the land contained within the structure plan area (Attachment 3 refers). The applicant's 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 to be co-located to encourage efficiencies through trip chaining (i.e 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 structure plan 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 Structure Plan include:

- Building heights of :
 - A maximum of 27 metres (approximately six storeys) in the Endeavour District.
 - A maximum of 20 metres (approximately four to five storeys) in the Retail District.
 - A maximum of 13.5 metres (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 95,000m².

The indicative development plan contained within the structure plan is provided in Attachment 11. The draft WACSP and associated supporting documents are provided as Attachments 13 to 17.

The structure plan 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 addresses 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 Model Centre Framework and statutory provisions of the proposed structure plan forms Attachment 4 and 5 to Report CJ206-11/13. This includes additional detail on some components following consultation.

In addition, an independent review of the traffic assessment provided with the application was undertaken on behalf of the City. The comments received, the applicant's response and final responses from the City's consultant are provided as Attachment 6.

Issues and options considered

The options available to Council in considering the proposal are:

- resolve that the draft WACSP is satisfactory with or without modifications and adopt the scheme amendment with or without modification

- refuse to adopt the draft WACSP but adopt the scheme amendment with or without modification
or
- refuse to adopt the draft WACSP and resolve that it does not wish to proceed with the scheme amendment.

Legislation / Strategic Community Plan / policy implications

Legislation

*District Planning Scheme No. 2.
Planning and Development Act 2005.
Town Planning Regulations 1967.*

Strategic Community Plan

Key theme

Quality Urban Environment.

Objective

Quality built outcomes.

Strategic initiative

Planning frameworks promote and support adaptive, mixed-use developments with the active ground floor uses on appropriately zoned sites.

Housing infill and densification is encouraged and enabled through a strategic, planned approach in appropriate locations.

The community is able to effectively age-in-place through a diverse mix of facilitates and appropriate urban landscapes.

Key theme

Economic Prosperity, Vibrancy and Growth.

Objective

Activity centre development.

Strategic initiative

Understand local commercial needs and opportunities.

Support the development of fresh and exciting decentralised areas of activity.

Facilitate increased housing density in activity centres.

Key theme

Governance and Leadership.

Objective

Active democracy.

Strategic initiative

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

Policy

*State Planning Policy 4.2- Activity Centres for Perth and Peel (SPP4.2).
Liveable Neighbourhoods.*

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

Under clause 9.6.1 of DPS2, Council is required to review all submissions within 60 days of the close of advertising and proceed to either refuse to adopt or resolve that the structure plan is satisfactory, with or without further modifications.

Under clause 9.6.2 of DPS2, where Council is unable to make a decision within the 60 day period, with written consent from the proponent, an additional 60 day period may be granted before the structure plan is considered deemed to be refused for the purposes of giving a right of appeal. Following feedback from the City post consultation, the applicant requested on 2 September 2013 that a report to Council be deferred to the November 2013 Council meeting so as to allow it sufficient time to properly assess the concerns raised in relation to the traffic report and provide a response to the City. The City agreed to this deferral.

The applicant has since advised that they do not intend to wait for a formal decision of Council at this Council meeting, and, as the additional 60 day period expired on 13 November 2013, will elect to lodge an application for SAT review following the expiration of the additional 60 day period. Considering that the timing of any appeal would need to occur after 13 November 2013, the SAT proceedings will be unlikely to commence prior to the Council meeting of 19 November 2013. Therefore an appeal will likely not affect Council's ability to make a decision on the structure plan and associated scheme amendment at this Council meeting.

Under clause 9.6.3 of DPS2, the WAPC has 60 days to consider refusal or adoption (with or without modifications) of the structure plan. This period may be extended, as reasonably needed, to enable the Commission to perform its function.

The structure plan process flow chart is provided in Attachment 18.

Planning and Development Act 2005 and Town Planning Regulations 1967

Part 5 of the *Planning and Development Act 2005* and *Town Planning Regulations 1967* enables local government to amend a local planning scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purposes of public advertising at its meeting held on 23 October 2012 (CJ199-10/12 refers). The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required.

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

The scheme amendment process flow chart is provided in Attachment 18.

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2)

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. Activity centre structure plans are also required to be endorsed by the Western Australian Planning Commission.

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.

Under clause 6.4 (2) of SPP 4.2, activity centre structure plans should be endorsed prior to 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.

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.

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 was advertised for public comment, which closed on 23 October 2012. Consideration of the submissions received during the public advertising period and final adoption of the strategy are the subject of a separate report on this agenda.

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 within centres.

In accordance with the requirements of the SPP 4.2, the draft Local Commercial Strategy considers how to:

- 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
- provide sufficient development opportunities to enable appropriate distribution of bulk goods and commercial floorspace.

Following public consultation on the draft Local Commercial Strategy further review was undertaken by economic consultants RPS. As a result of this review, a revised Local Commercial Strategy has been developed and will be presented to a future Council meeting.

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 10 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 an amendment to DPS2. This will ensure development will contribute positively to the area.

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.

Following feedback from the Department of Planning, the City was required to amend the Housing Opportunity Areas. The revised Housing Opportunity Areas were advertised for public comment, which closed on 22 February 2013. Council at its meeting held 16 April 2013 (CJ045-04/13 refers) adopted the revised LHS as final. The strategy has been forwarded to the WAPC (via the Department of Planning) for endorsement.

As part of Council's resolution to adopt the draft LHS and forward it to the WAPC for its endorsement, it was also resolved that a report be prepared for Council to consider the initiation of a scheme amendment to enable implementation of the LHS recommendations ahead of the finalisation of the City's new planning scheme. This is currently being undertaken.

Risk management considerations

Should Council resolve not to adopt Scheme Amendment No. 68, the scheme amendment must still be forwarded to the WAPC for a decision by the Minister for Planning. If the scheme amendment is approved and a structure plan is not endorsed for the area in due course there could be a significant period where no specific development provisions will apply. This is discussed further in the Comment section of this report.

Should Council decide to refuse the draft WACSP or requires modification to the draft WACSP, the applicant may seek a review of Council's decision through the State Administrative Tribunal (SAT) in accordance with the State *Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*.

If the structure plan is approved as currently proposed, there is the risk that if the centre is expanded to accommodate the proposed retail floor space of 95,000m² this may impact on the hierarchy of retail centres under SPP 4.2.

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.

Additionally the costs associated with the City seeking independent advice from suitably qualified consultants in relation to the proposed retail floor space and transport report can be recovered from the applicant in accordance with Part 7 of the *Planning and Development Regulations 2009*.

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 considering it may result in an oversupply of retail floorspace within the catchment area and result in significant impacts on the strategic metropolitan, secondary and district centres within the City and the sub-region.

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

The draft WACSP and Scheme Amendment No. 68 were advertised for a period of 60 days, from 15 May to 15 July 2013. Consultation was undertaken in the following manner:

- a letter and set of "Frequently Asked Questions" was sent to land owners within the structure plan area and within 400 metres of the proposed Whitford Activity Centre Structure Plan boundary
- five signs were erected on-site at all major entrances
- a notice was placed in the Joondalup Weekender on 16 May and 13 June 2013
- a notice placed in The West Australian newspaper for Scheme Amendment No. 68
- the draft WACSP and Scheme Amendment No. 68 documentation was posted on the City's website
- the draft WACSP and Scheme Amendment No. 68 documentation was made available at the City's administration building, all four libraries and customer service centres.

A total of 514 submissions were received during the advertising period in the form of individual submissions and proforma letters. Where more than one submission has been received from a landowner these have been combined and counted as one submission.

The majority of the submissions were in relation to the structure plan with the boundary of the 'Centre' zone the most common issue raised regarding proposed Scheme Amendment No. 68.

The submissions comprised:

- two submissions indicating conditional support
- two neutral submissions
- 23 submissions of support
- 484 objections
- comments from three service authorities.

Of the 484 objections, 449 included concerns regarding the structure plan boundary proposed under Scheme Amendment No. 68. A summary of these concerns, plus the applicant and City's responses, is provided as Attachment 7.

A summary of submissions by theme on the draft WACSP and the applicant's response is provided as Attachment 8.

The schedule of submitters is provided as Attachment 9.

A summary of comments from the service authorities (Water Corporation, Western Power and Main Roads Western Australia) is provided as Attachment 10.

One of the objections received was provided by the local member, which was based on surveys he undertook of constituents in the area with copies and a summary of results forwarded to the City. It is noted that this survey may include comments from people who have already provided an individual submission to the City.

The concerns raised during consultation are discussed further in the Comments section of this report.

COMMENT

The key issues identified through the assessment of the draft WACSP and the submissions received during the public consultation period are discussed below.

Whitford Activity Centre boundary and Scheme Amendment No. 68

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 proposes a 'Centre' zone for the area and the removal of the current 'R20' residential density code. This amendment was adopted by Council for the purposes of community consultation on 23 October 2012 (CJ199-10/12 refers).

Some of the submissions questioned why the St Mark's School site and the residential properties along Banks Avenue have been included within the structure plan area.

SPP 4.2 sets out the parameters for the development of activity centres including diversity, intensity, employment and accessibility targets. The inclusion of the school site and the residential properties on Banks Avenue is necessary considering they are generators of activity around the shopping centre and contribute to the land use and diversity targets for the centre.

The school abuts the commercial area and the school activities contribute to the activity and traffic generation in the area. Including the school site within the structure plan area therefore enables more coordinated and inclusionary planning.

The zoning of the land within the Whitford Activity Centre to 'Centre' is a statutory requirement to allow the development and approval of an activity centre structure plan over the land in accordance with the requirements of SPP 4.2. The purpose of the 'Centre' zone is to provide for a coordinated approach to the planning and development of the area. DPS2 does not prescribe any development provisions or standards for the 'Centre' zone as those provisions and standards are to be contained within an adopted structure plan.

Under Part 3.11 of DPS2, no subdivision or development should commence or be carried out within the 'Centre' zone until a structure plan has been prepared and adopted. Notwithstanding this, should an application for subdivision or development be received, the City could still consider the application having regard to the Clause 9.11 of DPS2. This clause sets out that in addition to other matters listed under the DPS2, regard shall be given to:

- an overriding consideration, the intent of the application
- the desirability from a planning point of view of having an Agreed Structure Plan in place before development or subdivision occurs
- the interests of orderly and proper planning, and concern for the amenity of the relevant locality in the short, intermediate and long term
- in the case of major shop-retail development in an activity centre, the provisions of SPP 4.2.

However, without a structure plan, there would be little guidance for the assessment and determination of subdivision and development applications, as the 'Centre' zone. The absence of land use and other planning controls that would be provided by a structure plan would create uncertainty for landowners and may result in the City not being in a position to determine some applications until such time an agreed structure plan is in place.

Given the link between the proposed scheme amendment and the need for a structure plan to be in place to prescribe the necessary development provisions and standards, it is not considered appropriate for the scheme amendment to be progressed in the absence of a structure plan. As discussed in this report, there are a number of significant issues with the draft WACSP. The scheme amendment process set out in the *Town Planning Regulations 1967* does not give Council the option to defer a Scheme Amendment once it has been advertised. If the area is zoned 'Centre' and a structure plan is not endorsed in due course there could be a significant period where no specific development provisions will apply.

In the event of an activity centre structure plan not being progressed for the area, it is recommended that Scheme Amendment No. 68 also not be adopted at this point in time. This would result in the current zonings and development controls remaining in place. It should be noted that if the structure plan area is not rezoned 'Centre' at this stage, major development, such as the recent proposal to expand the shopping centre, would still not be considered appropriate under DPS2 until a structure plan is in place. Notwithstanding, it is acknowledged that the scheme amendment must still be forwarded to the WAPC for determination by the Minister for Planning.

Building height and form

The maximum proposed building heights are to be located within the core of the activity centre, being the Endeavour District and the Retail District. For the Banks and the Education and Civic Districts the building height is proposed to be a maximum of three storeys. This provides for a transition in building height between the core of the centre and the existing residential single storey developments.

The concerns expressed in relation to building heights proposed in all districts relate to the resulting lack of privacy and the visual impact of the buildings. Submitters also expressed concern that if apartments are developed, due to the permitted building heights it is likely to attract people of low socio-economic backgrounds which will result in an increase in anti social behaviour in the area. Given they consider the area to be of a high standard and family orientated they do not support development which may compromise the current amenity of the area.

It is acknowledged that the increase in building height would change the existing character of the area; however the structure plan proposes provisions requiring buildings setbacks to assist in alleviating building bulk and minimise overlooking. Passive surveillance afforded to areas like the school as a result of allowing increased height in nearby developments, will minimise opportunities for anti-social behaviour to occur in the area outside of operating after hours. Additionally, where required, local development plans (LDPs) will be required to address the detail of the building heights proposed. Whilst approximately six storeys (27 metres) is proposed to be the maximum height (Endeavour District), it is anticipated that the heights will vary between three and six storeys depending on the intended purpose of the building (e.g. residential, commercial or mixed use). The building height is also necessary to assist in achieving the residential lot yield of 500 to 800 dwellings within the activity centre and to offer a range of dwelling types.

This concern was raised with the applicant, who indicated that design is a subjective topic and what is considered good design to some will not be considered good design to others. The development will be subject to the general objectives of the City's DPS2 which provides for high standards of amenity and encourages urban design which is compatible with and appropriate to the natural built and social environments. Additionally the structure plan includes objectives requiring high quality architecture to be provided and requires development to be guided by local development plans. In regard to apartments attracting people of a low socio-economic background, the residential intensification is a response to State Government planning policy and is occurring in a number of other secondary centres in Perth, including Claremont and Cockburn. There are no current plans for any public housing in the structure plan area.

Residential Density

Comments made in relation to the residential density raised concerns about there being too many people permitted in the area, the impact on existing resources and services in the area due to over population and not knowing what type of people will live in the area. Submitters also commented that the City, through the draft LHS, had already identified areas suitable for a density increase and therefore no further density increases should be supported.

In the WACSP it is indicated that between 500 to 800 dwellings are anticipated to be achieved within the activity centre. Further information was requested from the applicant in regard to the dwelling targets to which the applicant responded that the provisional target is for 739 dwellings of which 673 dwellings would be provided in the Endeavour District. The applicant has indicated that the residential density is consistent with that required to achieve the necessary densities contained within SPP4.2. The applicant has not provided any comment on the suitability of the density increase, given the existing character of the area.

To achieve the dwelling target, a minimum density of R80 (lots with a minimum site area of 100m² and an average of 120m²) is proposed for residential development in the Banks District and the Education and Civic District. For the Endeavour and the Retail Districts the RAC-0 density code would apply. Within these densities the dwelling types may be in the form of single, grouped or multiple dwellings. However, for the development of multiple dwellings where the RAC-0 code applies, the specific provisions for the development of these dwellings will be provided in the draft WACSP and any associated local development plans.

Currently the draft WACSP does not provide adequate information to clearly identify the possible size, scale and number of dwellings that could be developed on any given lot within the Endeavour and Retail Districts. Under the provisions of the structure plan these details are to be provided in the form of local development plans.

Residential development in the Banks and Education and Civic Districts would be assessed against the R-Codes. For both the RAC-0 and R80 density codes, development of grouped dwellings and/or single houses would be guided by the provisions of the R-Codes. Multiple dwelling developments will be guided by the provisions of the R-Codes, structure plan, and local development plans as appropriate.

Traffic and movement network

To assist with the assessment of the transport report provided in Part Two of the structure plan, the City engaged the services of a consultant who undertook an independent review of the document. This also included a review of any additional justification provided by the applicant throughout the assessment process. The comments from the City's consultant are summarised in Attachment 6. The applicant was given an opportunity to respond to these concerns. The applicant's comments and the final response from the City's consultant are also provided as Attachment 6.

Based on the review by the consultant appointed by the City, it is considered that there still remain a number of issues that undermine the validity of the transport report to support the appropriateness of the development which could occur within the activity centre. The issues that remain include the following:

- There could be an underestimate in background traffic growth (i.e. increase in traffic in addition to traffic generated by development). By underestimating this growth, there could be a significant risk to the operation of the regional road network, particularly Marmion Avenue where priority should be given to the regional traffic demand, rather than local demand.
- There is a lack of detail within the transport assessment for the structure plan to demonstrate how intersection analysis has been undertaken, including detailed traffic volumes that would be in addition to the figures provided in the transport assessment. To allow a more thorough examination of the assumptions around traffic distribution this detail should be provided in the transport assessment. It is noted that this level of detail was provided in the development application transport assessment, however this related to a different forecast year (2025 compared to 2031) and development yield (retail expansion only on the eastern portion of the shopping centre site).
- The transport assessment lacks detail on the performance of the key intersections of Marmion Avenue/Marmion Promenade, the Banks Avenue roundabout and Endeavour Road/Banks Avenue for 2031, which makes it difficult to gain a full understanding of any capacity issues.
- As Main Roads WA has indicated that they do not support the additional access from Marmion Avenue (Marmion Promenade), detailed sensitivity testing should be demonstrated in the transport assessment, particularly the impact on Banks Avenue performance for 2031, without this additional access.
- The transport assessment does not adequately justify the parking requirement for the Retail District of 5,300 car bays, which should be based on calibrated demand. Furthermore, Part One of the draft WACSP states that 4,200 car bays allocated to the Retail District, which does not align with the conclusions in the transport assessment.
- The shift from private vehicles to other modes of transport, particularly public transport, is optimistic. For example, the modal shift to public transport is estimated to be 13% by 2031, however when compared with other centres with significant public transport nodes this is not even achieved. The Joondalup City Centre which is centred on a heavy rail station achieves an 8.3% modal share. While the bus rapid transport (major bus hub identified as being provided after 2031 in the Department of Transport's *Public Transport for Perth 2031*) is not considered a minimal improvement, there is no commitment to the timing and funding of this infrastructure.

- Further information on pedestrian desire lines would assist in understanding the need for additional pedestrian infrastructure.

In regard to comments received during public consultation, concerns were raised in relation to the increase in traffic, which was stated as already being problematic; the inadequate provision of car parking; and the impact these aspects will have on the amenity of the locality. It is acknowledged that additional information has been provided by the applicant to further respond to concerns raised during public consultation, which are provided as Attachment 8 (summary of submissions by theme) and Attachment 10 (summary of submissions from service authorities).

Overall in response to the concerns raised, the applicant states:

“We encourage the City to take the view that, on traffic grounds this structure plan, can be supported as it defines what can be built at Whitfords, and does not bind any party into a requirement or a right to develop these lands. With the Structure Plan approved, the City can control how this activity centre is developed through the normal development application process. When a development application is submitted it must demonstrate how its proposal can be met by the transport infrastructure that either exists at that time, or is highly likely to be in place at the development year of opening (conditioned or otherwise).”

Structure Plan is a fluid process that often requires on-going amendment to the land uses as market conditions change, and opportunities or constraints are identified over 20 year planning horizons. Key transport infrastructure, such as Bus Rapid Transit, has been included as it is part of the overall government planned transport infrastructure improvements in Perth for 2031 and beyond. Nonetheless, until such time a key infrastructure exists, land can only be developed to the extent that the infrastructure permits (unless improved directly through a development application).”

While the impact of individual developments will be assessed as part of the development application process as stated by the applicant, the structure plan should still demonstrate that the development scenario contemplated by the structure plan can be achieved. This ensures that the Whitford Activity Centre develops in accordance with SPP 4.2. Furthermore, the structure plan states that the initial development within the area will be largely retail based (with up to 90,000m² shop-retail floor space being provided by 2016). Should the infrastructure prove to be inadequate through the development application process for other developments contemplated by the structure plan to increase land use diversity and achieve residential target, this could significantly undermine the ability for the activity centre to achieve the objectives of SPP 4.2.

Disjointed land ownership and small land holdings means there needs to be a coordinated infrastructure delivery process to ensure that development is not prevented by other prior developments (for example one land owner does not become responsible for infrastructure upgrades as a result of their development being the point at which further upgrades would be required due to the cumulative impact of development within the activity centre).

Traffic, transport and car parking are fundamental components of ensuring the success of the activity centre whilst minimising the adverse impacts on the surrounding locality and broader road network. Given that a range of issues have been identified, there would be a high risk that development in accordance with the structure plan will result in greater impacts than that considered by the applicant's transport report.

Staging, implementation and infrastructure upgrades

Beyond the retail floor expansion at the Whitford Shopping Centre by 2016, there is no detail within the structure plan about the staging for the rest of the activity centre, such as the development of the main street and Endeavour Square. Although it could be argued that the timing and staging of development is dependent on when landowners choose to develop, which is often dictated by factors such as market demand, Westfield themselves have not committed to anything other than the retail expansion under the structure plan.

The structure plan provides a list of ongoing initiatives (Attachment 12 refers) which details the level of involvement that may be required by the City in the implementation of the structure plan. As set out in Attachment 8, the applicant has stated that further information on staging has been provided with the development application for the first stage of redevelopment on the shopping centre site. However, as this does not form part of the structure plan document it has not been considered.

SPP 4.2 sets diversity of land uses (including residential) targets, which are required to be achieved in order to meet the objectives of an activity centre. Without adequate staging and implementation within the structure plan, it is not clear on how these targets could be achieved. Furthermore, without the commitment to ensure a range of land uses are provided at each stage of development (particularly stages of retail expansion), there is no certainty offered to ensure the targets will be met, and to ensure an activity centre, as envisaged by SPP 4.2, is realised.

Infrastructure upgrades and improvements, such as those necessary to the Water Corporation's water and sewer infrastructure, have not been clearly set out in the structure plan and, where they have, the staging and implementation of these upgrades and improvements is not established. Similarly, any other improvements to encourage other modes of transport, such as public transport, would be subject to having the population to support the upgrades. Without these upgrades, there is the risk that road networks and infrastructure will be overextended, impacting on the surrounding locality.

The requirement for a developer cost contribution arrangement and plan was included in the structure plan following Council's resolution at its meeting on 19 March 2013 (CJ024-03/13 refers). However no further information on the nature of upgrades that will be required and the likely cost of such has been forthcoming. Concerns have been raised as to who would be responsible for works, with other major stakeholders concerned that this would place a financial burden on any future expansion they undertake, even if the requirement is not a direct result of their development.

At this stage, as cost contributions have not been specified, it is unclear as to who will be responsible for providing infrastructure, such as the link road from Whitfords Avenue to Endeavour Road between the school and the Bunnings site, or when this will happen. It is also unclear as to what contributions will be required and by whom for infrastructure upgrades such as new or additional footpaths, lighting, improvements to the underpasses, intersection upgrades, water and sewer upgrades and the establishment of a Bus Rapid Transit.

Retail floor space

The draft WACSP proposes an increase in retail floor space from 49,900m² to 95,000m² by 2031, mostly located within the Retail District. It is proposed that the majority of the retail floor space expansion will be delivered by 2016 primarily to support the development of a department store.

To assist with the assessment of the Retail Sustainability Assessment provided in Part Two of the structure plan, the City engaged the services of a consultant to undertake an independent review of the document. The review found that based on the justification and analysis provided by the applicant, the maximum retail floorspace that could be justified for the activity centre is 65,000m² – 75,000m². Retail floorspace for the activity centre above this amount would result in the retail hierarchy of centres established in SPP4.2 being undermined, and impact on the viability of further development of other centres.

It is noted that the applicant has stated that an updated version of the Retail Sustainability Assessment has been provided as part of the development application. However, this does not form part of the structure plan document as it was submitted in support of a specific development proposal. Notwithstanding this, the updated Retail Sustainability Assessment was also reviewed by the consultant, and it was again concluded that the maximum retail floorspace that can be justified is 65,000m² – 75,000m².

Concerns that were raised during public consultation in relation to retail floor space were in regard to the impact on the hierarchy of centres including the Joondalup City Centre, the lack of assessment for additional retail floor space within the trade area, lack of justification for the retail floor space proposed, and slowing in retail trade due to economic conditions. Detailed response to these issues from the applicant is provided as Attachment 8. In addition to addressing these comments the applicant has stated that other factors that should be considered:

- *The proposed expansion will deliver a range of benefits for the community including:*
 - *Provide new employment opportunities for the local market*
 - *Provide broader choice and price competition for consumers, which will be expected to deliver savings for households*
 - *Provide the market with more convenient access to retail goods and services*

- *The development will also:*
 - *Increase the level of self sufficiency within the Joondalup municipality and locally around Whitfords which will provide greater support for other local uses and support a more vibrant, diverse and successful activity centre at Whitford*
 - *Help mitigate the growth of online retail and increase visitation at the Whitford Activity Centre, through delivery of a higher quality shopping centre that provides a substantially improved experience for shoppers and other visitors. Centres need to continually evolve, expand and/or upgrade to remain relevant to their market and lessen the incentive and attractiveness of online shopping. Of note, and reflecting in part the current offer of higher order centres in Perth, the usage of online retail by Perth residents is 10% above the Australian average.*

The justification provided by the application does not address the fact that the proposed retail floorspace of the centre would adversely impact on and undermine the hierarchy of activity centres set out in SPP 4.2, and would significantly impact on other activity centres in the City of Joondalup. It is also noted that the comments above appear to largely relate only to retail expansion of the shopping centre, and the offering this would provide. The transport report indicates that the entire allocation of retail floorspace is proposed to be provided in the Retail District. This would limit any other landowner from being able to provide additional retail floor space within the activity centre (such as in the Endeavour District). This requirement may act as a deterrent to small retail businesses from locating outside of the Retail District, and limit the amount of 'active' uses that could locate in other districts to increase vibrancy of the activity centre.

Conclusion

The draft WACSP in its current form is not considered adequate to ensure that future development of the activity centre is not going to adversely impact on the surrounding locality, retail hierarchy and road network. Furthermore, the lack of detail on staging and implementation does not ensure that the development of the centre will achieve the requirements of SPP 4.2. As such it is recommended that Council refuse to adopt the structure plan.

In the event that the activity centre structure plan is not progressed for the area, it is recommended that Scheme Amendment No. 68 also not be adopted at this point in time. This would result in the current zonings and existing development controls remaining in place assuming the Minister does not determine that the amendment be adopted.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council:

- 1 Pursuant to Regulation 17 (2) of the *Town Planning Regulations 1967*, DOES NOT WISH TO PROCEED with Amendment No. 68 to City of Joondalup *District Planning Scheme No. 2* to zone and rezone the lots within the Whitford Activity Centre Boundary to 'Centre' and remove the 'R20' residential density code from the lots as indicated in Attachment 2 of Report CJ206-11/13;**
- 2 Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, FORWARDS Amendment No. 68 to the City of Joondalup *District Planning Scheme No. 2* and Council's decision to the Western Australian Planning Commission for consideration;**
- 3 Pursuant to Clause 9.4 of the City of Joondalup *District Planning Scheme No. 2*, REFUSES TO ADOPT the Whitford Activity Centre Structure Plan for the following reasons:**
 - 3.1 The Retail Sustainability Assessment does not adequately justify the extent of retail floor space proposed under the Whitford Activity Centre Structure Plan, and:**
 - 3.1.1 Allowing the Whitford Secondary Activity Centre to develop to 95,000m² of shop-retail will undermine the activity centre hierarchy established by *State Planning Policy 4.2 – Activity Centres for Perth and Peel*;**
 - 3.1.2 The proposal will have a negative retail impact on commercial centres within the City of Joondalup and the Cities of Stirling and Wanneroo;**
 - 3.2 The Transport Report does not adequately address the transport issues arising from the scale of development proposed under the Whitford Activity Centre Structure Plan, and as a result:**

- 3.2.1 The proposal will have an adverse impact on the flow and volume of traffic on Whitfords Avenue, Marmion Avenue and the surrounding local streets;
- 3.2.2 The proposal does not adequately address the provision of on-site parking for the structure plan area based on the capabilities of the surrounding road network;
- 3.2.3 The proposal does not adequately justify the modal shift from private vehicles to other forms of transport such as walking and public transport, which may impact on the expected traffic volumes and parking. The proposal does not demonstrate confirmation of the commitment to public transport improvements and timing of its delivery by the Public Transport Authority;
- 3.3 The Whitford Activity Centre Structure Plan does not mandate the requirement for land uses, including commercial office, entertainment, health/community services and residential development to ensure that land use diversity targets for stages of development are met as required under *State Planning Policy 4.2 – Activity Centres for Perth and Peel*;
- 3.4 The Whitford Activity Centre Structure Plan does not adequately demonstrate timing and implementation of various developments and improvements to ensure the outcomes of *State Planning Policy 4.2 – Activity Centres for Perth and Peel* are achieved;
- 3.5 The development provisions set out in Part One of the Whitford Activity Centre Structure Plan are not adequate to be used in the assessment of development applications and determining the appropriateness of development proposed, as outlined at Attachment 5 to Report CJ206-11/13;
- 3.6 The Whitford Activity Centre Structure Plan does not detail the requirements, responsibilities and timing for infrastructure upgrades to ensure an appropriate and coordinated approach to the redevelopment within the Whitford Activity Centre;
- 4 NOTES the submissions received and that submitters will be advised of Council's decision.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf121113.pdf](#)

CJ207-11/13 YELLAGONGA INTEGRATED CATCHMENT MANAGEMENT PLAN REVIEW 2012-2013

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Director Governance and Strategy
FILE NUMBER	72568, 101515
ATTACHMENT	Attachment 1 2012-13 Annual Review of Yellagonga Integrated Catchment Management Plan 2009-2014
AUTHORITY / DISCRETION	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 be provided with information regarding the progress of the implementation of the *Yellagonga Integrated Catchment Management Plan 2009-2014*.

EXECUTIVE SUMMARY

The *Yellagonga Integrated Catchment Management (YICM) Plan 2009-2014* was developed in 2009 as a joint project of the Cities of Joondalup and Wanneroo. The plan provides a holistic and long term strategic plan to improve catchment health to protect the diverse values of the Yellagonga Regional Park.

The YICM Plan contains numerous projects to be implemented over a five year period up to July 2014. There are seven joint projects with the City of Wanneroo, seven City of Joondalup individual projects and eleven City of Wanneroo individual projects. This Report includes details of the Joint Projects and City of Joondalup projects only.

City of Joondalup individual and joint Projects within the YICM Plan include:

- Management Framework and Memorandum of Understanding
- Water Quality Mapping and Monitoring
- Scientific Investigations
- Yellagonga Community Awareness Program
- Yellagonga EcoTourism and Events Plan
- Yellagonga Environment Centre – Phase 2
- Yellagonga Resource Allocation Strategy
- Stormwater Management Plans
- Local Biodiversity
- District Planning Scheme Review
- Acid Sulphate Soils
- Conservation Maintenance Schedule
- Water Conservation Plan.

An annual review has been undertaken to provide a progress report on the implementation of projects within the YICM Plan, including joint projects with the City of Wanneroo and individual projects managed by the City of Joondalup.

Details of the progress to date for projects within the YICM Plan are provided in Attachment 1.

BACKGROUND

The development of the YICM Plan was an action of the City's Environment Plan 2007-2011: *Action 2.2 - Develop and implement a Yellagonga Integrated Catchment Management Plan to ensure the effective overall management of the water body.*

In November 2009, the Cities of Joondalup and Wanneroo endorsed the YICM Plan (CJ247-11/09 refers). The plan provides recommendations to improve wetland health through an integrated management process, addressing a range of threats and issues associated with landuse activities both past and present that are impacting, or may impact detrimentally on the wetlands within the Yellagonga Regional Park.

The City is currently working in partnership with the City of Wanneroo and in liaison with the Department of Parks and Wildlife (formerly Department of Environment and Conservation), Friends of Yellagonga and Edith Cowan University to implement projects within the plan.

In 2010-11 a Memorandum of Understanding and a Management Framework were developed and endorsed by the Cities of Joondalup and Wanneroo to ensure continual commitment to resourcing, implementation, monitoring and reviewing of the YICM Plan.

DETAILS

The City of Joondalup has continued to implement projects from within the YICM Plan during the 2012-13 financial year. Key achievements for 2012-13 include:

- the continuation of the YICM Water Quality Mapping and Monitoring Program including monthly surface and ground water quality monitoring and annual reporting
- continuation of the Acid Sulphate Soils Project including a second phase investigation to identify indicators of Acid Sulphate Soils north of Lake Goollelal
- continuation of initiatives within the Yellagonga Community Awareness Program including the Fauna Awareness Campaign, World Wetlands Week Program, Yellagonga School Program, Water Quality Awareness Program, Community Firewatch Program and Guided Tours in collaboration with the City's Platinum 50+ Program
- continuation of ecotourism initiatives including community biodiversity tours, bird watching and Aboriginal cultural heritage tours
- continued liaison with the City of Wanneroo and the Department of Parks and Wildlife regarding joint projects and opportunities for joint funding to progress YICM initiatives.

Further details of the progress of the YICM Plan are provided in Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation Nil.

Strategic Community Plan

Key theme The Natural Environment.

Objective Environmental resilience.

Strategic initiative Identify and respond to environmental risks and vulnerabilities.

Policy Continued implementation of the YICM Plan is consistent with the objectives within the City's *Sustainability Policy* and *Stormwater Management Policy*.

Risk management considerations

The City has made a commitment to the joint implementation of the YICM Plan in partnership with the City of Wanneroo. Implementation of the YICM Plan will help conserve Yellagonga Regional Park as an important wetland region.

As the park continues to be adversely impacted on by its surrounding urban environment, the risk of not taking measures to reduce this impact is likely to result in a degraded wetland with reduced biodiversity and symptoms such as excessive algae and midge outbreaks.

The progress report against the YICM Plan provides a mechanism for tracking progress against milestones for projects within the plan.

Financial/budget implications

Account no.	5006- Yellagonga Integrated Catchment Management.
Budget amount	\$ 58,000
Amount spent to date	\$ 58,000
Proposed cost	Not applicable.
Balance	\$ 0

In 2012-13 \$58,000 was provided through the City's Annual Budget. Funding provided was utilised to deliver the following YICM Projects:

- Yellagonga Community Awareness Program: \$10,000.
- Water Quality Monitoring and Mapping Program: \$40,000.
- Acid Sulphate Soils Project: \$5,000.
- YICM Ecotourism and Events Project: \$3,000.

Regional significance

The YICM Plan is a joint initiative of the Cities of Joondalup and Wanneroo with projects to be delivered both jointly and individually to protect the wetlands of the Yellagonga Regional Park. Liaison will continue with the Department of Parks and Wildlife, the other key Park Manager. Other key stakeholders the City liaises and partners with are the Friends of Yellagonga and Edith Cowan University. The Yellagonga Regional Park Community Advisory Committee Meetings (facilitated by the Department of Parks and Wildlife) are an ideal forum for communicating works undertaken and sharing of ideas between key stakeholders.

Sustainability implications

Environmental management of the Yellagonga Catchment is a key component of a sustainable community. This wetland asset provides a number of services to the community including amenity, recreational opportunities, air quality improvement, biodiversity and cultural values and is an important haven for hundreds of species of fauna and flora.

Consultation

Not applicable.

COMMENT

The City has made substantial progress in implementing projects within the YICM Plan. Numerous Community Awareness Program initiatives were implemented in 2012-13 which have led to increased awareness within the community of the importance of the Yellagonga Catchment Area. The continuation of monitoring programs has ensured that accurate and consistent water quality data is collected and is available to inform management decisions regarding the Yellagonga Wetlands.

Continued implementation of the YICM Plan will support the protection and enhancement of the environmental and cultural values of the Yellagonga Regional Park.

The implementation of the YICM Plan is ongoing, and annual progress reports will be provided to Council through to the life of the plan in 2014. Collaborative planning with the City of Wanneroo and liaison with the Department of Parks and Wildlife is required to progress the YICM Plan or a similar holistic catchment strategy beyond 2014.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Chester, SECONDED Cr Corr that Council NOTES the progress made in the implementation of the *Yellagonga Integrated Catchment Management Plan 2009-2014*, as detailed in Attachment 1 to Report CJ207-11/13.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf121113.pdf](#)

CJ208-11/13 SETTING OF MEETING DATES FOR 2014

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	08122, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	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 set its meeting dates for the 2014 calendar year.

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1995*, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended that the current monthly timeframe for meetings be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

At its meeting held on 12 December 2006 (CJ236-12/06 refers), Council introduced a rolling four-weekly cycle, which enabled the fourth week to be used to hold additional information sessions, or for scheduling various committee meetings.

At its meeting held on 30 September 2008 (CJ196-09/08 refers), Council adopted a revised cycle based on a monthly timeframe; that is each Tuesday was set aside for either a Strategy Session (first Tuesday), Briefing Session (second Tuesday) or Council meeting (third Tuesday). This allowed the fourth and fifth Tuesdays (when they occur) of the month to be available for various other non-standard meetings to be scheduled where required.

DETAILS**Issues and options considered**

The proposed meeting schedule is based on the monthly timeframe that commenced in 2009. Maintaining the monthly meeting cycle will provide a level of continuity for members of the public.

The meeting scheduled for August 2014 has a proposed commencement time of 12.00 noon, to enable attendance and participation by high school students.

In order to accommodate the Christmas holiday period, the December meetings have been scheduled one week earlier, as is current practice.

In respect of other changes to the regular monthly meeting cycle, the Australian Local Government Association (ALGA) will be holding its Annual National General Assembly Conference in Canberra between 15 and 18 June 2014. Therefore it is recommended that the Council meeting in June (scheduled to occur in that week of June) be moved to the fourth week in June to enable Elected Members to attend the conference, should they wish to do so.

Furthermore the Arena Joondalup will be hosting its first ever pre-season football derby between the West Coast Eagles and the Fremantle Dockers Football Clubs on Tuesday 18 February 2014, and will be a significant regional event for the City of Joondalup. In this respect, it is recommended that the Council meeting scheduled to occur on that evening, be moved to Monday 17 February 2014.

Legislation / Strategic Community Plan / Policy Implications

Legislation Section 5.3 of the *Local Government Act 1995*.

Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart; and*
- (3) *If a Council fails to meet as required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.*

Regulation 12 of the *Local Government (Administration) Regulations 1996* states:

Public Notice of Council or Committee meetings:

12(1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which:*

- (a) *the ordinary Council meetings; and*
- (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

are to be held in the next 12 months;

- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

Strategic Community Plan

Key Theme Governance and Leadership.

Objective Corporate capacity.

Policy Not applicable.

Risk management considerations

Failure to set and advertise Council's meeting dates will contravene the requirements of the *Local Government Act 1995*.

Financial / Budget Implications

Account No	1-522-A5202-3277-0000
Budget Item	Advertising – Public Statutory
Budget Amount	\$7,500
Amount Spent To Date	\$3,850
Proposed Cost	\$ 250
Balance	\$3,400

All figures quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is recommended that the current monthly timeframe for meetings be maintained for 2014, subject to the:

- August Council meeting commencing at 12.00 noon, to enable attendance and participation by high school students.
- December meetings being scheduled one week earlier in order to accommodate the Christmas holiday period.

It is also recommended that deputation sessions continue to be held at the commencement of Briefing Sessions; that where possible, no meetings are to be scheduled in the fourth week of every month; and that designated Council committee meetings be scheduled to occur on Mondays, Tuesdays or Wednesdays of weeks one, two or three of any month in order to minimise potential conflicts with other Council activities.

Committee meetings will be called and convened as and when required, in accordance with the City's *Meeting Procedures Local Law 2013*. Where a committee has delegated authority, meeting dates and times will be advertised in accordance with the *Local Government Act 1995*.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council:

- 1 **SETS** the following meeting dates and times for the Council of the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Briefing Sessions To be held at 6.30pm in Conference Room 1	Council meetings To be held in the Council Chamber
Tuesday, 11 February 2014	7.00pm on Monday, 17 February 2014
Tuesday, 11 March 2014	7.00pm on Tuesday, 18 March 2014
Tuesday, 8 April 2014	7.00pm on Tuesday, 15 April 2014
Tuesday, 13 May 2014	7.00pm on Tuesday, 20 May 2014
Tuesday, 10 June 2014	7.00pm on Tuesday, 24 June 2014
Tuesday, 8 July 2014	7.00pm on Tuesday, 15 July 2014
Tuesday, 12 August 2014	12 noon on Tuesday, 19 August 2014
Tuesday, 9 September 2014	7.00pm on Tuesday, 16 September 2014
Tuesday, 14 October 2014	7.00pm on Tuesday, 21 October 2014
Tuesday, 11 November 2014	7.00pm on Tuesday, 18 November 2014
Tuesday, 2 December 2014	7.00pm on Tuesday, 9 December 2014
January 2015 - Recess	

- 2 **AGREES** to hold deputation sessions in conjunction with the Briefing Sessions;
- 3 in accordance with Regulation 12 of the *Local Government (Administration) Regulations 1996*, **GIVES** local public notice of the meeting dates detailed in Part 1 above;
- 4 **INVITES** a number of students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12.00 noon on Tuesday, 19 August 2014;
- 5 **NOTES** that the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Zone meetings are generally scheduled to be held on Thursdays;
- 6 **AGREES** that, where possible, no meetings are to be scheduled in the fourth week of every month;
- 7 **NOTES** that, where possible, meetings for designated Council committees be scheduled to occur on Mondays, Tuesdays or Wednesdays of weeks one, two or three of any month to minimise potential conflicts with other Council activities.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

CJ209-11/13 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents executed by affixing the Common Seal for the period 24 September 2013 to 8 October 2013
AUTHORITY / DISCRETION	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 24 September 2013 to 8 October 2013 (Attachment 1 refers).

EXECUTIVE SUMMARY

The City 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 24 September 2013 to 8 October 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ209-11/13.

BACKGROUND

During the period 24 September 2013 to 8 October 2013, five documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Local Law	1
Withdrawal of Caveat	1
Section 70A Notification	2
Deed	1

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 Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

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.

MOVED Mayor Pickard, SECONDED Cr Norman that Council NOTES the Schedule of Documents covering the period 24 September 2013 to 8 October 2013, executed by means of affixing the Common Seal, as detailed in Attachment 1 to Report CJ209-11/13.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf121113.pdf](#)

CJ210-11/13 MINUTES OF EXTERNAL COMMITTEES

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	01113, 00033, 03149, 101515
ATTACHMENT	Attachment 1 Minutes of the Management Committee meeting of the Joondalup Lotteries House Inc held on 13 August 2013 Attachment 2 Minutes of the special meeting of the West Australian Local Government Association State Council held on 25 September 2013 Attachment 3 Minutes of the ordinary meeting of the Mindarie Regional Council held on 10 October 2013 Attachment 4 Minutes of the ordinary meeting of the Tamala Park Regional Council held on 17 October 2013 <i>(Please Note: These minutes are only available electronically)</i>
AUTHORITY / DISCRETION	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 minutes of various external bodies that the City has current representation.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Management Committee meeting of the Joondalup Lotteries House Inc held on 13 August 2013.
- Minutes of the special meeting of the West Australian Local Government Association (WALGA) State Council held on 25 September 2013.
- Minutes of the ordinary meeting of the Mindarie Regional Council (MRC) held on 10 October 2013.
- Minutes of the ordinary meeting of the Tamala Park Regional Council (TPRC) held on 17 October 2013.

DETAILS

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

Joondalup Lotteries House Inc Management Committee meeting – 13 August 2013

A meeting of the Joondalup Lotteries House Inc (JLH) Management Committee was held on 13 August 2013.

The City's representative on the Joondalup Lotteries House Inc Management Committee is the Community Development Coordinator, Julie Forrester.

There were no matters of interest to the City of Joondalup resolved at the Joondalup Lotteries House Inc Management Committee meeting.

Western Australian Local Government State Council Special Meeting – 25 September 2013

A special meeting of the West Australian Local Government Association (WALGA) State Council was held on 25 September 2013.

The Council's representatives on the WALGA State Council for this meeting were Mayor Pickard (President) and Cr Amphlett.

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

3.1 Rescission Motion: Metropolitan Local Government Reform – State Government Response (05-034-01-0018)

It was resolved by the WALGA State Council as follows:

“That the following State Council Resolution (Resolution No 243B.4/2013) be rescinded:

That WALGA:

- 2 *Adopt a position to support an amendment to the Metropolitan poll provisions, where any poll petitioned will be of the entire districts involved in the amalgamation proposal with the following conditions:*
 - a *For a poll to be held a petition will be required from 25% or electors of one local government*
 - b *For an amalgamation to be rejected by the Minister, 50% of electors of all local governments proposed to be merged are required to vote, for it to be a valid poll*
 - c *a majority of votes at the poll against will defeat the amalgamation proposal.”*

It was resolved by the WALGA State Council as follows:

- “1 That the President be requested to convene a Special meeting of State Council in the event the State Government introduces a Bill in to Parliament that amends, not suspends, the Poll Provisions.
- 2 WALGA make all reasonable effort within the available timeframe prior to the Special Meeting of State Council to ensure that all Zones have adequate input.”

Mindarie Regional Council Ordinary Council Meeting – 10 October 2013

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 10 October 2013.

Cr Russ Fishwick (Chair) and Cr Kerry Hollywood were Council's representatives on the MRC for this meeting.

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

9.3 Dates for 2014 Mindarie Regional Council and Strategic Meetings

It was resolved by the MRC as follows:

“That Council:

- 1 adopt the following schedule for Ordinary Council Meetings for the Year 2014:
 - 13 February 2014 (City of Joondalup)
 - 24 April 2014 (City of Wanneroo)
 - 3 July 2014 (City of Stirling)
 - 4 September 2014 (City of Vincent)
 - 23 October 2014 (City of Perth)
 - 11 December 2014 (Town of Victoria Park).
- 2 Public Notice be issued on the meetings detailed in (1) above in accordance with Part 12 (2) of the Local Government (Administration) Regulations 1996 and Section 1.7 of the Local Government Act 1995.
- 3 adopt the following schedule for two Strategic workshops for 2014 as follows:
 - 6 March 2014; and
 - 20 November 2014.”

Tamala Park Regional Council Ordinary Council Meeting – 17 October 2013

An ordinary meeting of the Tamala Park Regional Council (TPRC) was held on 17 October 2013.

Cr Geoff Amphlett and Cr Tom McLean were Council's representatives on the TPRC for this meeting.

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

9.6 Council Meeting Schedule 2014

It was resolved by the TPRC as follows:

- "1 *That the schedule of Council meetings dates be APPROVED for 2014 as follows:*
- *20 February 2014 (City of Perth)*
 - *10 April 2014 (City of Wanneroo)*
 - *19 June 2014 (Town of Cambridge)*
 - *21 August 2014 (City of Joondalup)*
 - *16 October 2014 (City of Stirling)*
 - *18 December 2014 (Town of Victoria Park).*
- 2 *That the schedule of meeting dates be ADVERTISED as required by the Local Government Act.*
- 3 *That the commencement time for meetings BE 6.00pm.*
- 4 *That Council meetings be HELD on a rotational basis at participant Council premises."*

9.7 Management Committee Meeting Schedule 2014

It was resolved by the TPRC as follows:

- "1 *That the schedule of Management Committee meetings dates be APPROVED for 2014 as follows:*
- *6 March 2014*
 - *29 May 2014*
 - *31 July 2014*
 - *25 September 2014*
 - *27 November 2014.*
- 2 *That the schedule of meeting dates be ADVERTISED as required by the Local Government Act.*
- 3 *That the commencement time for meetings BE 5.00pm.*
- 4 *That the venues for the 2014 Management Committee meetings be DETERMINED at the next Management Committee meeting being held on 5 December 2013."*

9.8 Stage 9 and 10 Civil Works Contract Award

It was resolved by the TPRC as follows:

- "1 *ACCEPT the Catalina Stage 9 and 10 civil works pricing submitted by R J Vincent (in accordance with approved Tender 5/2013) for the lump sum value of \$4,387,966 (excluding GST), subject to relevant statutory approvals being obtained.*

- 2 *AUTHORISE the Chairman and CEO to sign and affix the TPRC common seal to the Contract.”*

9.9 Catalina Housing and Built Form Strategy

It was resolved by the TPRC as follows:

- “1 *RECEIVE the Catalina Housing and Built Form Strategy, September 2013, submitted by the Satterley Property Group, for strategic guidance in delivering housing and built form outcomes within the Catalina project.*
- 2 *REQUEST the Satterley Property Group to review the outcomes and strategic direction of the Catalina Housing and Built Form Strategy, September 2013 in 24 months.*
- 3 *DETERMINE that the Key Performance Indicator Item 3.6.1, Built Form and Demonstration Housing Strategy, June 2011, requiring the preparation of a Built Form And Demonstration Housing Strategy, June 2012, has been met.”*

9.10 Development Management Agreement – Key People – Confidential

It was resolved by the TPRC as follows:

“That the Council resolve to APPROVE the following replacement of key personnel pursuant to Clause 4.5 of the Development Management Agreement:

- *Nigel Satterley Marketing*
- *Anthea Halliday Marketing.”*

9.11 CEO Performance Review 2012-13 – Confidential

It was resolved by the TPRC as follows:

- “1 *That the Annual Appraisal Report, dated 3 October 2013, submitted by WALGA Workplace Solutions be RECEIVED.*
- 2 *That the CEO remuneration package be APPROVED as per the recommendations of the CEO Performance Review Committee meeting of 3 October 2013.*
- 3 *That the Council ENTERS INTO discussions in accordance with the terms of the current contract of employment regarding a further contract beyond 12 October 2014.*
- 4 *ENGAGE an external consultant to assist with the development of the CEO’s contract.*
- 5 *That the 2013/14 CEO Performance Review be COMPLETED in time for presentation to the October 2014 Council meeting.”*

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Strong leadership.

Strategic initiative Seek out City representation on key external and strategic bodies.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial/budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council NOTES the minutes of the:

- 1 Management Committee meeting of the Joondalup Lotteries House Inc held on 13 August 2013 forming Attachment 1 to Report CJ210-11/13;**
- 2 special meeting of the Western Australian Local Government Association State Council held on 25 September 2013 forming Attachment 2 to Report CJ210-11/13;**
- 3 ordinary meeting of the Mindarie Regional Council held on 10 October 2013 forming Attachment 3 to Report CJ210-11/13;**

4 ordinary meeting of the Tamala Park Regional Council held on 17 October 2013 forming Attachment 4 to Report CJ210-11/13.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

To access this attachment on electronic document, click here: [Externalminutes121113.pdf](#)

CJ211-11/13 2012-13 ANNUAL REPORT

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	103250, 101515
ATTACHMENT	Attachment 1 2012-13 Annual Report.
AUTHORITY / DISCRETION	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 adopt the *2012-13 Annual Report*.

EXECUTIVE SUMMARY

In accordance with Section 5.53 of the *Local Government Act 1995*, the *2012-13 Annual Report* has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's external auditor has completed the audit of Council's financial statements for the 2012-13 financial year and these statements will also be presented to Council at its November meeting. An abridged version of the Financial Statements form part of the *2012-13 Annual Report*.

The *2012-13 Annual Report* forms the main item of business discussed at the Annual General Meeting of Electors. Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the annual report is accepted. At its meeting held on 8 October 2013 (CJ195-10/13 refers) Council set the meeting date for the Annual General Meeting of Electors, being Tuesday 10 December 2013, commencing at 5.30pm.

It is therefore recommended that Council BY AN ABSOLUTE MAJORITY ACCEPTS the Annual Report of the City of Joondalup for the financial year 2012-13, forming Attachment 1 to Report CJ211-11/13.

BACKGROUND

The *Local Government Act 1995* requires every local government to prepare an annual report and to hold an Annual General Meeting of Electors. The annual report reflects the City's achievements during the 2012-13 financial year and is the focus of many highlights.

At its meeting held on 16 October 2007 (CJ206-10/07 refers), Council resolved to “AGREE to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council”. At its meeting held on 8 October 2013 (CJ195-10/13 refers) Council set the meeting date for the Annual General Meeting of Electors, being Tuesday 10 December 2013, commencing at 5.30pm.

DETAILS

The receipt of the City’s annual report by Council and the holding of an AGM of Electors are both statutory requirements of the *Local Government Act 1995*.

Issues and options considered

It is a statutory requirement that Council accept an annual report and for the report to be presented to the Annual General Meeting of Electors.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government Act 1995.*
Local Government (Administration) Regulations 1996.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting that is relevant and easily accessible to the community.

Policy Not applicable.

Section 5.53 of the *Local Government Act 1995* states the following in relation to the contents of the annual report:

5.53 Annual reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - a. *a report from the mayor or president*
 - b. *a report from the Chief Executive Officer*
 - c. *deleted*
 - d. *deleted*
 - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year*
 - f. *the financial report for the financial year*
 - g. *such information as may be prescribed in relation to the payments made to employees*
 - h. *the auditor’s report for the financial year*
 - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993*

- hb. details of entries made under section 5.121 during the financial year in the register of complaints, including:
- (i) the number of complaints recorded in the register of complaints
 - (ii) how the recorded complaints were dealt with
 - (iii) any other details that the regulations may require
- i. such other information as may be prescribed.

Section 5.54 of the *Local Government Act 1995* states the following in relation to the acceptance of the Annual Report:

5.54 Acceptance of annual reports

- (1) Subject to subsection (2) the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.

**absolute majority required*

- (2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than two months after the auditor's report becomes available.

Section 5.55 of the *Local Government Act 1995* states the following in regard to the notice regarding the availability of the Annual Report:

5.55 Notice of annual reports

The Chief Executive Officer is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Regulation 15 of the *Local Government (Administration) Regulations 1996* details the matters for discussion at the Annual General Meeting of Electors. They are the contents of the annual report for the previous financial year and then any other general business. The agenda format for the Annual Meeting of Electors be:

- attendances and apologies
- contents of the 2012-13 Annual Report
- general business.

Risk management considerations

Not adopting the *2012-13 Annual Report* will result in non-compliance with the requirements of the *Local Government Act 1995*.

Financial/budget implications

Not applicable.

Regional significance

The *2012-13 Annual Report* sets out the achievements of the City, which has significance for the development and growth for the region.

Sustainability implications

The *2012-13 Annual Report* provides information on achievements aligned with the key themes of the *Strategic Community Plan – Joondalup 2022* namely:

- Governance and Leadership
- Financial Sustainability
- Quality Urban Environment
- Economic Prosperity, Vibrancy and Growth
- The Natural Environment
- Community Wellbeing.

The programs and projects delivered in 2012-13 have contributed to increasing the social, economic and environmental capital of the City and facilitated the development of a thriving and sustainable community.

Consultation

There is no legislative requirement to consult the community on the preparation of the annual report, however the *Local Government Act 1995* requires an Annual General Meeting of Electors to be held once every year and the annual report to be made publicly available.

At its meeting held on 8 October 2013 (CJ195-10/13 refers) Council set the meeting date for the Annual General Meeting of Electors, being Tuesday 10 December 2013, commencing at 5.30pm. The City has advertised the date of the Annual General Meeting of Electors and will promote the availability of the annual report as soon as possible.

COMMENT

The audited financial statements for 2012-13 will be submitted to the November Council meeting, and are the subject of a separate report to Council. An abridged version of the financial statements has been inserted into the 2012-13 Annual Report, forming Attachment 1 to Report CJ211-11/13.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Amphlett, **SECONDED** Cr McLean that Council **BY AN ABSOLUTE MAJORITY ACCEPTS** the Annual Report of the City of Joondalup for the 2012-13 financial year, forming Attachment 1 to Report CJ211-11/13.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9agn191113.pdf](#)

CJ212-11/13 CORPORATE BUSINESS PLAN - REVIEW

WARD	All	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	52605, 101515	
ATTACHMENT	Attachment 1	Corporate Business Plan 2013-2018
	Attachment 2	Explanations for Amendments
AUTHORITY / DISCRETION	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 adopt the *Corporate Business Plan 2013-2018*.

EXECUTIVE SUMMARY

In accordance with the *Local Government (Administration) Regulations 1996*, the City is required to review its *Corporate Business Plan* annually and submit any modifications to Council for adoption.

The *Corporate Business Plan* demonstrates how objectives within the City's *Strategic Community Plan 2012-2022* are translated into a five year delivery program. The current *Corporate Business Plan 2012-2017* has been reviewed to align projects with the new *Annual Plan 2013-14* and to forecast projects for the 2017-18 financial period.

Proposed timeline changes and project amendments within the current *Corporate Business Plan 2012-2017* have been highlighted within Attachment 1 and explained in full within Attachment 2 for Council's consideration.

It is recommended that Council adopts the *Corporate Business Plan 2013-2018* shown as Attachment 1 by an absolute majority.

BACKGROUND

In October 2012 (CJ210-10/12 refers), Council adopted the City's first *Corporate Business Plan 2012-2017* in accordance with the *Local Government (Administration) Regulations 1996*. The Regulations were amended in August 2011, requiring all local governments to prepare a *Strategic Community Plan* and *Corporate Business Plan* by 30 June 2013.

The Regulations also require that local governments review their *Corporate Business Plan* annually, with any modifications to be considered and adopted by Council by an absolute majority decision.

This report demonstrates the outcome of the review process for 2012-13 undertaken in accordance with the legislative requirements.

DETAILS

The 2012-13 review of the *Corporate Business Plan* provided an opportunity for the City to review project timelines, remove duplications across the plan, insert new projects, improve project descriptions and reconsider the ongoing relevance of identified projects.

The most significant amendments suggested within the revised plan seek to consolidate specific capital works programs. High profile programs, such as the Major Road Construction Program, were retained whilst others were combined into the broader project heading of "Five Year Capital Works Program".

In addition, several project descriptions were amended throughout the document to better align with descriptions contained within the new *Annual Plan 2013-14*.

Project timelines have also been adjusted where new projects have taken priority within the 2012-13 period, or the progress of the project is dependent on external factors outside the control of the City (for example projects relating to the local government reform process).

Reading the Proposed Changes

To effectively highlight proposed changes within the *Corporate Business Plan 2013-2018* and any differences it may have in comparison to the *Annual Plan 2013-14*, the following colour-coding has been applied within Attachments 1 and 2 of Report CJ212-11/13:

Colour	Meaning of Colour
Green	Changes to existing projects listed in the current <i>Corporate Business Plan 2012-2017</i> .
Blue	Suggested deletion of a project if it is considered a duplication/the project was completed in 2012-13/has been replaced with a different project.
Yellow	Insertion of a new project.
Grey	Not in <i>Annual Plan 2013-14</i> (mainly because the project will not commence in this year).

In addition to colour-coding, a 12-13 column has been incorporated into the revised *Corporate Business Plan 2012-2017* (in red text) to act as a point of reference between the current and revised versions of the plan. This column will be removed following adoption of the revised plan.

It should also be noted that Attachment 2 ("Explanations for Amendments" document) only lists major changes to the *Corporate Business Plan 2012-2017*, such as timeline adjustments, carry forwards, project insertions and deletions. Minor administrative changes highlighted in green that seek to improve existing wording or align the title of the project with the current *Annual Plan 2013-14* are not referenced in Attachment 2.

Issues and options considered

Council may choose to:

- adopt the *Corporate Business Plan 2013-2018*, as shown in Attachment 1 of Report CJ212-11/13
- adopt the *Corporate Business Plan 2013-2018*, as shown in Attachment 1, subject to further amendments
or
- not adopt the *Corporate Business Plan 2013-2018*.

Legislation / Strategic Community Plan / policy implications

Legislation *Local Government (Administration) Regulations 1996.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

Policy Not applicable.

Risk management considerations

It is a legislative requirement for the City to review its *Corporate Business Plan* annually and submit any modifications to Council for adoption by an absolute majority. A failure to achieve this in a timely manner could result in a circumstance of non-compliance. As it has been 12 months since Council first considered the *Corporate Business Plan*, there is a risk that any further delays could impacts on the City's compliance outcomes.

Financial/budget implications

The annual review of the *Corporate Business Plan* provides an opportunity for the City to reassess forecasted timeframes in accordance with resourcing strategies (such as the *20 Year Strategic Financial Plan* and *Workforce Plan*) to ensure the sustainable delivery of projects.

Regional significance

Many of the projects in the *Corporate Business Plan 2013-2018* have regional significance and highlight the importance of regional planning and cooperation in managing and responding to future challenges within the north-west metropolitan region.

Sustainability implications

The *Corporate Business Plan* demonstrates the operational capacity of the City to achieve its aspirational outcomes and objectives over the medium term. Project planning and prioritisation within the plan is based on the City's ambition to deliver services sustainably and affordably.

Consultation

There is no community consultation component required in the review of the *Corporate Business Plan*, however, a public notice is required by legislation following the adoption of any changes to the plan by Council.

COMMENT

Not applicable.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1** **CONSIDERS** the *Corporate Business Plan 2013-2018* and explanations table provided at Attachments 1 and 2 to Report CJ212-11/13;
- 2** **BY AN ABSOLUTE MAJORITY ADOPTS** the *Corporate Business Plan 2013-2018*, as shown in Attachment 1 to Report CJ212-11/13.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf121113.pdf](#)

CJ213-11/13 REVIEW OF PROCEDURES FOR STRATEGY SESSIONS, BRIEFING SESSIONS AND COUNCIL / COMMITTEE MEETINGS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	08122, 101515
ATTACHMENT	Attachment 1 Procedures for Strategy Sessions, Briefing Sessions and Council/ Committee Meetings (marked-up).
AUTHORITY / DISCRETION	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 consider amendments to the procedures for Strategy Sessions, Briefing Sessions and Council Meetings.

EXECUTIVE SUMMARY

At its meeting held on 18 December 2007 (CJ264-12/07 refers) Council initially adopted its procedures for Strategy Sessions, Briefing Sessions and Council Meetings to provide information on their purpose and certain procedural matters relating to public question time, public statement time and deputations. Council made further adjustments to the procedures around public question time and public statement time at its meeting held on 17 March 2009 (CJ047-03/09 refers), and have remained in effect since that time.

With the *City of Joondalup Meeting Procedures Local Law 2013* coming into operation on 28 October 2013 and in view of good governance principles, the current procedures in place for Strategy Sessions, Briefing Sessions and Council Meetings have been reviewed.

It is therefore recommended that Council:

- 1 ADOPTS the revised Procedures for Strategy Sessions, Briefing Sessions and Council / Committee Meetings as detailed in Attachment 1 to Report CJ213-11/13;*
- 2 ENDORSES the revised order of business for Briefing Sessions as detailed in Report CJ213-11/13.*

BACKGROUND

At its meeting held on 18 December 2007 (CJ264-12/07 refers) Council initially adopted its procedures for Strategy Sessions, Briefing Sessions and Council Meetings to provide information on their purpose and certain procedural matters relating to public question time, public statement time and deputations. Council made further adjustments to the procedures around public question time and public statement time at its meeting held on 17 March 2009 (CJ047-03/09 refers).

The document provides information and guidance around:

- the purpose and procedures for the City's Strategy Sessions
- the purpose of Briefing Sessions and the procedures surrounding the conduct of public question time, public statement time and deputations at these sessions
- the additional procedures around public question time and public statement time at Council meetings in support of the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the City's *Standing Orders Local Law 2005*.

Council at its meeting held on 28 August 2013 (CJ159-08/13 refers) adopted the *City of Joondalup Meeting Procedures Local Law 2013* to replace the former *City of Joondalup Standing Orders Local Law 2005*. The *City of Joondalup Meeting Procedures Local Law 2013* (Meeting Procedures) came into effect on 28 October 2013 and is intended to result in:

- better decision-making by the Council and its committees
- the orderly conduct of meetings dealing with Council business
- better understanding of the process of conducting meetings
- more efficient and effective use of time at meetings.

The Meeting Procedures apply to meetings of Council, committees and electors and do not apply to Strategy Sessions and Briefing Sessions, as they are not formal decision-making processes of Council. In view of this, the current procedures for Strategy Sessions, Briefing Sessions and Council Meetings provide a sound mechanism to detail the procedures and processes for the conduct and proceedings at these particular sessions.

The current procedures have served the City well, however with Meeting Procedures now in operation, it is timely to review the current procedures in place, in view of good governance principles and practices.

DETAILS

Other than minor formatting improvements and corrections, only a few amendments are suggested to the existing procedures. Although the procedures were implicitly applied to committee meetings, the revised procedures (Attachment 1 refers) now clarify that they apply to meetings of committees which are open to public. In addition, there is a provision contained in the current procedures for Briefing Sessions that is suggested to be removed.

A part in the existing procedures for Briefing Sessions states the following:

“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.*”

The above provision could be viewed as conflicting with the intent of the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996* and the *Local Government (Rules of Conduct) Regulations 2007*. These provisions provide limited power and authority for an individual Elected Member to direct the CEO (or the administration) to undertake any action or task that could contribute to the administration of the City, unless such action or task is authorised by the Council or the Chief Executive Officer. This could include the ability for an Elected Member to call for a report, in their own right.

As Briefing Sessions are not decision-making mechanisms of the City, any call for a report (or a request for a report), should be made through a formal motion that is carried by a majority of members present at a Council or a Committee meeting. Such motions could be raised through a notice or motion prepared by an Elected Member, or through an amendment to a presented recommendation, that is carried by the majority of members at the respective meeting. Such action will allow the Chief Executive Officer to provide background information in respect of any legal, financial or policy implications before it is considered.

Such practice maintains the transparency and integrity of the City's decision-making processes and provides a clear majority support, and therefore direction, for the Chief Executive Officer to undertake a particular course of action as requested. In view of this and in support of good governance principles, it is suggested that the above provision be deleted from the existing procedures and any call for a report occur through the City's formal meeting processes.

As such and in view of the new order of business for Council meetings detailed in the Meeting Procedures, it is suggested the order of business for Briefing Sessions be amended as follows:

- 1 Open and welcome.
- 2 Declarations of interests.
- 3 Deputations.
- 4 Public Question Time.
- 5 Public Statement Time.
- 6 Apologies/Leave of Absence.
- 7 Reports.
- 8 Report of the Chief Executive Officer.
- 9 Motions of which previous notice has been given.
- 10 Closure.

The major change to the order of business detailed above is placing Declarations of Interest before deputations, public question time and public statement time. This is in view of the need to identify conflicts of interest before deputations, questions or statements are made. "*Item 10 – Reports / Presentations Requested by Elected Members*" has been removed based on the details described above.

Issues and options considered

Council can either:

- adopt the revised procedures as presented
- adopt the revised procedures as presented with further amendments
- or
- retain the current procedures.

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

Local Government Act 1995.
Local Government (Administration) Regulations 1996.
Local Government (Rules of Conduct) Regulations 2007.
City of Joondalup Meeting Procedures Local Law 2013.

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.

Policy

Code of Conduct Policy.

The provisions around public question time are detailed in the *Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*. These legislative provisions set the minimum standards that local governments must apply in respect to public question time and the minimum level of public participation at meetings.

The City's Meeting Procedures also govern the conduct of meetings (other than Strategy Sessions and Briefing Sessions) and provide additional matters around public participation at meetings. The revised procedures detailed in Attachment 1 to Report CJ213-11/13, build on those standards in legislation as well as the City's Meeting Procedures and provide additional information in respect to the conduct of business at meetings.

Notwithstanding the above, whether a meeting is a formally constituted Council or Committee meeting, or a Briefing Session or Strategy Session, Elected Members must observe the *Local Government (Rules of Conduct) Regulations 2007* in performing their role. Elected Members, committee members and employees must also observe the City's Code of Conduct.

Risk management considerations

Should Council not adopt relevant procedures for the conduct of meetings, the transparency and integrity of the City's decision-making processes may be questioned.

Financial/budget implications

There are no financial implications associated with this report.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The current procedures for Strategy Sessions, Briefing Sessions and Council meetings has served the City well however improvements have are suggested in view of the provisions within the *Local Government Act 1995*, the *Local Government (Administration) Regulations 1996*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's new Meeting Procedures. The change to the order of business for Briefing Sessions brings it into line with the suggested changes to the procedures, as well as the order of business now used for Council meetings.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 ADOPTS the revised Procedures for Strategy Sessions, Briefing Sessions and Council / Committee Meetings as detailed in Attachment 1 to Report CJ213-11/13;
- 2 ENDORSES the revised order of business for Briefing Sessions as detailed in Report CJ213-11/13.

MOVED Cr Chester, SECONDED Cr Norman that Council:

- 1 ADOPTS the revised Procedures for Strategy Sessions, Briefing Sessions and Council / Committee Meetings as detailed in Attachment 1 to Report CJ213-11/13 subject to the following provision being inserted in the procedures for Briefing Sessions:

“Elected Members have the opportunity to request the Chief Executive Officer to prepare a report on a matter they feel is appropriate to be raised and which is to be presented at a future Briefing Session.”;

- 2 ENDORSES the order of business for Briefing Sessions being as follows:

- 2.1 Open and welcome;
- 2.2 Declarations of interests;
- 2.3 Deputations;
- 2.4 Public Question Time;
- 2.5 Public Statement Time;
- 2.6 Apologies/Leave of Absence;
- 2.7 Reports;

- 2.8 Report of the Chief Executive Officer;
- 2.9 Motions of which previous notice has been given;
- 2.10 Reports requested by Elected Members;
- 2.11 Closure.

The Motion was Put and

CARRIED (7/5)

In favour of the Motion: Mayor Pickard, Crs Chester, Corr, Norman, Ritchie, Thomas and Taylor.

Against the Motion: Crs Amphlett, Fishwick, Gobbert, Hamilton-Prime and McLean.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf121113.pdf](#)

CJ214-11/13 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2013

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	20560, 101515
ATTACHMENT	Attachment 1 Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2013 Attachment 2 Capital Works Quarterly Report for the period 1 July – 30 September 2013
AUTHORITY / DISCRETION	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 receive the Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2013.

EXECUTIVE SUMMARY

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2012-13 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the *Annual Plan 2013-2014*. The Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2013 is shown as Attachment 1 to Report CJ214-11/13.

A Capital Works Quarterly Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to Report CJ214-11/13.

It is therefore recommended that Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 July - 30 September 2013 and the Capital Works Quarterly Report for the period 1 July - 30 September 2013.

BACKGROUND

The City's Corporate Reporting Framework requires the development of an Annual Plan to achieve the objectives of the Strategic Community Plan, and the provision of reports against the Annual Plan to be presented to Council on a quarterly basis.

The City's Annual Plan and quarterly reports are in line with the Department of Local Government and Communities' Integrated Planning Framework which requires planning and reporting on local government activities.

DETAILS

Issues and options considered

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2013-14 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone.

The milestones being reported this quarter are the shaded sections of Attachment 1.

Legislation / Strategic Community Plan / policy implications

Legislation

The *Local Government Act 1995* provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) 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 governments*
- c) *greater accountability of local governments to their communities*
- d) *more efficient and effective government.*

Strategic Community Plan

Key theme

Governance and Leadership.

Objective

Corporate capacity.

Strategic initiative

Demonstrate accountability through robust reporting that is relevant and easily accessible by the community.

Policy

The City's Governance Framework recognises the importance of effective communication, policies and practices in Section 7.2.4. Section 10.2 further acknowledges the need for accountability to the community through its reporting framework which enables an assessment of performance against the *Strategic Community Plan, Strategic Financial Plan, Annual Plan* and *Annual Budget*.

Risk management considerations

The Quarterly Progress Reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

Financial/budget implications

All projects and programs in the *Annual Plan 2013-2014* were included in the 2013-14 Budget.

Regional significance

Not applicable.

Sustainability implications

The projects and programs in the Annual Plan are aligned to the key themes in *Joondalup 2022* which have been developed to ensure the sustainability of the City.

The key themes are:

- Governance and Leadership
- Financial Sustainability
- Quality Urban Environment
- Economic Prosperity, Vibrancy and Growth
- The Natural Environment
- Community Wellbeing.

Consultation

Not applicable.

COMMENT

The *Annual Plan 2013-2014* was received by Council at its meeting held on 20 August 2013 (CJ156-08/13 refers).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the *2013-2014 Capital Works Program*.

The Capital Works Quarterly Report includes a column which contains the percent completed on site and comments regarding the progress of projects. The majority of projects are in the planning stage, and consequently, the Percent Complete may be zero. This is however typical at the first quarter in the Capital Works Program Cycle.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council RECEIVES:

- 1 the Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2013, which is shown as Attachment 1 to Report CJ214-11/13;**
- 2 the Capital Works Quarterly Report for the period 1 July – 30 September 2013, which is shown as Attachment 2 to Report CJ214-11/13.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf121113.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Michael Norman.
Item No./Subject	CJ215-11/13 - Warwick Open Space Bushland Management Plan.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr Norman coordinates three friends groups that work on the City managed natural areas and will be commenting from his experience in that role.

CJ215-11/13 WARWICK OPEN SPACE BUSHLAND MANAGEMENT PLAN

WARD	South
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	102082, 101515
ATTACHMENT	Attachment 1 Warwick Open Space Bushland Management Plan Attachment 2 Community Consultation Summary
AUTHORITY / DISCRETION	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 endorse the *Warwick Open Space Bushland Management Plan*.

EXECUTIVE SUMMARY

The City is responsible for the management of a diverse number of natural areas and undertakes conservation activities to enhance and protect the biodiversity values within these areas in order to reduce the impact of environmental threats.

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. Environmental threats include weeds, plant diseases, fire, non-native fauna species, human impacts and access and infrastructure. In order to provide strategic ongoing management of the City of Joondalup's natural areas and protect native vegetation and ecosystems, Natural Area Management Plans are being developed for the City of Joondalup's natural areas.

The *Warwick Open Space Bushland Management Plan* has been developed to provide direction for the ongoing management of the conservation area for the next five years. The plan describes the potential environmental impacts, risks and threats that are likely to affect the biodiversity values of the area and proposes management strategies to be implemented over the life of the plan in order to minimise potential impacts.

At its meeting held on 20 August 2013 (CJ153-08/13 refers) Council endorsed the release of the Draft *Warwick Open Space Bushland Management Plan* for community consultation, for a period of 21 days.

It is therefore recommended that Council endorses the Warwick Open Space Bushland Management Plan shown as Attachment 1 to Report CJ215-11/13.

BACKGROUND

Warwick Open Space is classified as one of the City of Joondalup's five major conservation areas due to the high biodiversity values of the area. Warwick Open Space (not including the Warwick Senior High School bushland) is recognised for its regional environmental significance and was designated as Bush Forever site 202 by the Western Australian Planning Commission in 2000.

In order to provide strategic ongoing management of Warwick Open Space and protection of native vegetation and ecosystems, the *Warwick Open Space Bushland Management Plan* has been developed.

The *Warwick Open Space Bushland Management Plan* outlines a framework for the management of the area for the next five years. The City engaged consultants to undertake flora, fauna and fungi surveys which have informed the development of the management plan.

The aims of the *Warwick Open Space Bushland Management Plan* are to:

- establish a baseline description of the environment to guide future environmental planning and recommended management actions
- outline key environmental threats and management strategies to minimise impacts and protect conservation and recreation values
- outline management actions to address key threats including monitoring and reporting.

The objective of the *Warwick Open Space Bushland Management Plan* is to provide mechanisms to protect and enhance biodiversity values of the natural area while maintaining appropriate community access and awareness.

A number of management actions are included within the plan to address environmental threats including:

- consistent weed control and regular monitoring
- undertaking annual fire fuel load assessments
- installation of interpretive signage
- regular feral animal control
- implementation of environmental education initiatives
- undertaking follow up flora, fauna and fungi surveys.

DETAILS

At its meeting held on 20 August 2013 (CJ153-08/13 refers), Council endorsed the release of the Draft *Warwick Open Space Bushland Management Plan* for targeted stakeholder consultation to industry groups, relevant government agencies and the Friends of Warwick Bushland.

The City's key stakeholders were notified that the Draft *Warwick Open Space Bushland Management Plan* was open for public consultation through a formal invitation to provide comment. Information was provided to the general community via the City's Community Consultation page on the City's website that included an online feedback form.

Feedback received indicates that the City's stakeholders and community are generally supportive of the strategic direction of the management plan and the recommendations included within the plan. Nine submissions were received from community members and stakeholders, as outlined in Attachment 2.

Issues and options considered

Option 1:

Council may choose to adopt the *Warwick Open Space Bushland Management Plan* with amendments as shown in highlighted text within Attachment 1.

Option 2:

Council may choose to adopt the *Warwick Open Space Bushland Management Plan* without any amendments.

Option 3:

Council may choose to adopt the *Warwick Open Space Bushland Management Plan* with further amendments.

The preferred option is Option 1 as it reflects the feedback received from stakeholders during the public consultation period.

Legislation / Strategic Community Plan / policy implications

Legislation	Not applicable.
Strategic Community Plan	
Key Theme	The Natural Environment.
Objective	Environmental resilience.
Strategic Initiative	Identify and respond to environmental risks and vulnerabilities.
Policy	The objectives of the <i>Warwick Open Space Bushland Management Plan</i> are consistent with the City's <i>Sustainability Policy</i> .

The development of Natural Area Management Plans is listed as an action within the City's *Biodiversity Action Plan 2009-2019*.

Risk management considerations

A coordinated and planned approach is required to address issues in natural areas and provide strategies for ongoing long term management. If management plans are not developed to guide the conservation efforts within the City of Joondalup's natural areas, there is a risk that the overall condition of the native bushland areas of the City of Joondalup will become degraded.

The *Warwick Open Space Bushland Management Plan* includes a number of management actions to protect the biodiversity values of the conservation area. If the management plan is not endorsed, there are risks associated with the long term protection of the native vegetation and ecosystems that exist with the area.

Financial/budget implications

\$50,000 was allocated to the development of the *Warwick Open Space Bushland Management Plan* in 2012-13 to undertake the flora, fauna and fungi survey component of the project.

Implementation of the *Warwick Open Space Bushland Management Plan* has financial implications for the City. A number of the actions proposed are existing actions currently being implemented by the City, or are expansions of processes and programs already in place, and will therefore have limited additional financial implications for the City.

Funds are currently allocated within the City's annual operating budget to implement conservation and maintenance activities at Warwick Open Space, however the implementation of some recommendations from the *Warwick Open Space Bushland Management Plan* will have additional budget implications and these will be subject to the City's annual budget approvals process.

Opportunities to apply for grant funding will also be investigated, as they arise.

Regional significance

Bushland within Warwick Open Space is recognised as being regionally significant due to the limited amount of the vegetation types which exists on site remaining within the Perth Metropolitan Region.

Sustainability implications

Environmental threats have the potential to degrade natural areas and reduce biodiversity values. The development and implementation of the *Warwick Open Space Bushland Management Plan* will ensure that measures are taken to address threats within this natural area and provide strategies for ongoing long term management which will result in protection of Warwick Open Space's natural environment.

The *Warwick Open Space Bushland Management Plan* includes actions that target community education and awareness to ensure that the City of Joondalup community is well-informed regarding the environmental values of Warwick Open Space. The actions proposed will enhance the natural assets of the area while providing the community with passive recreation opportunities.

Consultation

The Draft *Warwick Open Space Management Plan* was available for public comment from 26 August 2013 to 16 September 2013. A total of nine submissions were received.

Comments provided from community members and stakeholders suggest that the implementation of further environmental management initiatives within the conservation area would be strongly supported. The comments were generally supportive of the proposed management actions, however, some respondents also noted that they would like information included in the plan regarding topics such as the history of the site, the status of the site as a dog exercise area and the inclusion of reference to the *Swan NRM Region Environmental Weed Census and Prioritisation*. The majority of the feedback from community members and stakeholders was related to weed management, revegetation and the planting of species and protection of the bushland.

Some amendments have been made to the management plan following feedback received during the consultation process. The proposed changes to the *Warwick Open Space Bushland Management Plan* are shown in highlighted and strike-through text as included in Attachment 1.

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

COMMENT

The *Warwick Open Space Bushland Management Plan* will inform and prioritise maintenance schedules and Capital Works Programs by providing prioritised management recommendations to be implemented within Warwick Open Space over a five year period. The *Warwick Open Space Bushland Management Plan* will also increase opportunities for the City to apply for grant funding by having a detailed forward schedule of projects to be carried out within Warwick Open Space, and will provide guidance to City employees, contractors and Friends Groups operating within Warwick Open Space.

Council endorsed the development of the Warwick Open Space Synthetic Hockey Pitch Project at its meeting held on 26 June 2013 (CJ103-06/13 refers). The *Warwick Open Space Bushland Management Plan* addresses the impacts of current land use only. The approval of the Synthetic Hockey Pitch and any future proposals for development within the site will be subject to individual environmental assessment and approval processes.

The implementation of the *Warwick Open Space Bushland Management Plan* will allow the City to demonstrate leadership in addressing environmental threats, providing strategic ongoing management of natural areas and create community awareness regarding the need to protect the biodiversity values of the environment for the future.

The *Warwick Open Space Bushland Management Plan* will enable a coordinated best practice approach to the management of the natural area of Warwick Open Space into the future.

The plan will be continually monitored to track the progress of implementation and an annual review will be undertaken each year. A major review will be conducted at the end of the five year period.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Norman, SECONDED Cr Chester that Council ENDORSES the *Warwick Open Space Bushland Management Plan* shown as Attachment 1 to Report CJ215-11/13.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn121113.pdf](#)

**CJ216-11/13 PETITION OF ELECTORS SEEKING THE
INTRODUCTION OF VERGE PARKING PERMITS
FOR CARAVANS AND TRAILERS**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07963, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

This item was dealt with later in the meeting, prior to consideration of Item C71-11/13 Council Decision – Adoption by Exception Resolution, page 158 refers.

CJ217-11/13 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2013

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	09882, 101515	
ATTACHMENTS	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of August 2013
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of August 2013
	Attachment 3	Municipal and Trust Fund Vouchers for the month of August 2013
AUTHORITY / DISCRETION	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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of August 2013.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of August 2013 totalling \$12,498,405.54.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for August 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 Report CJ217-11/13, totalling \$12,498,405.54.

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 August 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 - 96298 – 96521 & EF033596 EF034096 Net of cancelled payments	\$8,444,362.48
	Vouchers 1154A – 1159A & 1161A	\$4,028,731.15
Trust Account	Trust Cheques 205823 - 205862 Net of cancelled payments	\$25,311.91
Total		\$12,498,405.54

Issues and options considered

There are two options in relation to the list of payments.

Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

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 2013–2014 Annual Budget as adopted by Council at its meeting held on 25 June 2013 (CJ117-06/13 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council NOTES the Chief Executive Officer's list of accounts for August 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 Report CJ217-11/13, totalling \$12,498,405.54.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf121113.pdf](#)

CJ218-11/13 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2013

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	09882, 101515	
ATTACHMENT	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of September 2013
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of September 2013
	Attachment 3	Municipal and Trust Fund Vouchers for the month of September 2013
AUTHORITY / DISCRETION	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 list of accounts paid under the Chief Executive Officer's delegated authority during the month of September 2013.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2013 totalling \$15,868,723.10.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for September 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 Report CJ218-11/13, totalling \$15,868,723.10.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of September 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 - 96522 – 96756 & EF034097- EF034652 Net of cancelled payments	\$11,675,220.60
	Vouchers 1166A & 1168A -1170A & 1174A - 1177A	\$4,165,302.50
Trust Account	Trust Cheques 205863 -205905 Net of cancelled payments	\$28,200.00
Total		\$15,868,723.10

Issues and options considered

There are two options in relation to the list of payments.

Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

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 2013–2014 Annual Budget as adopted by Council at its meeting held on 25 June 2013 (CJ117-06/13 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council NOTES the Chief Executive Officer's list of accounts for September 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 Report CJ218-11/13, totalling \$15,868,723.10.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf121113.pdf](#)

CJ219-11/13 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2013

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07882, 101515
ATTACHMENT	Attachment 1 Financial Activity Statement for the period ended 30 September 2013
AUTHORITY / DISCRETION	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 Financial Activity Statement for the period ended 30 September 2013.

EXECUTIVE SUMMARY

Council adopted the Annual Budget for the 2013-14 Financial Year at its meeting held on 25 June 2013, (CJ117-06/13 refers). The figures in this report are compared to the Adopted Budget figures.

The September 2013 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$2,209,367 for the period when compared to the 2013-14 Adopted Budget.

The variance can be summarised as follows:

The operating surplus is \$1,108,117 higher than budget, made up of lower operating revenue of \$246,779 offset by lower operating expenditure of \$1,354,896.

Operating revenue is below budget on Grants and Subsidies \$645,260, Contributions, Reimbursements and Donations \$159,980, Fees and Charges \$170,520 and Other Revenue \$22,501. This is offset by higher revenues on Rates and Specified Area Rates \$296,304, Profit on Asset Disposal \$324,468 and Interest Earnings \$130,711.

Operating expenditure is below budget on Materials and Contracts \$826,703, Depreciation \$434,387, Utilities \$144,326, Employee Costs \$4,578 and Interest Expenses \$1,085. This is partially offset by Loss on Asset Disposal \$47,847 and Insurance Expenses \$8,336.

The Capital Deficit is \$1,663,374 below budget primarily due to higher Capital Contributions \$1,376,818 and Capital Grants and Subsidies \$435,370, offset by lower than budgeted expenditure on Capital Projects \$534,552 and Motor Vehicle Replacement \$819,990 partially offset by higher expenditure on Capital Works \$1,150,496 and Tamala Park Development Costs \$352,860.

Further details of the material variances are contained in Appendix 3 of the attachment to Report CJ219-11/13.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2013 forming Attachment 1 to Report CJ219-11/13.

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 30 September 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 2013-14 Adopted Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council NOTES the Financial Activity Statement for the period ended 30 September 2013 forming Attachment 1 to Report CJ219-11/13.

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf121113.pdf](#)

**CJ220-11/13 REPORT TO PURCHASE LOT 537 BOAS AVENUE,
JOONDALUP**

WARD	North
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	54023, 101515
ATTACHMENT	Attachment 1 Site Plan showing Lot 537(83)
AUTHORITY / DISCRETION	Executive – The substantial diversion setting and oversight role of Council such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets

PURPOSE

For Council to consider the purchase from Western Power of Lot 537 Boas Avenue, Joondalup for development of the multi storey car park on adjoining Lot 535 Boas Avenue, Joondalup.

EXECUTIVE SUMMARY

At its meeting held on 11 December 2012 (CJ283-12/12 refers), Council agreed to develop a multi storey car park on Boas Avenue, Joondalup and requested the Chief Executive Officer to prepare relevant documentation. Further to that decision, at its meeting held on 24 September 2013 (CJ181-09/13 refers), Council appointed Hames Sharley (WA) Pty Ltd to provide architectural and specialist consulting services for the multi storey car park.

The opportunity to purchase Lot 537 (83) Boas Avenue, Joondalup currently owned by Western Power adjoining the City owned Lot 535 (93) Boas Avenue has now presented itself. Purchase of the site will allow better planning of internal operation, improve visual streetscape to surroundings and maximise financial return to the City over the life of the project. Western Power has agreed to sell the site to the City for \$31,500 which is the mid- point value noted in a valuation carried out by McGees Property on behalf of the City.

Existing rights of access to the substation facility by Western Power are to be preserved by registering an Easement in Gross over the amalgamated Lots 535 Boas Avenue and 537 Boas Avenue in favour Western Power.

It is therefore recommended that Council:

- 1 Agrees to purchase Lot 537 (83) Boas Avenue, Joondalup from Western Power at a cost of \$31,500.*
- 2 Authorises the Chief Executive Officer to finalise the purchase of the site detailed above by arranging transfer and to preserve existing rights of access by Western Power to the substation facility under an Easement in Gross to be registered in favour of Western Power.*

BACKGROUND

At its meeting held on 11 December 2012 (CJ283-12/12 refers), Council agreed to proceed to develop a multi storey car park on the Boas Avenue, Joondalup site and requested that the Chief Executive Officer develops a project plan, detailed design and specification and a sourcing strategy for the construction of the Multi Storey Car Park on Boas Avenue.

At its meeting held on 24 September 2013 (CJ181-09/13 refers), Council accepted the tender submitted by Hames Sharley (WA) Pty Ltd for the provision of architectural and specialist consultancy services for a five level multi storey car park for requirements as specified in Tender 023/13 for the fixed lump sum of \$601,400 (GST exclusive).

The business case that was presented to Council for its consideration prior to the agreement to construct the multi storey car park did not include the incorporation of the adjoining Lot 537 (83) Boas Avenue site owned by Western Power.

As a result of further examination of the site the potential for improving current and long term benefits to the multi storey car park by incorporating the adjoining Lot 537 (83) Boas Avenue, Joondalup was explored and consultation with Western Power was commenced in May 2013 with the object of acquiring and combining Lot 537 (83) with the City's Lot 535 (93) Boas Avenue.

DETAILS

The land is described as an estate in fee simple being Lot 537 on Plan 19637, wholly contained in Certificate of Title Volume 2052 Folio 852. The subject Lot 537 comprises a small rectangular shaped landholding with an area of 56m².

Adjoining the City owned Lot 535 (93) Boas Avenue on the south-western corner is a high voltage sub-station on Lot 537 (83) Boas Avenue owned by Western Power.

Consultation with Western Power commenced in May 2013 for the purpose of acquiring Lot 537 (83) Boas Avenue in order to include the site in the design and development of the proposed car park.

Design work by the consultant team has now commenced on the car park site Lot 535 (93) Boas Avenue with the City's intention to acquire and integrate the Western Power site with the City owned Lot 535(83) Boas Avenue, Joondalup car park site being identified in the tender documents.

Western Power has now offered to sell Lot 537 (83) Boas Avenue to the City with the City preserving existing access rights to the sub-station facility currently enjoyed by Western Power over the City's Lot 535 (93) Boas Avenue site.

A professional valuer was commissioned by the City to provide a valuation of the Lot 535 (83) Boas Avenue site owned by Western Power.

The valuer provided an upper value of \$33,600 and a lower value of \$29,400.

Western Power have accepted this range and offered to sell at the mid-point value of \$31,500.

Section 3.59 of the *Local Government Act 1995* details the process that the City is to follow when acquiring or disposing of land. Given the value of land, section 3.59 does not apply.

Issues and options considered

There are two options available to Council:

- agree to the purchase of the site
or
- not agree to the purchase of the site.

Legislation / Strategic Community Plan / policy implications

Legislation Section 3.59 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Economic Prosperity, Vibrancy and Growth.

Objective Primary centre status.

Strategic initiative Pursue the construction of multi-storey car park facilities within the Joondalup City Centre to facilitate greater accessibility.

Policy Not applicable.

Risk management considerations

Should the City not purchase Lot 537 Boas Avenue from Western Power the opportunity to develop an improved design of the Multi Storey Car Park on Lot 535 Boas Avenue with better circulation and increased income generation for the life of the project would be lost.

The option of not proceeding to purchase the site was considered and would result in having a detrimental impact on planning and car bay numbers, design aesthetics, and operation of the car park project. The ability to generate increased income over the life of the project would be reduced.

Financial/budget implications

Cost of purchase from Western Power is \$31,500 exclusive of GST. The estimated construction cost of the multi storey car park including consultancy fees and parking equipment is approximately \$20 million. The cost to purchase the site will be charged to the multi storey car park project listed within the 2013-14 budget.

All amounts quoted in this report are exclusive of GST.

Regional significance

The multi storey car park will service local and regional accessibility. Increasing the availability of car parking could assist in attracting people to the City Centre.

Sustainability implications

Not applicable.

Consultation

Consultation and negotiation with Western Power was initiated in May 2013 to acquire Lot 537 (83) Boas Avenue owned by Western Power to integrate this site and the existing stand alone high voltage sub-station into the proposed adjoining car park development on Lot 535 (93) Boas Avenue. In order to effect a transfer of the site Western Power are prepared to sell the site to the City.

The City obtained an Indicative Valuation Advice on the 56m² property in order to negotiate a potential acquisition. Western Power has offered to transfer and sell the site to the City at the mid - point valuation between highest and lowest values.

COMMENT

Council now has the opportunity to purchase Lot 537 (83), the adjoining site to the proposed car park development on Lot 535 (93) Boas Avenue for the sum of \$31,500. The acquisition of this site will greatly improve both internal operations of the car park by delivering improved circulation and increasing parking bays achievable over five levels. This is achieved through the design of the facility to allow for the upper levels of the car park to be built over the air space of Lot 537. In addition the financial gain in income generation will be enhanced over the life of the project.

Visual treatment of the car park will be improved by eliminating an antiquated sub-station building from view and provide a greater frontage of the car park to the western Right of Way (ROW) at ground and upper levels.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council:

- 1 APPROVES the purchase by the City of Lot 537 (83) Boas Avenue, Joondalup from Western Power at a cost of \$31,500;**
- 2 AUTHORISES the Chief Executive Officer to finalise the purchase of the site detailed in Part 1 above by arranging transfer and to preserve existing rights of access by Western Power to the substation facility under an Easement in Gross to be registered in favour of Western Power.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf121113.pdf](#)

CJ221-11/13 REQUEST FOR ADDITIONAL SUBSIDIES - FACILITY HIRE SUBSIDY POLICY

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	101271, 101515, 09818, 07174
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	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 give consideration to apply additional subsidies for the hire of City facilities.

EXECUTIVE SUMMARY

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a Property Management Framework which is intended to provide the City with a guide to managing all property under the City's ownership, care and control. It contains specific requirements for the classifying of property and its usage.

As part of the framework, Council also reviewed various supporting policies to assist it in managing property and users of City facilities. The revised Facility Hire Subsidy Policy allows for various levels of subsidisation of the hire fees for certain community groups. The policy states that where a community group wishes for further subsidisation, application must be made to the City with a report presented to Council for its consideration.

The City has recently completed the summer bookings for use of its facilities for 2013-14 and this is the first season that the new policy has applied to summer groups. Consequently, the following groups have sought further subsidisation in accordance with the policy:

- Kingsley Woodvale Cricket Club.
- Whitfords & Districts Cricket Club.

It is recommended that Council consider each request on a case by case basis.

BACKGROUND

The City of Joondalup manages 148 facilities utilised by approximately 300 community groups over 19,000 square metres of land either as freehold or managed property which is reserved or dedicated under the *Land Administration Act 1997*. This property has been set aside for a diversity of purposes, such as recreation, public open space, drainage and administrative or infrastructure purposes.

In previous years, property management arrangements for City owned and managed property have been approached on an ad-hoc basis. This has resulted in varying management methods and inconsistent leasing; licensing; and facility hire conditions (including the application of subsidised use).

In an effort to apply greater consistency to property management the Council at its meeting held on 20 November 2012 (CJ234-11/12 refers) adopted a framework that takes a broad approach and addresses the myriad of issues involved in property management. It is intended to provide a consistent and concise methodology for the future.

DETAILS

At its meeting held on 20 November 2012 (CJ234-11/12 refers), Council adopted a new policy relating to subsidised use of City facilities that is to:

- provide guidance on determining the extent of subsidy to be offered to groups hiring City-managed facilities
- ensure facility hire subsidies are applied in a consistent, transparent and equitable manner.

The policy applies to all local not-for-profit community groups and groups from educational institutions hiring City-managed facilities on a regular or casual basis, excluding facilities contained within the City of Joondalup Leisure Centres - Craigie. The policy applies to organised groups only and does not apply to individuals.

The policy allocates a level of subsidy to user groups. The City will subsidise the cost of facility hire charges for City-managed facilities for local not-for-profit community groups and groups from educational institutions if the group is able to demonstrate that at least 50% of its active members/participants reside within the City of Joondalup. These groups are categorised within the policy based on the nature of the group, that is, groups that provide recreational, sporting activities and/or targeted services exclusively for people aged 55 years of age and over.

Notwithstanding the above, the City reserves the right that if a group is booking a facility at a subsidised rate and it is not being utilised it may charge that group for the unutilised booking of that facility at the full community rate.

The process the City follows when booking facilities for regular hire groups is via two ways:

- annual users
- seasonal users.

Annual users are those groups who hire a City facility for a calendar year, where a seasonal user is a group that books either for a winter or summer season, which are regarded traditional sports seasons.

In regard to dealing with requests for additional subsidies over and above what is permitted within the policy, the policy states:

“A group may apply for an additional subsidy under special circumstances. Applications must be made in a written submission to the Chief Executive Officer. All such applications will be assessed by the City and referred to Council for determination.

Additional subsidies will be provided for the following:

- Any group who has provided recent, significant cash or in-kind contribution(s) towards the total value of the construction of a hired facility.
- Any group who is experiencing significant financial difficulties.
- Any other group who can provide reasonable justification for receiving an additional subsidy.

Submissions for additional subsidies will be assessed on a case-by-case basis and will apply for one year/season. A new application must be made in each following year/season."

The City has completed its 2013-14 summer season booking process, the first season that the new policy has applied to summer groups, and has received requests from the following clubs for an additional subsidy above what they are entitled to under the policy:

- Kingsley Woodvale Cricket Club.
- Whitfords & Districts Cricket Club.

Kingsley Woodvale Cricket Club

Facility Hired	Classification within Policy	Hire Fee Subsidy (% of Regular Community Hire Rate)	Previous hire rate per hour (2012-13)	Proposed hire rate per hour (2013-14, including subsidy)	Number of hours booked per season (2013-14)	Variance
Kingsley Memorial Clubrooms	Adult Recreational or Sporting Groups - Groups that provide recreational and/or sporting activities for people aged 18 years of age and over.	50% (continually)	\$3.04	\$13.23	293	\$2,985.67

The Kingsley Woodvale Cricket Club currently hires the Kingsley Memorial Clubrooms and utilises Kingsley Park (and other local parks) during the summer season to conduct its club games and associated activities. The Club has previously been allocated a reduced hire rate for the facility under a licence agreement resulting from a \$20,000 contribution made to construction cost for the Kingsley Sports Hall (now Kingsley Memorial Clubrooms) facility in 1990.

One of the objectives of the new Facility Hire Subsidy policy, adopted by Council at its meeting held on 20 November 2012 (CJ234-11/12 refers), was to replace the licence agreements with subsidies for eligible groups so that there would be more consistency to the management of the City's community facilities.

The club has indicated it understands the need for the City to adjust its hire rates given rising costs associated with managing a facility like Kingsley Memorial Clubrooms, however the move from its 2012-13 rate of \$3.04 per hour to the proposed \$13.23 would be too difficult for the club to meet immediately and has requested that the proposed increases for the hire of Kingsley Memorial Clubrooms be phased in as follows:

- 2013-14 season – 50% (\$6.62 per hour based on 2013-14 subsidised hire rate)
- 2014-15 season – 75%
- 2015-16 season – 100%.

As part of the introduction of the Property Management Framework, officers of the City met with representatives of the Kingsley Woodvale Cricket Club to discuss issues the club may have. Part of those discussions revolved around actual use of the facility versus bookings, in an attempt to lessen the financial cost of the Club. The club has explored this and advised that they have requested the use of Kingsley Memorial Clubrooms for 293 hours in 2013-14, approximately 180 hours less than 2012-13.

The club's request to extend its level of subsidy applies to the use of Kingsley Memorial Clubrooms, and not the use of City parks. It should be noted that the Facility Hire Subsidy policy grants sporting clubs additional 50% subsidy for use of City parks, which offers the club a saving based on last season's park hire.

Therefore, based on the proposed phase in of 50% of the hourly rate for the Kingsley Memorial Clubrooms, and the 50% subsidy applied to the registration per team for seasonal ground use, the club would be charged approximately \$620 more than last season. However, with the club reducing their facility hire for 2013-14 by approximately 180 hours, they will end up paying approximately \$550 less for their facility and park hire for the season.

Whitfords & Districts Cricket Club

Facility Hired	Classification within Policy	Hire Fee Subsidy (% of Regular Community Hire Rate)	Previous hire rate per hour (2012-13)	Proposed hire rate per hour (2013-14, including subsidy)	Number of hours booked per season (2013-14)	Variance
Fleur Freame Pavilion	Adult Recreational or Sporting Groups - Groups that provide recreational and/or sporting activities for people aged 18 years of age and over.	50% (continually)	\$3.92	\$16.45	619	\$7,756.07

The Whitfords & Districts Cricket Club currently hires the Fleur Freame Pavilion and utilises MacDonald Park (and other local parks) during the summer season to conduct its club games and associated activities. The Club has previously been allocated a reduced hire rate for the facility under a licence agreement resulting from an \$11,000 joint contribution (with Whitfords Amateur Football Club) made to construction cost for the MacDonald Pavilion (now Fleur Freame Pavilion) in 1979.

One of the objectives of the new Facility Hire Subsidy policy, adopted by Council at its meeting held on 20 November 2012 (CJ234-11/12 refers), was to replace the licence agreements with subsidies for eligible groups so that there would be more consistency to the management of the City's community facilities.

The club has indicated it understands the need for the City to adjust its hire rates given rising costs associated with managing a facility like Fleur Freame Pavilion, however the club has indicated they have limited financial capacity and a move from its 2012-13 rate of \$3.92 per hour to the proposed \$16.45 would have a significant impact on their viability. To enable the club some time to improve their financial position the club has requested that the proposed increases for the hire of Fleur Freame Pavilion be phased in as follows:

- 2013-14 season – 50% (\$8.23 per hour based on 2013-14 subsidised hire rate)
- 2014-15 season – 50%
- 2015-16 season – 75%
- 2016-17 season – 100%.

As part of the introduction of the Property Management Framework, officers of the City met with representatives of the Whitfords & Districts Cricket Club to discuss issues the club may have. Part of those discussions revolved around actual use of the facility versus bookings, in an attempt to lessen the financial cost of the Club. The club's facility booking hours for 2013-14 have not been reduced compared to last year and total 619 for the season.

The club's request to extend its level of subsidy applies to the use of Fleur Freame Pavilion, and not the use of City parks. It should be noted that the Facility Hire Subsidy policy grants sporting clubs additional 50% subsidy for use of City parks, which offers the club a saving based on last season's park hire. In addition the policy also states that where the cost of hire is met by a governing body or association of which an adult recreation or sporting group is an affiliate, that group will be invoiced 100% of the regular community hire rate to enable the cost to be claimed against the governing body or association. Following proof of payment from the governing body or association, the 50% subsidy will be applied directly to the group. It is understood this applies to the Whitfords & Districts Cricket Club.

Therefore, based on the proposed phase in of 50% of the hourly rate for the Fleur Freame Pavilion, and the 50% subsidy applied to the registration per team for seasonal ground use, the club would be charged approximately \$1,265 more than last season. The club could reduce this increase by reviewing and consolidating their facility hire hours.

Issues and options considered

The Council may:

- approve each of the requests for additional subsidies on a case by case basis
- approve in part each of the requests on a case by case
or
- decline the request for additional subsidies on a case by case basis.

Legislation / Strategic Community Plan / policy implications

Legislation Section 6.12 of the *Local Government Act 1995*.

Strategic Community Plan

Key theme Financial Sustainability.

Objective	Financial diversity.
Strategic initiative	Identify opportunities for new income streams that are financially sound and equitable.
Policy	<i>Facility Hire Subsidy Policy.</i>

Risk management considerations

The following risks may happen pending the consideration of the additional requests for subsidised use of City facilities:

- The user groups may not have the financial capacity to meet the costs proposed by the City for the additional use above the group's allocated subsidy.
- The City compromises its strategic initiative in examining alternative revenue streams.
- Incorrectly classifying the groups may set a precedent and cause complications in classifying other groups when determining subsidies.

Financial/budget implications

The cost to the City across all levels of subsidised use of City facilities is approximately \$1.4 million dollars. In the case of Kingsley Woodvale Cricket Club and Whitfords & Districts Cricket Club, there is an increase in the actual income that the City will receive for the facility bookings by these Clubs (over the three to four years of the phase in period) due to the ceasing of the previous licence arrangements and the application of regular community hire rates and the Facility Hire Subsidy policy.

Regional significance

Requests for subsidised use only apply to users of City facilities that have a minimum of 50% members being resident to the City of Joondalup.

Sustainability implications

The Property Management Framework aims to support the equitable, efficient and effective management of City-owned and managed properties. The framework recognises the value and community benefit of activities organised and provided for by community groups, by subsidising such groups where appropriate. The framework also aims to protect and enhance the City's property assets for the benefit of the community and for future generations.

Consultation

Not applicable.

COMMENT

The intent of the Facility Hire Subsidy policy was not about generating additional income but to achieve more equitable and greater use of City facilities. It is important that the classification of groups within the policy for levels of subsidisation remains consistent, however, if a group requires further consideration relating to fees, it is open to the Council to waive these fees.

One of the objectives of the Property Management Framework was to stop groups booking facilities on a just-in-case situation. Such bookings then prevent other groups/individuals from gaining access to those facilities.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that the Council:

- 1 AGREES to the request from the Kingsley Woodvale Cricket Club subject to the club demonstrating that 50% of its active members/participants reside within the City of Joondalup to phase in the hourly rate increase for the hire of Kingsley Memorial Clubrooms at Kingsley Park, Kingsley as follows:**
 - 1.1 1 October 2013 to 31 March 2014 – 50% of the adopted hourly rate;**
 - 1.2 1 October 2014 to 31 March 2015 – 75% of the adopted hourly rate;**
 - 1.3 1 October 2015 to 31 March 2016 – 100% of the adopted hourly rate;**

- 2 AGREES to the request from the Whitfords & Districts Cricket Club subject to the club demonstrating that 50% of its active members/participants reside within the City of Joondalup to phase in the hourly rate increase for the hire of Fleur Freame Pavilion located at MacDonald Park, Padbury as follows:**
 - 2.1 1 October 2013 to 31 March 2014 – 50% of the adopted hourly rate;**
 - 2.2 1 October 2014 to 31 March 2015 – 50% of the adopted hourly rate;**
 - 2.3 1 October 2015 to 31 March 2016 – 75% of the adopted hourly rate;**
 - 2.4 1 October 2016 to 31 March 2017 – 100% of the adopted hourly rate.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

CJ222-11/13 DRAFT COMMUNITY SAFETY AND CRIME PREVENTION PLAN 2014-2018 - COMMUNITY CONSULTATION

WARD	All	
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services	
FILE NUMBER	63511, 101515	
ATTACHMENT	Attachment 1	Draft Community Safety and Crime Prevention Plan 2014-2018
	Attachment 2	Achievements Against the Current Plan
	Attachment 3	Community Consultation Plan
AUTHORITY / DISCRETION	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:

- note the City's achievements against the *Community Safety and Crime Prevention Plan 2009-2011*
- consider the draft *Community Safety and Crime Prevention Plan 2014-2018*
- approve the plan's release for community consultation.

EXECUTIVE SUMMARY

Council adopted its first *Community Safety and Crime Prevention Plan 2009-2011* in 2010 as part of a formal agreement with the state government to facilitate crime prevention and safety initiatives in partnership with government departments and agencies.

The plan has since expired and in 2012, the City commenced a review process. Major achievements in the delivery of the original plan include; the installation of CCTV in several strategic sites throughout the City of Joondalup, development of the Joondalup Liquor Accord and winning the Constable Care Child Safety Award (WA Local Government Category) in 2012 for youth services.

In August 2012, a new Strategic Community Reference Group was established and the *Community Safety and Crime Prevention Plan 2009-2011* was referred to the group for review at its inaugural meeting in February 2013.

Based on the advice of the Strategic Community Reference Group, a draft *Community Safety and Crime Prevention Plan 2014-2018* has been developed with a more simplified and strategic format than the current plan.

Approval to release the document for community consultation is now sought from Council.

BACKGROUND

In 2003 the state government introduced a new approach to community safety and crime prevention by inviting local governments to enter into partnership agreements with the state government. This initiative sought to facilitate the successful delivery of local crime prevention and community safety programs and services by taking into consideration broader priorities. The City entered into a formal partnership with the state government in March 2008.

To formalise the partnership and become eligible for grant funding through the Office of Crime Prevention, the City was required to develop a local *Community Safety and Crime Prevention Plan* that aligned with state government priorities. These priorities included:

- supporting families, children and young people
- empowering communities and regenerating neighbourhoods
- identifying and tackling priority offences in Western Australia
- reducing repeat offending
- 'Designing-out' crime and using technology.

In accordance with this direction, the City developed a *Community Safety and Crime Prevention Plan* in consultation with residents, local service providers, stakeholders and the City's Community Safety and Crime Prevention Working Group, (which was in operation at the time). This was finalised in 2010.

In its current format, the plan is relatively operational and seeks to highlight community safety programs and services delivered by the City and external organisations within its boundaries. It was the City's intention that in reviewing the plan, a higher-level document would be developed that reflects the City's new strategic priorities within *Joondalup 2022*.

DETAILS

Achievements against the Current Plan

As previously stated, the *Community Safety and Crime Prevention Plan 2009-2011* was developed on the basis of specific state government priorities. As such, the format of the plan did not provide strategic direction with regard to safety and crime prevention initiatives, but rather, listed the existing safety services delivered by the City and its partner organisations.

Notwithstanding, throughout the duration of the plan the following major achievements were made:

- Installation of CCTV within McNaughton Park, Tom Simpson Park and Mirror Park, resulting in a 50% reduction in graffiti and City Watch reports at the first two sites.
- Development of the Joondalup Liquor Accord in partnership with the WA Police and local licensees to reduce alcohol-related crime across entertainment districts within the City.
- Winning the Constable Care Child Safety Award (WA Local Government Category) in 2012 for the delivery of an extensive and highly diverse program of youth services and events.

Attachment 2 of Report CJ222-11/13 provides a detailed outline of the outcomes delivered throughout the plan's duration across the themes of:

- Young People and Families
- Children's Safety
- Drugs and Alcohol
- Video Surveillance
- Community Safety
- Road Safety
- Beach and Ocean Management
- Emergency Management
- Vandalism
- City Watch
- Ranger Services
- Events Management
- Designing Out Crime.

Developing the New Plan

The Office of Crime Prevention was disbanded in 2011, relinquishing its responsibility to administer the development and approval of local government *Community Safety and Crime Prevention Plans*. As a result, the City was no longer obligated to follow a specific format with regard to the development of its new plan. In 2012, Council adopted its new *Strategic Community Plan 2012-2022: "Joondalup 2022"* which outlined new strategic direction for the City with regard to community safety and wellbeing.

In August 2012 (CJ156-08/12 refers), the inaugural members of the City's Strategic Community Reference Group were appointed by Council with their first item for discussion being the review of the City's *Community Safety and Crime Prevention Plan 2009-2011*.

At its meeting held 4 February 2013, the group discussed through a facilitated session the following:

- the contextual relevance of the *Community Safety and Crime Prevention Plan* to the City's new strategic objectives contained within *Joondalup 2022*
- the identification of gaps and/or issues across the current 13 themes of the *Community Safety and Crime Prevention Plan 2009 – 2011*.

The outcomes of this session were presented to Council at its meeting held on 19 March 2013 (CJ025-03/13 refers), with the following major points being raised by the group:

- 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*.

A draft *Community Safety and Crime Prevention Plan 2014-2018* was subsequently drafted (as shown in Attachment 1), based on the advice of the Strategic Community Reference Group. The draft plan has been simplified into four key focus areas to which relevant objectives, strategies and measures are contained. Key projects that will assist in fulfilling these strategies are also listed.

The new key focus areas and their links to specific objectives within *Joondalup 2022* are as follows:

- **Partnering for Safety:**

Build a community that works in partnership with government and non-government organisations to achieve real and long lasting improvements in safety and wellbeing.

- **Safer Places and Spaces:**

For residents to feel safe and confident in their ability to travel and socialise within the community.

To have urban and green spaces which are attractive, well-utilised and enrich the lives of the community.

- **City Safety Services:**

For the community to have confidence and trust in the City that it can deliver services effectively and transparently.

For residents to feel safe and confident in their ability to travel and socialise within the community.

- **Community Safety Awareness:**

Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

Feedback on the draft plan was obtained from the Strategic Community Reference group by way of an online collaboration forum in October 2013. General support for the plan was received and as such, approval for the draft plan to be released for community consultation is now being sought from the Council.

Issues and options considered

Council may choose to:

- approve the release of the draft *Community Safety and Crime Prevention Plan 2014-2018* for community consultation, as shown in Attachment 1
- approve the release of the draft *Community Safety and Crime Prevention Plan 2014-2018* for community consultation, subject to specific amendments
or
- not approve the release of the draft *Community Safety and Crime Prevention Plan 2014-2018* for community consultation.

In light of the significant level of engagement pursued with the Strategic Community Reference Group in the plan's review, it is recommended that Option 1 is pursued to facilitate the finalisation of the review process.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Community safety.
Community spirit.

Strategic initiative Deliver a program of community-based events and education that encourage social interaction within local neighbourhoods.

Build a community that works in partnership with government and non-government organisations to achieve real and long-lasting improvement in safety and wellbeing.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial/budget implications

The proposed community consultation process will incur minimal costs for printing and advertising, which will be less than \$1,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

A proposed Community Consultation Plan is provided at Attachment 3 of Report CJ222-11/13. The Plan highlights two phases in the development of the draft *Community Safety and Crime Prevention Plan 2014-2018*, namely:

Phase One – engagement with the Strategic Community Reference Group to develop a draft Plan.

Phase Two – consultation with the community and identified stakeholders to obtain feedback on the draft plan.

This report seeks approval from the Council to release the draft *Community Safety and Crime Prevention Plan 2014-2018* to the community for feedback in alignment with Phase Two, as outlined in Attachment 3.

COMMENT

The City is satisfied that the advice and input received from the Strategic Community Reference Group in the development of the draft *Community Safety and Crime Prevention Plan 2014-2018* was of a high standard and reflective of the expert knowledge and experience of the group members.

As such, the City is confident that the draft plan shown at Attachment 1 represents an effective alignment between the City's strategic objectives within *Joondalup 2022* and the community's perspective on how future programs and services relating to community safety and crime prevention should be delivered by the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, **SECONDED** Cr Hamilton-Prime that Council:

- 1 **NOTES** the City's achievements in delivering the *Community Safety and Crime Prevention Plan 2009-2011*, as outlined in Attachment 2 of Report CJ222-11/13;
- 2 **CONSIDERS** the draft *Community Safety and Crime Prevention Plan 2014-2018*, as shown in Attachment 1 of Report CJ222-11/13;
- 3 **APPROVES** the release of the *Community Safety and Crime Prevention Plan 2014-2018*, as shown in Attachment 1 of Report CJ222-11/13, for community consultation.

PROCEDURAL MOTION – THAT THE ITEM BE REFERRED BACK

MOVED Mayor Pickard, **SECONDED** Cr Fishwick that Item CJ222-11/13 Draft Community Safety and Crime Prevention Plan 2014-2018 - Community Consultation, be **REFERRED BACK** to the Chief Executive Officer so that the Strategic Community Reference Group can consider an overarching crime prevention philosophy of 'towards zero' and determine how best it can be integrated throughout the plan.

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

Against the Motion: Cr Corr.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf121113.pdf](#)

**CJ223-11/13 2013-14 - SPORTS DEVELOPMENT PROGRAM –
ROUND 1**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	58536, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	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 approve funding as part of the City's *2013-14 Sports Development Program – Round One*.

EXECUTIVE SUMMARY

The Sports Development Program aims to assist local not for profit, district level sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents.

The City received three applications in Round One of the *2013-14 Sports Development Program* from Arena Swim Club, Joondalup Brothers Rugby Union Football Club and Sorrento Football Club.

A panel convened to assess the application has recommended that the projects be supported. The panel's recommendations and the project information from Arena Swim Club and Joondalup Brothers Rugby Union Football Club are being presented to Council for consideration. The project for Sorrento Football Club is under \$10,000 which is approved by delegated authority.

It is therefore recommended that Council:

- 1 *APPROVES a grant of \$20,000 to the Arena Swim Club for their Joondalup Flipper Ball program, subject to the club entering into a formal funding agreement with the City of Joondalup;*
- 2 *APPROVES a grant of \$18,232 to the Joondalup Brothers Rugby Union Football Club for their Making Premier Grade Sustainable program, subject to the club entering into a formal funding agreement with the City of Joondalup.*

BACKGROUND

At its meeting held on 11 June 2002 (CJ136-06/02 refers), Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to district level clubs in lieu of individual sponsorship support. The City's Community Funding Policy was amended by Council at its meeting held on 21 August 2012 (CJ170-08/12 refers).

The agreed aim of the Sports Development Program is to assist local not for profit, district level sporting clubs that play at, or are aspiring towards the highest level of competition in their chosen sport. Eligible clubs must be located within the City of Joondalup and be represented at both junior and senior levels. Clubs can apply for support every second year following a successful application.

DETAILS

The City received three applications for *2013-14 Sports Development Program Round One*. The applications were from the Arena Swim Club, Joondalup Brothers Rugby Union Football Club and the Sorrento Football Club.

The project for Sorrento Football Club is for the amount of \$8,800. Applications under \$10,000 are approved by the Chief Executive Officer by delegated authority (CJ170-08/12 refers).

Arena Swim Club

The Arena Swim Club submitted an application that sought support for their new Joondalup Flippa Ball program. The proposed project will operate with the support of Water Polo WA to deliver a new activity for the Arena Swim Club members and the community.

Arena Swim Club has over 250 members and provides swim programs for recreational to elite swimmers. Swimming WA have recognised the clubs achievements as 2010, 2011 and 2012 Club Premiers and runners-up in 2013. The club operates out of Arena Joondalup.

The key outcomes of the Flippa Ball program include:

- Introduction of water polo to 8-12 year olds for both existing members and the broader community.
- Coach education.
- Create a new opportunity for water sports within Joondalup.

	Amount Requested from the City	Amount Recommended by the City
The costs of the program are		
Lane Ropes	4,800	4,800
Flippa Ball Goals	4,400	4,400
Balls	750	750
Cages	500	500
Administrative	4,420	4,420
Caps	450	450
Screen Printing	150	150
Marketing Material	315	315
Signage	590	590
Participant packs	3,625	3,625
Total Cost	\$ 20,000	\$20,000

The Arena Swim Club has not received a previous Sports Development grant from the City.

Joondalup Brothers Rugby Union Football Club

The Joondalup Brothers Rugby Union Football Club submitted an application that sought support for their Making Premier Grade Sustainable program. The proposed project will develop a high quality coaching team with a structure that supports the senior grades through to the junior academy.

Joondalup Brothers Rugby Union Football Club have over 700 members competing in both junior and senior competitions. The club operates out of Arena Joondalup and has recently been accepted into the Premiership competition.

The key outcomes of the Making Premier Grade Sustainable program include:

- appoint a Director of Rugby
- provide pathways for junior and senior participants
- establish a senior training academy
- refine the junior academy
- develop a junior training group
- mentor junior and senior players to become coaches
- encourage a supportive culture through the improved policies and processes.

	Amount Requested from the City	Amount Recommended by the City
The costs of the program are		
Professional Coaching Services	15,000	15,000
Strength and Conditioning Coaches	2,277	2,277
Coach Directory	955	955
Total Cost	\$ 18,232	\$18,232

The Joondalup Brothers Rugby Union Football Club has received previous Sports Development grants from the City:

Year	Amount Funded
2009-10	\$ 15,000
2006-07	\$ 10,000

The club has completed the acquittals of this funding in line with the grant requirements.

Issues and options considered

The Council may:

- approve each application for the Sports Development Program separately
or
- not approve each application for the Sports Development Program separately.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Community Wellbeing.

Objective Community spirit.

Strategic initiative

- Support and encourage opportunities for local volunteering.
- Promote the sustainable management of local organisations and community groups.
- Support and facilitate the development of community leaders.

Policy The Sports Development Program is conducted in line with the *Community Funding Policy*.

Risk management considerations

Due to the transient nature of sporting club committees it is possible that a club would find it difficult to maintain and provide reasonable information to complete an acquittal to the standard required in the funding agreement.

This risk is managed by the City being proactive in maintaining contact with sporting clubs who have outstanding grant acquittals to ensure they are completed on time and with the relevant evidence and information.

Financial/budget implications

Account No:	1.443.A4409.3293.4023
Budget Item:	Sponsorship
Budget Amount:	\$90,000
Amount Spent To Date:	\$ 0
Proposed Cost:	\$47,032
Balance:	\$42,968

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

The Sports Development Program provides for a positive effect affect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to sport, leisure and recreational services.

Consultation

Not applicable.

COMMENT

The assessment panel convened on 23 October 2013 to assess the applications. The applications were assessed to have met the requirements for the program outcomes, objectives and project plan. The panel felt that the applications provided a strong link between the process and the objectives of the program within a financially sustainable structure. The panel provided in-principle support for the projects but requested further information to clarify some details about their applications. The clubs provided the requested information and on reassessment the panel recommends that the applications be approved for consideration by Council.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council:

- 1 APPROVES a grant of \$20,000 to the Arena Swim Club for their Joondalup Flipper Ball program, subject to the club entering into a formal funding agreement with the City of Joondalup;**
- 2 APPROVES a grant of \$18,232 to the Joondalup Brothers Rugby Union Football Club for their Making Premier Grade Sustainable program, subject to the club entering into a formal funding agreement with the City of Joondalup.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

**CJ224-11/13 PETITION TO CONSIDER THE CONSTRUCTION OF
A PUBLIC TOILET BLOCK AT GALSTON PARK,
DUNCRAIG**

WARD	South
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	04571, 101515
ATTACHMENT	Attachment 1 Plan of Galston Park
AUTHORITY / DISCRETION	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 consider the petition requesting the construction of a toilet block at Galston Park, Duncraig.

EXECUTIVE SUMMARY

At its meeting held on 20 August 2013 (C52-08/13 refers), Council received a 43 signature petition from residents of the City of Joondalup requesting Council give consideration to erecting an amenities block (including male and female toilets, with disabled/parent facilities) and a drinking fountain in Galston Park, Duncraig. The wording on the petition is as follows:

“We, the undersigned, all being electors of the City of Joondalup do respectfully request that the Council consider the erection in this “Galston Park” an amenities block including male and female toilets, with disable/parents facilities and fresh drinking water available, for the convenience of the public users of this popular park and BMX bike track.”

Galston Park, Duncraig is classified as a Local Open Space in the current Parks Classification and as a Local Recreation Park in the City’s Parks and Public Open Spaces Classification Framework (PPOSCF) (adopted as an internal management guideline).

The City has reviewed Galston Park and surrounding areas and referred to the PPOSCF to help facilitate a transparent decision-making process in determining whether the requested infrastructure is appropriate for the park.

It is recommended that Council:

- 1 *DOES NOT SUPPORT the construction of a public toilet facility and installation of a drinking fountain at Galston Park;*
- 2 *ADVISES the lead petitioner of Council’s decision.*

BACKGROUND

At its meeting held on 20 August 2013 (C52-08/13 refers), Council received a 43 signature petition from residents of the City of Joondalup. The petition requested that the City consider the following for Galston Park, Duncraig:

- Construction of an amenities block including male and female toilets, with disabled/parents facilities.
- Install drinking fountain.

Galston Park, Duncraig is classified as a Local Open Space in the current Parks Classification and as a Local Recreation Park in the City's Parks and Public Open Spaces Classification Framework (PPOSCF) (adopted as an internal management guideline).

The classification does not support the following:

- toilets (free standing)
- drinking fountains.

The following infrastructure for Galston Park is supported:

- signage (name of park).

The City has adopted the PPOSCF as an internal management guideline to assist in the planning and provision of park and public open space assets. The framework also helps facilitate transparent and accountable decision-making processes, underpinned by the principles of equity and consistency. A review of the park and surrounding area was also undertaken to further facilitate an appropriate decision.

DETAILS

A site inspection of Galston Park determined that there is a basic BMX track in the park, a playground, bench seating and an area of recreation space suitable for short term activities. The park attracts residents from surrounding streets and from within the suburb and the short-stay recreational activities encourage residents to walk to the park.

Galston Park is located approximately 115 metres east of Percy Doyle Reserve, which is classified as a Regional Park in the current Parks Classification and as a Regional Sports Park in the City's PPOSCF. Percy Doyle Reserve is currently going through a master planning process. In early 2012 community consultation was undertaken to provide an opportunity for the community to make comment on how they currently utilise the facilities at Percy Doyle Reserve and their level of support for a range of development options for the site. At the ordinary meeting of Council held on 24 July 2012 (CJ136-07/12 refers) the results of the community consultation were presented to Council and it was recommended:

“REQUESTS the Chief Executive Officer to arrange for the development of Concept Plans for the Percy Doyle Reserve site with the inclusion of the following elements:

3.2 *Family orientated and well shaded passive park area including:*

- *BBQ and picnic facilities*
- *'three on three' basketball facility*
- *playground*
- *outdoor park exercise equipment*
- *public toilet amenities."*

The above facilities would also include the installation of drinking fountains.

Due to the close proximity of Galston Park to Percy Doyle Reserve and to reduce the duplication of park infrastructure and reduce ongoing maintenance and future capital expenditure requirements, the City does not support the construction of a public toilet facility and installation of a drinking fountain in Galston Park.

The upgrade of the parks equipment at Galston Park is currently listed in the 2013-14 Capital Works Program. Galston Park is to receive a replacement table and shelter unit.

Financial/budget implications

There are over 200 Local Recreation Parks within the PPOSCF. If a precedent is set regarding the installation of a public toilet facility in a Local Recreation Park at a cost of approximately \$50,000, there is a potential Capital Works expenditure of over \$10 million plus the additional maintenance costs including depreciation of \$15,800 per annum.

The capital installation cost for the drinking fountain is \$8,000 with an annual whole of life cost of \$1,000.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

Galston Park is classified as a Local Recreation Park in the PPOSCF and according to the guidelines set out in the framework, does not qualify for either drinking fountain or public toilet block.

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Norman that Council:

- 1 DOES NOT SUPPORT the construction of a public toilet and installation of a drinking fountain at Galston Park;**
- 2 ADVISES the lead petitioner of Council's decision.**

The Motion was Put and CARRIED (12/0) by Exception Resolution after consideration of CJ216-11/13, page 164 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Thomas and Taylor.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf121113.pdf](#)

CJ225-11/13 PETITION REQUEST TO CLOSE TYRINGA CRESCENT, BURNS BEACH

WARD	North
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	64624, 101515
ATTACHMENT	Attachment 1 Locality Plan Attachment 2 Location of traffic surveys
AUTHORITY / DISCRETION	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 consider the petition requesting the closure of the northern end of Tyringa Crescent, Burns Beach.

EXECUTIVE SUMMARY

At its meeting held on 27 May 2013 (C024-05/13 refers) Council received a 21 signature petition from residents of Tyringa Crescent, Burns Beach requesting that *“Council permanently closes off access into Tyringa Crescent from the roundabout located at the north end of Tyringa Crescent and Grand Ocean Entrance, Burns Beach and place a ‘No Through Road’ sign at the Bramston Vista end of Tyringa Crescent.”*

The technical assessment undertaken for Tyringa Crescent confirmed that the road and nearby roads are functioning in accordance with the agreed Burns Beach Structure Plan and that the road does not have any technical problems that Council is required to address. Closure of the road therefore cannot be justified.

It is recommended that Council:

- 1 *NOTES the traffic technical assessment for Tyringa Crescent, Burns Beach and that the road and nearby roads operates in accordance with the agreed Burns Beach Structure Plan;*
- 2 *DOES NOT undertake a road closure at the northern end of Tyringa Crescent, Burns Beach;*
- 3 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

At its meeting held on 27 May 2013 (C024-05/13 refers), Council received a 21 signature petition from residents in Tyinga Crescent, Burns Beach. The petition requested that *“Council permanently closes off access into Tyinga Crescent from the roundabout located at the north end of Tyinga Crescent and Grand Ocean Entrance, Burns Beach and place a ‘No Through Road’ sign at the Bramston Vista end of Tyinga Crescent.”*

DETAILS

The main concerns, as shown in Attachment 2, in the petition were related to Tyinga Crescent being used as a ‘shortcut’ to Burns Beach Road from Grand Ocean Entrance and that vehicles volumes were excessive for what the road was designed for. The petition also indicated that there was a speeding issue.

To ascertain the extent of the issues raised by the petition on Tyinga Crescent, a technical assessment was undertaken which involved a seven day traffic count survey on Tyinga Crescent and other local roads in Burns Beach, a five year crash analysis and scoring utilising the City’s Traffic Management Investigation and Intervention Guidelines.

Technical Assessment Tyinga Crescent

Tyinga Crescent is a single carriageway road that is approximately six metres wide and 250 metres long. Tyinga Crescent provides the connection to Marmion Avenue via the roundabout at Grand Ocean Entrance at the northern end and Burns Beach Road via Bramston Vista at the southern end.

Tyinga Crescent currently provides access to 15 residential properties that front the road and is the connecting road for residents in Moorland Way and Sharples Lane.

Vehicle Volumes

Tyinga Crescent is classified as an Access Street as defined under the Liveable Neighbourhoods guidelines and outlined in the approved Burns Beach Structure Plan. An Access Street is designed to carry a maximum desirable traffic volume of 1,000 vehicles per day (vpd). This is based on the width of the street reserve and width of the road.

To ascertain the extent of the issue regarding vehicle volumes, a seven day traffic survey was undertaken in July 2013. The traffic surveys revealed that the vehicle volumes on Tyinga Crescent ranged between 152vpd south of Grand Ocean Entrance and 168vpd north of Bramston Vista. On the basis that a household would generate approximately nine trips per household (Austroads 2009 Guide to Traffic Management Part 12: Traffic Impacts of Development) this revealed that the majority of the vehicle movements are from the residents and a very minor component is related to through traffic.

So as to provide a comparison as to how other local roads within Burns Beach were functioning, traffic surveys were also undertaken on Grand Ocean Entrance, Mattingleys Approach and Watcombe Avenue in August 2013. The results of the surveys for these roads, including Tyinga Crescent are provided in the table below:

Street name and location of traffic surveys	Vehicles per day
Grand Ocean Entrance west of Marmion Avenue	2813
Mattingleys Approach south of Grand Ocean Entrance	603
Mattingleys Approach north Burns Beach Road	1284
Watcombe Avenue south of Burns Beach Road	643
Watcombe Avenue north of Grand Ocean Entrance	990
Tyringa Crescent south of Grand Ocean Entrance	152
Tyringa Crescent north of Bramston Vista	168

Vehicle Speeds

A concern raised in the petition that in conjunction with the higher vehicle volumes, vehicles were speeding in excess of the built-up area speed limit of 50 km/h.

The traffic surveys undertaken for Tyringa Crescent recorded the speed that the majority of vehicles were travelling at. To ascertain whether speeding was occurring in the street, a mid-block traffic survey was placed north of Bramston Vista. This survey indicated that the speed the majority of vehicles were travelling at was 44 km/h which is well under the urban speed limit of 50 km/h and indicates there is not a speeding issue on the road.

Crash Analysis

To ensure there were no significant issues with the design of Tyringa Crescent, a crash analysis was undertaken of the most recent five year crash data to December 2012. The analysis included the intersections with Grand Ocean Entrance, Moorland Way and Bramston Vista. The crash data revealed that there were no reported crashes for Tyringa Crescent.

Traffic Investigation and Intervention Guidelines

To gauge the extent of the traffic issue and determine if traffic management intervention is required, the City utilises the Traffic Management Investigation and Intervention Guidelines. The guidelines are based on a warrant system which involves a number of scoring criteria such as traffic speed, traffic volume, crash history, land use activity generators, road user type and road environment.

This allows road projects to be ranked according to their warrant score to determine the level of remedial works required and their priority ranking when compared to other roads within the road network. A warrant score of above 50 denotes a road with a technical problem.

In the case of Tyringa Crescent the intervention warrant score of 27 was determined which indicates that the road does not have a technical problem.

Issues and options considered

The two options that are required to be taken into consideration by Council are:

- Option One – No change to the road environment or road infrastructure on Tyringa Crescent. This is the preferred option.
- Option Two – Install partial or full road closure at the northern end of Tyringa Crescent with Grand Ocean Entrance. This is not the preferred option.

Option One – No chance to the road environment or road infrastructure on Tyinga Crescent

Advantages for Option One include:

- retaining full traffic movements for residents in the street
- no impact on emergency service vehicles, waste removal trucks and other large vehicles such as removalist trucks.

This is the preferred option based on the technical assessment of Tyinga Crescent that confirms that the road and surrounding roads are functioning within their design limits based on the Liveable Neighbourhood Guidelines Road Hierarchy.

Option Two – Install partial or full road closure at the northern end of Tyinga Crescent with Grand Ocean Entrance

Advantages of Option Two include:

- preventing all through traffic from Grand Ocean Entrance to Bramston Vista.

Disadvantages for Option Two include:

- doesn't comply with the Burns Beach Structure Plan and Liveable Neighbourhood Guidelines. A full or partial road closure could have an adverse impact on the function of other nearby roads and therefore residents' amenity
- a turn-around facility would be required to cater for larger vehicles such as rubbish trucks, removalist vans and emergency vehicles. There is insufficient room for this facility to occur due to site restrictions and location of utility mains such as water and gas at the northern end of Tyinga Crescent
- according to Liveable Neighbourhoods Guidelines, which states "*Culs-de-sac should be located so that they do not impede the overall interconnectivity of the pedestrian and vehicle movement system.*"
- closing Tyinga Crescent at the northern end with Grand Ocean Entrance would have an impact on pedestrian and cycling connectivity. The existing shared path would require relocation, which would have a further impact on the cost of closing the road.

This is not the preferred option as closure of the road does not comply with the approved Burns Beach Structure Plan and would have adverse impacts on resident's amenity and emergency and waste removal vehicles.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 3.50 of the *Local Government Act 1995*.

3.50 Closing certain thoroughfares to vehicles

- (1a) *A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding four weeks.*

- (2) *The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.*
- (4) *Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding four weeks or continuing the closure of a thoroughfare, the local government is to:*
- (a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*
 - (b) *give written notice to each person who:*
 - (i) *is prescribed for the purposes of this section;*
or
 - (ii) *owns land that is prescribed for the purposes of this section;*
 - (c) *allow a reasonable time for submissions to be made and consider any submissions made.*

Road Closure Process

Under section 3.50 of the *Local Government Act 1995*, a local government may close any thoroughfare that it manages to the passage of vehicles for an indefinite period. As part of the process, local public notice of the proposal is required including the location of the thoroughfare, when the closure is to occur and why it will be closed. Opportunity must also be provided for the public to make a submission.

Written notification to property (land) owners impacted by the proposal is also required. The local public notification period is to be for a reasonable time period for submissions to be made and consideration of submissions to occur. The local government is also required to formally advise the Commissioner of Main Roads Western Australia of the proposal.

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

Not applicable.

Financial/budget implications

If Option One was adopted no provision for funding would be required.

If Option Two was to be adopted consideration would be required as to the cost of funding the turnaround facility which would also impact the existing shared path and the alignment of the roundabout at the intersection of Tyinga Crescent and Grand Ocean Entrance. Further to this, the costs associated with the relocation of water and gas mains would have a significant impact on the costs of the project.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No consultation was undertaken with residents.

COMMENT

In response to the petition, a traffic investigation was conducted to determine the extent of the issues raised. The results of the investigation revealed the following:

- Traffic volumes on Tyinga Crescent are considered to be well within acceptable limits for a road of this type. The vehicle volumes, south of Grand Ocean Entrance and north of Bramston Vista ranged between 152vpd to 168vpd.
- Grand Ocean Entrance is defined as a neighbourhood connector road under the Burns Beach Structure Plan and Liveable Neighbourhood Guidelines and is designed to carry up to 7,000vpd. The traffic count survey undertaken on Grand Ocean Entrance, west of Marmion Avenue revealed that this road is currently handling up to 2,813vpd. The traffic surveys also revealed that nearby roads are also functioning well within their design limits.
- Main Roads WA five year crash data for the period up to December 2012 revealed that there have been no reported crashes for this street or any of the intersections.
- The speed limit for Tyinga Crescent is 50 km/h. To ascertain the speed limit the majority of vehicles are travelling at, a traffic survey was undertaken, mid-block, north of Bramston Vista. The speed survey indicated the majority of vehicles are travelling at 44 km/h or less.
- The assessment utilising the City's Traffic Management Investigation and Intervention Guidelines confirmed that Tyinga Crescent does not have a technical problem and therefore no action is required.

It is also worth noting that the vacant land at Lot 954 Bramston Vista is designated to potentially be the location for a primary school and there are future plans for a 42 bay car park with a proposal for a multi-purpose community sporting facility at Bramston Park. Should Tyinga Crescent be closed, this would have an impact on the access to both these locations and resident's amenity on nearby access roads.

While the City acknowledges the concerns raised by the residents of Tyinga Crescent, the investigation has revealed that the justifications used to support the road being closed are unsubstantiated. Further to this, the petition states that all residents in Tyinga Crescent were unanimous in their support to close the road, however the City has received advice that at least one resident is not supportive of the closure.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 NOTES the traffic technical assessment for Tyinga Crescent, Burns Beach and that the road and nearby roads operates in accordance with the agreed Burns Beach Structure Plan;**
- 2 DOES NOT undertake a road closure at the northern end of Tyinga Crescent, Burns Beach;**
- 3 ADVISES the lead petitioner of Council's decision.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf121113.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Tom McLean, JP.
Item No./Subject	CJ226-11/13 - Petition Requesting Review of Traffic Management Hobsons Gate, Currambine.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	Cr McLean lives in the subject area.

CJ226-11/13 PETITION REQUESTING REVIEW OF TRAFFIC MANAGEMENT HOBSONS GATE, CURRAMBINE

WARD	North
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	21479, 101515, 05386, 102883
ATTACHMENT	Attachment 1 Locality Plan Attachment 2 Existing Traffic Management Attachment 3 Traffic Movement Survey (October 2013)
AUTHORITY / DISCRETION	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 consider the petition requesting modification to the carriageway median on Hobsons Gate, Currambine.

EXECUTIVE SUMMARY

At its meeting held on 25 June 2013 (C33-06/13 refers), Council received a 326 signature petition from residents requesting that the traffic management median island on Hobsons Gate be reviewed.

In response to the petition request, a technical assessment for Hobsons Gate, Currambine has been undertaken in October 2013 to confirm the function and road safety situation of the existing traffic management treatment.

The traffic assessment confirmed that the existing situation in relation to the central median on Hobsons Gate is not desirable. On this basis, it is recommended that changes to the median openings be undertaken as a high priority to reduce vehicle conflict points and improve vehicle access to car parks.

It is therefore recommended that Council:

- 1 *NOTES the results of the traffic technical assessment for Hobsons Gate, Currambine and supporting detail in Attachment 3;*
- 2 *NOTES that traffic management improvements to Hobsons Gate, Currambine have been assessed as a high priority;*
- 3 *SUPPORTS the request to list for consideration modifications to the central median island on Hobsons Gate, Currambine in the 2014–2015 Capital Works program;*
- 4 *ADVISES the lead petitioner of Council's decision.*

BACKGROUND

At its meeting held on 25 June 2013 (C33-06/13 refers) Council received a 326 signature petition from residents of the City of Joondalup requesting that Council *“Review the current one way traffic management island layout on Hobsons Gate, Currambine in order to fund changes in the 2014-15 Budget. Traffic flow is impeded by the one way turning lanes making access to both the northern and southern business precinct driveways awkward. Drivers are forced to detour around the roundabout, through the northern car park or onto Marmion Avenue and consequently many drive up the wrong side of road, creating a potentially dangerous situation. The recent opening of the tavern will increase traffic flow exacerbating the problem.”*

Hobsons Gate is located within the Currambine District Centre and connects Marmion Avenue to Chesapeake Way as shown in Attachment 1. The single carriageway road provides direct access to a number of commercial businesses and fast food outlets. The commercial premises on the southern and northern sides of Hobsons Gate each has access crossovers connecting to shopping centre car parks. The central median island openings have been provided in two locations along Hobsons Gate in the vicinity of the car park entrances as shown on Attachment 2. The petition relates to the eastern median opening and the impact on traffic movements associated with the southern car park.

To determine the extent of the traffic concerns on Hobsons Gate, a technical assessment involving site investigations, traffic count surveys and traffic analysis was undertaken in October 2013.

DETAILS

Hobsons Gate is a single carriageway two lane road of approximately 200 metres in length. The road includes a five metre wide raised central median to control traffic movements and separate traffic flows. The intersection of Hobsons Gate and Marmion Avenue operates under give way control and provides full vehicle access at this location. The intersection of Hobsons Gate and Chesapeake Way is controlled by a single lane, four way roundabout.

Traffic Volumes

The results of the October 2013 traffic count survey for Hobsons Gate undertaken just east of Marmion Avenue revealed that week day traffic volumes were approximately 3,800 vehicles per day (vpd). In accordance with the Currambine District Centre Structure Plan, current traffic volumes on Hobsons Gate are within acceptable limits for a road of this type.

Crash Analysis

The five year crash analysis for Hobsons Gate confirmed that five reported crashes to December 2012 have occurred at the intersection with Marmion Avenue. Of these, four were rear end crashes and one crash was right angle. One crash relating to a parked vehicle has also occurred mid block on Hobsons Gate in the same five year period. Of the total six crashes, five were vehicle damage only and one crash was medical related.

Existing Traffic Management

Two median island openings have been provided on Hobsons Gate for vehicle access to the southern and northern car parks that front the road (refer Attachment 2). The western opening on Hobsons Gate provides right turn vehicle access into the northern car park. The eastern median opening has been constructed prior to the development of the southern car park and does not accurately align with the southern car park entrance.

Site Investigation and Turning Movement Counts

A detailed site investigation including turning movement counts was undertaken during the morning peak period on Saturday 26 October 2013 to determine the extent of the traffic concerns on Hobsons Gate.

The results of the turning movement counts undertaken over a two hour period in the morning between 9.50am and 11.50am are detailed in the table below with vehicle movement directions shown in Attachment 3.

Vehicle Turning Movement Direction	A	B	C	D	E	F
Vehicle Numbers 9.50am to 10.50am	51	9	2	8	7	28
Vehicle Numbers 10.50am to 11.50am	40	3	5	22	9	33

Issues and options considered

The results of the site investigation and traffic analysis revealed that there were significant traffic concerns relating to vehicle turning manoeuvres on Hobsons Gate. There are a number of potential solutions available to address these concerns however further assessment to either modify or remove the existing median openings is required as part of the design process in order to establish the appropriate remedial action.

Legislation / Strategic Community Plan / policy implications

Legislation

Section 3.50 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 project funding requirements and budget implications would need to be determined once traffic management improvements are confirmed as part of design process.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Consultation with business and property owners of Hobsons Gate would need to be undertaken at the time of the design process if improvements to the central median were endorsed.

COMMENT

The traffic assessment confirmed that the existing situation in relation to the central median on Hobsons Gate is not desirable and requires improvement. On this basis, it is recommended that changes to the median openings be undertaken to reduce vehicle conflict points and improve vehicle access to car parks.

Improvements to the existing situation are a high priority and therefore it is recommended that consideration be given to listing the project for the 2014–15 Capital Works Program. It is also noted that the improvements would rank favourably in comparison to other projects currently listed in the Local Traffic Management Program due to the high priority.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Taylor that Council:

- 1 NOTES the results of the traffic technical assessment for Hobsons Gate, Currambine and supporting detail in Attachment 3 to Report CJ226-11/13;**
- 2 NOTES that traffic management improvements to Hobsons Gate, Currambine have been assessed as a high priority;**
- 3 SUPPORTS the request to list for consideration modifications to the central median island on Hobsons Gate, Currambine in the 2014–2015 Capital Works program;**
- 4 ADVISES the lead petitioner of Council's decision.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf121113.pdf](#)

CJ216-11/13 PETITION OF ELECTORS SEEKING THE INTRODUCTION OF VERGE PARKING PERMITS FOR CARAVANS AND TRAILERS

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	07963, 101515
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	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 consider a response to a petition seeking to allow caravans and boats on trailers to be parked on suburban City verges.

EXECUTIVE SUMMARY

A petition bearing 18 signatures was received by Council at its meeting held on 20 August 2013 (C51-08/13 refers) which seeks to have the provisions of the *Parking Local Law 2013* set aside through the use of permits, to allow the parking of trailers and caravans on residential verges under certain circumstances. It seeks to emulate the verges policy of the City of Stirling which allows for this parking under specified conditions relating to neighbourhood approval and prevention of sight hazard issues when residents are unable to store their trailer or caravan on their own property.

At its meetings held on 21 August 2012 and 18 September 2012 respectively (CJ159-08/12 and CJ191-09/12 refer), Council considered two reports where petitioners sought discretion to be allowed to park caravans and boats on trailers on suburban verges. In both cases the petition was not supported.

Since Council considered the above mentioned petitions, it has adopted a new *Parking Local Law*, the *City of Joondalup Parking Local Law 2013*, which as before precludes caravans, boat trailers and commercial vehicles from being kept on the verge.

It is considered that the proposal permitting caravans and boat trailers to proliferate along verges would adversely affect the amenity of residents in the City's suburbs. Streetscapes would become unsightly, neighbours may get into disputes where permission is withheld, unapproved verge treatments for storage would multiply and pedestrian safety, taken in a holistic sense would be compromised, not least by caravans and trailers potentially being allowed by owners to hang over footpaths.

It is therefore recommended that Council does not support the petition bearing 18 signatures that seeks to allow caravans and boat trailers to be parked on a residential verge and that the lead petitioner be advised.

BACKGROUND

At its meeting held on 21 August 2012 (CJ159-08/12 refers), Council considered a petition from 12 signatories to allow caravans to be parked on residential verges. At that meeting Council resolved as follows:

That Council:

- 1 *NOTES the provisions of District Planning Scheme No. 2 relating to recreational vehicles and commercial vehicles do not apply to residential verges and therefore are not relevant to Report CJ159-08/12;*
- 2 *DECLINES the request of the petitioners to amend the Parking Local Law so as to allow caravans to be parked on a verge under prescribed conditions, and that the lead petitioner be advised of Council's decision.*

At its meeting held on 18 September 2012 (CJ191-09/12 refers), Council resolved, in respect to a petition of neighbours of 2 Defoe Court Kingsley who expressed support for the resident to keep a caravan on the verge as follows:

That Council:

- 1 *DECLINES the request of the petitioners to allow the resident of 2 Defoe Court, Kingsley to park a caravan on the verge contrary to the City's Parking Local Law 1999;*
- 2 *ADVISES the lead petitioner of the Council's decision.*

Following the decision of Council, a review was undertaken of the City's Parking Local Law.

At its meeting held on 16 July 2013 (CJ129-07/13 refers), Council adopted a new Parking Local Law. Clause 3.9(c) of that local law states:

"A driver shall not park a vehicle on any portion of a thoroughfare or parking facility if that vehicle is a trailer or a caravan unattached to a motor vehicle."

A definition of the term 'thoroughfare' within the local law has the meaning given it by the *Local Government Act 1995*, which states:

"Thoroughfare means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end."

Clause 6.9 of the *City of Joondalup Parking Local Law 2013* states:

- (1) *A driver shall not stop –*
 - (a) *a vehicle (other than a bicycle);*

- (b) *a commercial vehicle with a GVM in excess of 2.5 tonnes, or bus, or trailer or caravan attached or unattached to a motor vehicle; or*
- (c) *a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge.*

so that any portion of it is on a verge.

- (2) *Subclause (1)(a) does not apply to the driver if he or she is the owner or occupier of the premises adjacent to that verge or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.*
- (3) *Subclause (1)(b) does not apply to a vehicle when it is being loaded or unloaded with reasonable expedition with goods or materials collected from or delivered to the premises adjacent to the portion of the verge on which the commercial vehicle is parked (but in any event not for any period exceeding 3 consecutive hours between the hours of 7am and 6pm WAST and not at any other time), provided no obstruction is caused to the passage of any other vehicle or person using a carriageway or path.*

The clauses outlined above are designed, for the purposes of driver visibility and neighbourhood amenity, to ensure that caravans and trailers are kept behind the property line and are not on the road or verge unless they are being unloaded or loaded.

DETAILS

The City has received a 12 signature petition, which is in two parts and states:

- Sheet 1: *Introduce a verge permit system, similar to the City of Stirling's verge permits see attached.*
- Sheet 2: *Introduce a verge permit system, similar to the City of Stirling's verge permits to enable storage of boat, trailer, caravan on verge where (1) there is no reasonable possibility of providing storage location within property boundaries. (2) Adjoining and opposite property owners comment on proposal (3) such parking will not cause a traffic hazard by way of visual obstruction. Permits issued in writing and only lasting for a time period e.g. 1 year see attached.*

The attachment referred to is from the City of Stirling website which states:

Storage of boats, trailers and caravans on road verges

The use of the road verge for the parking or storage of boats, trailers or caravans is prohibited except where Council approval has been granted. Such applications will only be considered acceptable where:

- There is no alternative storage location available within the property boundaries and no reasonable possibility of providing such a location.*
- The owners of property adjoining and opposite the site have been given an opportunity to comment on the proposal.*
- Such parking will not cause a traffic hazard by way of visual obstruction.*

All approvals shall be granted in writing and is be valid for one year only.

The City of Stirling Council has delegated the approval process to the Chief Executive Officer.

Issues and options considered

There are occasions when a resident finds it difficult to keep various types of vehicles entirely on their property. The most common of these is a private motor vehicle when households have several, one or more of which cannot be stored conveniently on the driveway or behind the property line. In the case of commercial vehicles it is expected that the resident will make alternative arrangements for their storage so that they are not on public property, in this case the road or verge.

The petitioners are seeking to extend the allowance made to private motor vehicles to include caravans and boats on trailers in certain circumstances.

There are three options which can be considered.

Option 1

Amend the local law to allow caravans and boat trailers to be parked on residential verges at any time. This would impact as follows:

- Detrimental to the residential streetscape generally and particularly in higher density living areas such as the Joondalup City Centre.
- Reduce traffic safety as a result of obscured sight lines particularly in proximity to bends and corners.
- Impede pedestrian safety where there is no footpath.
- Establish a precedent for allowing other large items on verges which do not fit conveniently behind the property line such as box trailers, motor homes and large play equipment such as trampolines.

This option is not recommended.

Option 2

Allow caravans and boat trailers on verges under certain conditions as requested. To meaningfully apply the conditions suggested in the petition consideration of a permit would need to include:

- A provision for cancellation of an approval in circumstances where a neighbour who previously supported the parking changes their mind or a neighbouring property is sold and the new owner does not support the parking.
- Approval would not be given for parking caravans or boat trailers on verges:
 - within 10 metres of a junction
 - within 1.5 metres of a kerb line
 - on the outside bend of a curved street due to sight hazard
 - on or adjacent to the crown of a hill due to sight hazard
 - in any other situation that would result in a sight or pedestrian access hazard
 - in such a way as to keep any foot path clear
 - where the issuing of a permit for a caravan or boat trailer subsequently causes a perceived hazard for a previously approved application

- where the boat trailer or caravan would be on an unapproved verge treatment
- in any situation that impeded access to City infrastructure in the verge including street trees.

This option would also require an amendment to the City's *Parking Local Law 2013*.

There would need to be a system of property inspections to enable these requests to be properly assessed, and a report would need to be prepared for Council, setting aside the provisions of the *Parking Local Law 2013*, for each permit application unless authority was delegated to the Chief Executive Officer to deal with them administratively.

This option is not recommended.

Option 3

Refuse the petitioners' request.

The current prohibition for permanently parking caravans and trailers on verges preserves the local streetscape and prevents unnecessary hazards arising. The prohibitions have been in place for many years and were reaffirmed by Council when the new *Parking Local Law 2013* was adopted in July this year. It is not unreasonable to expect that the purchaser / owner of a caravan should make appropriate arrangements for its adequate storage that does not adversely impact on other members of the local community either from an amenity or a safety perspective. There are significant impacts for implementing either Options 1 or 2 as identified.

This option is recommended.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Parking Local Law 2013.*
Local Government and Public Property Local Law 1999.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Not applicable.

Policy

There is no current policy in relation to this matter. Should caravans and boat trailers be allowed to be kept on public verges it is possible a policy would be needed to support the parking local law and that policy would need to consider flow on effects for other large items to be stored on the City's verges.

Risk management considerations

There is a risk that if caravans and boat trailers are permitted to be parked on public verges adjacent to some residential properties that future petitioners would seek to keep other large items such as box trailers, other large trailers, commercial vehicles and potentially play equipment on the verge as well.

Financial / budget implications

There would be significant budget implications for implementing Option 2 as this would require a system of property inspections to enable these requests to be assessed. There are no financial implications for the recommended option.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City has consulted with the City of Stirling to gauge the extent of the take up of the verge permit scheme by Stirling residents. The City of Stirling has advised that since the permit scheme was implemented no applications have been approved because the *Parking Local Law 2013* does not allow for them to be issued and because the parking of trailers and caravans on the verge is always assessed as causing a hazard. They have also advised that they intend to remove the permit scheme option for residents in the future.

COMMENT

Residents who choose to have a caravan or boat trailer should be aware of their responsibilities for storing them off the street or verge as is required under the *Parking Local Law 2013*. It is quite reasonable to expect that the purchaser / owner of a caravan or boat should make appropriate arrangements for its adequate storage that does not adversely impact on other members of the local community either from an amenity or a safety perspective.

VOTING REQUIREMENTS

Simple Majority.

The Director Planning and Community Development left the Chamber, the time being 8.38pm and returned at 8.43pm.

MOVED Cr Fishwick, SECONDED Cr Chester that Council:

- 1 REFUSES the request in the petition bearing 18 signatures that seeks to allow caravans and boat trailers to be parked on a residential verge;**
- 2 ADVISES the lead petitioner of its decision accordingly.**

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Thomas.

Against the Motion: Cr Ritchie.

C71-11/13 COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154] [08122]

MOVED Mayor Pickard, **SECONDED** Cr Norman that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

CJ201-11/13, CJ208-11/13, CJ209-11/13, CJ210-11/13, CJ214-11/13, CJ217-11/13, CJ218-11/13, CJ219-11/13, CJ220-11/13, CJ221-11/13, CJ223-11/13 and CJ224-11/13.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

REPORTS - AUDIT COMMITTEE - 6 NOVEMBER 2013**CJ227-11/13 2012-13 ANNUAL FINANCIAL REPORT INCLUDING
FINANCIAL ACTIVITY STATEMENT FOR THE
PERIOD ENDED 30 JUNE 2013**

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	103279, 101515
ATTACHMENTS:	Attachment 1 Annual Financial and Auditor Report
AUTHORITY / DISCRETION	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 consider the Annual Financial Report, Auditor's Report and Activity Statements for the year ended 30 June 2013.

EXECUTIVE SUMMARY

In accordance with Section 6.4 of the *Local Government Act 1995*, the 2012-13 Annual Financial Report has been prepared and, together with the City's accounts, has been submitted to the City's auditors to conduct their annual audit.

The City's auditors have completed their audit, in accordance with the terms of their engagement and the requirements of Part 7 Division 3 of the *Local Government Act 1995*, and have submitted their audit report. A Concise Financial Report (Financial Statements without supporting notes) will form part of the 2012-13 Annual Report.

The auditors' report and the Annual Financial Report for the 2012-13 financial year are presented to the Committee for its consideration.

It is therefore recommended that Council, BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying audit report for the financial year 2012-13, forming Attachment 1 to Report CJ227-11/13.

BACKGROUND

Section 6.4 of the *Local Government Act 1995* requires local governments to prepare an annual financial report and to submit both the report and its accounts to its auditor by 30 September each year. The City of Joondalup has met those requirements and the City's auditors have completed their audit of the accounts and the Annual Financial Report for the financial year 2012-13.

As has been past practice, a Concise Financial Report has also been prepared for inclusion in the City's Annual Report. The Annual Financial Report for the financial year 2012-13 is included as Attachment 1 to Report CJ227-11/13.

DETAILS

Issues and options considered

The preparation of an Annual Financial Report and the submission of the report and the City's accounts to the auditors for audit are statutory requirements of the *Local Government Act 1995*.

The Annual Financial Report needs to be accepted by Council in order to enable the holding of the Annual General Meeting of Electors, at which the City's Annual Report containing the Concise Financial Report will be considered. The Annual Financial Report is also required to be submitted to the Chief Executive Officer of the Department of Local Government and Communities.

Outcome of the Audit

The audit has been completed with no issues of significance raised and the audit report is unqualified (Attachment 1 refers). The auditor provided a Management Letter in regards to other matters that it wished to bring to the attention of the Audit Committee.

In terms of form and presentation, there are no significant changes to the Annual Financial Report from the previous year. The only notable change to the requirements under the Accounting Standards in terms of disclosure is the application of the Fair Value concept adopted during the financial year for land, buildings, plants and equipment.

End of Financial Year Position

The City has finished the financial year with a Rate Setting Statement surplus less than estimated. An estimated 30 June 2013 end of year surplus of \$1,735,646 was used as the opening balance in the 2013-14 Budget. The final end of year Rate Setting Statement surplus for 2012-13 is \$986,719, being \$748,927 less than estimated.

In summary the \$748,927 shortfall is made up of:

Description	Sub Total	Total
Increased Cash Operating Surplus	\$1,072,445	
Increased Capital Revenue	\$1,717,314	
Reduced Capital Expenditure	\$6,033,688	\$8,823,447
Less Reduced Net Funding Requirements		(\$9,572,374)
Net Variance		(\$ 748,927)

There are a number of offsets between revenue, expenditure and funding requirements the major ones being:

- The City received \$1,819,230 of the 2013-14 Financial Assistance Grant and \$1,146,862 of 2013-14 Road Grants in advance in 2012-13 and these were offset by transfers to the Capital Works Carried Forward Reserve.

- Decreased capital expenditure for works and plant the bulk of which represents carry forwards including a minor amount of operating carried forward totalling \$7,706,325 is offset by a transfer to the Capital Works Carried Forward Reserve.
- Profit and loss on asset sales have been significantly impacted by property disposal transactions of both the City's own land and Tamala Park land sales. These are offset by transfers to reserve of \$5,181,496 as well as an equity transaction of \$2,284,315 in regard to Tamala Park land sales.

After allowing for these and other minor offsets the adjusted variance in surplus is made up of:

Description	Sub Total	Total
Reduced Operating Cash Surplus	(\$842,498)	
Reduced Capital Revenue	(\$1,266,885)	
Reduced Capital Expenditure	\$707,391	(\$1,401,992)
Plus Reduced Funding Requirements		\$ 653,065
Net Variance		(\$ 748,927)

The reduced Capital Revenue, Capital Expenditure and Funding Requirements are generally related and offset each other in total. The main underlying reason for the net reduced surplus of (\$748,927) is largely operating revenue and expenditure. The principal net contributor to the reduced operating cash surplus of (\$842,498) is increased Materials and Contracts expenditure of (\$969,692). Other operating variations are made up of additional revenues from Fees and Charges, Investment Earnings and Other Revenue offset by increases in Utilities.

Legislation / Strategic Community Plan / policy implications

Legislation Regulation 51(2) of the *Local Government (Financial Management) Regulations 1996* states:

"A copy of the annual financial report of a local government is to be submitted to the Departmental CEO within 30 days of the receipt by the local government's CEO of the auditor's report on that financial report."

Section 5.53 of the *Local Government Act 1995* states:

5.53 Annual Reports

(1) *The local government is to prepare an annual report for each financial year.*

(2) *The annual report is to contain:*

(f) *the financial report for the financial year;*

Section 5.54 of the *Local Government Act 1995* states:

5.54. Acceptance of annual reports

(1) *Subject to subsection (2), the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** Absolute majority required.*

- (2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 6.4 of the *Local Government Act 1995* states:

6.4 Financial report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
- (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
- (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

Strategic Community Plan

Key theme Financial Sustainability.

Objective Effective management.

Strategic initiative Not applicable.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial/budget implications

Budget item	Closing Surplus
Budget estimate	\$ 1,735,647
Actual amount	\$ 986,719
Shortage	\$ 748,927

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

There is no legislative requirement to consult on the preparation of the Annual Financial Report, but the *Local Government Act 1995* requires an Annual General Meeting of Electors to be held and the City's Annual Report, incorporating the Concise Financial Report, to be made available publicly. The full Annual Financial Report will also be publicly available.

COMMENT

The Annual Financial Report will be made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at Libraries, Leisure Centres and Customer Service Centres.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2012-13.

VOTING REQUIREMENTS

Absolute Majority.

COMMITTEE RECOMMENDATION

The Committee recommendation to the Council for Report CJ227-11/13 (as detailed below) was resolved by the Audit Committee at its meeting held on 6 November 2013.

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

MOVED Cr McLean, SECONDED Cr Ritchie that Council, BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying audit report for the financial year 2012-13, forming Attachment 1 to Report CJ227-11/13.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf121113.pdf](#)

REPORTS OF THE CHIEF EXECUTIVE OFFICER

Disclosures of Financial / Proximity Interest

Name/Position	Chief Executive Officer, Mr Garry Hunt.
Item No./Subject	CJ228-11/13 - Request for Annual Leave – Chief Executive Officer.
Nature of interest	Financial Interest.
Extent of Interest	Mr Hunt is seeking annual leave.

CJ228-11/13 REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER

WARD	All
RESPONSIBLE DIRECTOR	Mr Mike Tidy Corporate Services
FILE NUMBER	98394, 101515, 98394B
ATTACHMENT	Nil.
AUTHORITY / DISCRETION	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 give consideration to the request for annual leave submitted by the Chief Executive Officer.

EXECUTIVE SUMMARY

The Chief Executive Officer (CEO) has requested annual leave for the period Tuesday, 17 December 2013 to Friday, 17 January 2014 inclusive.

BACKGROUND

The Chief Executive Officer commenced his employment with the City of Joondalup on 31 January 2005.

DETAILS

The Chief Executive Officer (CEO) has requested leave from duties for the period, 17 December 2013 to Friday, 17 January 2014 inclusive for annual leave. The CEO has delegated authority to appoint an Acting CEO for periods where he is absent from work while on leave, where such periods are for less than 35 days.

Issues and options considered

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The CEO, in accordance with his employment contract, is entitled to 25 days leave per annum.

Legislation / Strategic Community Plan / policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Governance and Leadership.

Objective Corporate capacity.

Strategic initiative Maintain a highly skilled and effective workforce.

Policy

Not applicable.

Risk management considerations

Not applicable.

Financial/budget implications

Provision included in Budget for 2013-14.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council APPROVES the request from the Chief Executive Officer for annual leave for the period 17 December 2013 to 17 January 2014 inclusive.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Ritchie, Taylor and Thomas.

URGENT BUSINESS

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.48pm the following Elected Members being present at that time:

MAYOR TROY PICKARD
CR TOM MCLEAN, JP
CR PHILIPPA TAYLOR
CR SAM THOMAS
CR LIAM GOBBERT
CR GEOFF AMPHLETT, JP
CR CHRISTINE HAMILTON-PRIME
CR MIKE NORMAN
CR JOHN CHESTER
CR BRIAN CORR
CR RUSS FISHWICK, JP
CR TERESA RITCHIE, JP