

agenda

Briefing Session

A BRIEFING SESSION WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON TUESDAY 8 SEPTEMBER 2020

COMMENCING AT 6.30pm

GARRY HUNT
Chief Executive Officer
4 September 2020

joondalup.wa.gov.au

This document is available in alternate formats upon request

PUBLIC QUESTION TIME

Residents and / or ratepayers
of the City of Joondalup are
requested to lodge questions
in writing by 9.00am on

Monday 7 September 2020

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

IMPORTANT INFORMATION

ATTENDANCE AT MEETING DURING COVID-19 PANDEMIC

Following advice from the State Government and the Department of Health WA in relation to COVID-19 (Coronavirus) pandemic, public attendance at the City of Joondalup meetings has been restricted.

To maintain the required physical distancing between people during this time, the maximum public attendance at meetings has been capped at 55 people (37 in the Chamber and 18 in the adjoining lobby). Any members of the public wishing to attend the meeting above this limit will unfortunately not be able to attend.

To manage expectations, members of the public wishing to attend the meeting and ask up to two questions and / or to make a public statement, can register their own interest from 9.00am to 4.00pm on the day of the meeting by emailing council.questions@joondalup.wa.gov.au or contacting the City on 9400 4313. Registration priority will be given on a first come first serve basis for members of the public wishing to ask questions and/or make a public statement.

Members of the public can only register themselves and cannot submit a request on behalf of others.

Attendance priority will be given to those persons listed in a submitted and approved Deputation Request (at Briefing Sessions only) followed by members of the public wishing to ask up to two verbal questions and/or to make a verbal public statement.

Members of the public wishing to only attend the meeting to observe the proceedings, will be placed on a waiting list and permitted to attend where seats remain vacant after consideration of the above attendee requests.

Any member of the public attending the meeting in person without registration will not be given access unless there is space available. However the audio of proceedings of Council meetings are streamed live at <https://www.joondalup.wa.gov.au/kb/resident/live-council-meeting-audio-feed>.

To ensure capacity is not compromised, entry to the City's premises will be restricted following 30 minutes past the scheduled start time of the meeting. Members of the public approved to attend are therefore encouraged to arrive at the meeting well before the scheduled start time of the meeting.

For your health and safety, members of the public are reminded to:

- follow the direction of the Presiding Members and City employees when attending meetings
- maintain 1.5 metre separation between themselves and other members of the public while attending meetings
- use the hand sanitiser that is provided by the City at the venue
- not attend meetings should they feel unwell or if they have been in contact with a known COVID-19 case, or been overseas in the previous two weeks.

Further information can be provided by contacting the Governance Coordinator on 9400 4369.

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

INTRODUCTION

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

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

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

and ensures that the elected body is fully informed to make the best possible decisions for the City of Joondalup community.

PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve elected members, employees as determined by the Chief Executive Officer and external advisors (where appropriate) and will be open to the public.

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

PROCEDURES FOR BRIEFING SESSIONS

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

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the *Local Government Act 1995*.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all elected members, members of the public and external advisors (where appropriate).
- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those elected members present may select one from amongst themselves to preside at the Briefing Session.

- 5 There is to be no debate among elected members on any matters raised during the Briefing Session.
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session.
- 7 All elected members will be given a fair and equal opportunity to participate in the Briefing Session.
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered.
- 9 Good governance principles recommend that elected members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following provisions apply:
 - (a) Interests are to be disclosed in accordance with the provisions of the *Local Government Act 1995*, the *Local Government (Rules of Conduct) Regulations 2007* and the City's *Code of Conduct*.
 - (b) elected members disclosing a financial interest or a proximity interest will not participate in that part of the session relating to the matter to which their interest applies and shall depart the room.
 - (c) The remaining elected members may agree that an elected member disclosing a financial or proximity interest may participate in discussion on the matter if the remaining elected members agree:
 - (i) is so trivial or insignificant as to be unlikely to influence the disclosing elected member's conduct in relation to the matter
or
 - (ii) is common to a significant number of electors and ratepayers of the City,and a record of that agreement is to be made in the notes kept for the Briefing Session.
 - (d) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered, however there is no legislative requirement to do so.
- 10 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

Questions asked Verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions.
- 2 Questions asked at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to ask questions to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per person.
- 5 Statements are not to precede a question during public question time and questions must be succinct and to the point. Statements can only be made during public statement time.
- 6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 7 Public question time will be allocated a minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of 10 minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 8 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular elected member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and their decision is final
 - nominate a City employee to respond to the question
 - or
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Briefing Session.
- 9 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Briefing Session that is not relevant to a report listed in the agenda
 - or
 - making a statement during public question time,they may bring it to the attention of the Presiding Member who will make a ruling.
- 10 Questions and any responses will be summarised and included in the agenda of the next Briefing Session.

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

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

- 1 Only City of Joondalup **residents and/or ratepayers** may submit questions to the City in writing.
- 2 Questions **must** relate to a report contained in the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. To ensure equity and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00am on the day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to elected members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and their decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included in the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the agenda of the next Briefing Session.
- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the *Local Government Act 1995* or the *Freedom of Information Act 1992* (FOI Act 1992). Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and may refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Written questions should be sent via email to council.questions@joondalup.wa.gov.au

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

- 1 Members of the public are invited to make public statements verbally at Briefing Sessions.
- 2 Statements made at a Briefing Session must relate to a report contained in the agenda.
- 3 A register will be provided for those persons wanting to make a statement to enter their name. The Presiding Member may call persons registered to come forward in an order that allows the maximum opportunity for as many people as possible to address the meeting on the widest range of matters that are listed in the agenda. Persons that come forward are to state their name and full address.
- 4 Public statement time will be limited to two minutes per person.
- 5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 6 Public statement time will be allocated a maximum time of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular elected member or City employee.
- 8 Where an elected member is of the opinion that a member of the public is making a statement at a Briefing Session, that is not relevant to a report listed in the agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 Public statements will be summarised and included in the agenda of the next Briefing Session.

PROCEDURES FOR DEPUTATIONS

The following procedures for the conduct of Deputations at Briefing Sessions were adopted at the Council meeting held on 21 April 2020:

- 1 Prior to the agenda of a Briefing Session being discussed by elected members, members of the public will be provided an opportunity to make a deputation at the Briefing Session.

- 2 Members of the public wishing to make a deputation at a Briefing Session may make a written request to the Chief Executive Officer through the on-line form on the City's website by close of business on the working day immediately prior to the scheduled Briefing Session.
- 3 Deputation requests are to be approved by the Presiding Member and must relate to report listed in the agenda of the Briefing Session. The City will confirm with the person if a deputation request is approved including any limitations that apply.
- 4 Any visual presentation in support of the deputation (such as a PowerPoint presentation) must be received by the City by 12.00 noon of the day of the Briefing Session. No other information or material will be distributed to elected members at the Briefing Session.
- 5 A deputation may consist of no more than five people, only three of which may address the Briefing Session. Other parties of the Deputation may be called on by the elected members to respond to questions should they so wish.
- 6 A maximum time of one hour will be set aside for all deputations at Briefing Sessions. Each deputation can address the Briefing Session up to a maximum period of 15 minutes (including time for elected member questions) however the Presiding Member may reduce this time where the number of approved deputations would exceed the maximum one hour limit set aside for deputations.
- 7 A person that forms part of a deputation is prevented from making a public statement at the Briefing Session on the same matter.

To request an opportunity to make a Deputation Complete the [Deputation Request Form](#).

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

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

CIVIC CENTRE EMERGENCY PROCEDURES

The City of Joondalup values the health and safety of all visitors to City of Joondalup facilities. The following emergency procedures are in place to help make evacuation of the City of Joondalup Civic Centre safe and easy.

Alarms

The City of Joondalup emergency system has two alarm tones:

- Alert Tone (Beep... Beep... Beep)
- Evacuation Tone (Whoop...Whoop...Whoop)

On hearing the Alert Tone (Beep... Beep... Beep):

- DO NOT EVACUATE ON THIS TONE.
- Remain where you are.
- All designated Fire Wardens will respond and assess the immediate area for danger.
- Always follow instructions from the designated Fire Wardens.

On hearing the Evacuation Tone (Whoop...Whoop...Whoop):

- Evacuate the building immediately as directed by a Fire Warden or via the nearest safe exit.
- Do not use lifts.
- Remain calm and proceed to the designated Assembly Area (refer to site plan below).
- People with impaired mobility (those who cannot use the stairs unaided) should report to a Fire Warden who will arrange for their safe evacuation.
- Do not re-enter the building until authorised to do so by Emergency Services.



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LATE ITEMS / ADDITIONAL INFORMATION

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

[AdditionalInformation200908.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 8 September 2020** commencing at **6.30pm**.

ORDER OF BUSINESS

OPEN AND WELCOME

DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosures of Financial Interest/Proximity Interest

Nil.

Disclosure of interest affecting impartiality

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

Name/Position	Ms Dale Page, Director Planning and Community Development.
Item No./Subject	Item 3 - Proposed Eight Multiple Dwellings at Lot 281 (62) Banks Avenue, Hillarys.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The developer, Jacques Van Rooyen is known to Ms Page.

DEPUTATIONS

PUBLIC QUESTION TIME

The following summarised questions were submitted to the Briefing Session held on 11 August 2020:

Mr M Needham, Sorrento:

Re: Item 14 – Proposal to Lease Duncraig Leisure Centre.

Q1 Could you please provide the amount of the surplus or deficit to the City of the operation of the Craigie Leisure Centre?

A1 For the year ending 2018-19 Craigie Leisure Centre income was \$8,643,436 with total operating expenditure being \$9,422,307 (including \$938,288 in depreciation and \$69,559 interest on loan which expired 30 June 2020) equating to an operating deficit of \$778,871 for the 2018-19 financial year. The centre achieved a cash surplus in 2018/19 of \$159,417 (i.e. excluding depreciation). 2019-20 figures have not been provided as they would not provide an adequate representation of operating the facility due to the impact of COVID-19.

Ms M O’Byrne, Kinross:

Re: Item 6 – Petition in Relation to the Implementation of a New Performing Arts and Cultural Vision within the City of Joondalup.

Q1 Please give a detailed account of how the City of Joondalup is now utilising the Joondalup Performing Arts and Cultural Facilities (JPACF) Reserve Funds?

A1 The Joondalup Performing Arts and Cultural Facility (JPACF) Reserve Fund is for the design and development of the JPACF. These funds are not being utilised for any other purpose.

Q2 What is the present positioning of the Cities of Wanneroo and Stirling in relation to the City of Joondalup’s planning for the JPACF development?

A2 The City is not currently undertaking any planning for the JPACF development as the project has been deferred until the 2023-24 financial year. Therefore, the present positioning of the Cities of Wanneroo and Stirling is irrelevant.

Q3 Moore MP, Mr. Ian Goodenough was supportive of a funding request for \$10 million for the JPACF back in July 2017 one month after the JPACF failed at Council. What happened to the requested Federal Grant monies subsequently?

A3 The City is not aware of the status of a 2017 Federal Grant request supported by Mr Ian Goodenough MP.

- Q4 *If the City of Joondalup had succeeded at Council in June 2017 and built the JPACF by July 2019, what then would the COVID-19 Pandemic implications have been for ratepayers from March 2020 through to this fiscal year in covering the costs for the upkeep of an expensive facility that could not be used?*
- A4 The timelines in the 2017 JPACF business case projected that the facility would be in the construction phase throughout the COVID – 19 pandemic up to this point in time. The facility would not have been operational and therefore the implications for ratepayers would have been largely limited to the costs of interest payments on any borrowings used to fund the partial construction of the facility. The business case estimated that 609 jobs would have been supported through the direct and indirect construction activities associated with the JPACF construction. The total economic benefit of the one-off investment was estimated at \$274 million.
- Q5 *By what means would the City of Joondalup achieve transparency with ratepayers before more of the ratepayer monies are spent on yet another evaluation of the JPACF Project?*
- A5 The City is committed to engaging with the community and sharing information on new projects, plans, services and initiatives. As the JPACF project has been deferred until the 2023-24 financial year, the specifics of any future community consultation process relating to the JPACF are yet to be determined, however any consultation will be undertaken in accordance with the City's *Community Consultation Policy*.

Mr J Croome, Sorrento:

Re: *Item 4 - Additional Land Use 'Community Purpose' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).*

- Q1 *Could the administration work with Sacred Heart College to amend the wording in the Event Management Plan to reflect more clearly what the college are attempting to do for the small community groups by including things such as limitations on times, number of events per year or a different categorisation?*
- A1 Mayor Jacob advised there was the potential for a range of different options within the constraints and advised Mr Croome that elected members would consider potential options when making a decision at the Council Meeting next week.

Mr R de Gruchy, Sorrento:

Re: *Item 14 - Proposal to Lease Duncraig Leisure Centre.*

- Q1 *Will Council make an effort to ensure that they are not going to be dealing with a company that is on the verge of bankruptcy?*
- A1 Mayor Jacob responded that the City would do its due diligence and advised the deputation presentation undertaken by the Churches of Christ Sport and Recreation Association Incorporated (CSSRA) addressed the 2017 and 2018 losses.

The Director Corporate Services advised the City had received the 2019 financials which have been reviewed by City's Financial Analysts who are comfortable with the results achieved in 2019.

Mr M Needham, Sorrento:

Re: Item 14 - Proposal to Lease Duncraig Leisure Centre.

Q1 Will any of the staff be dismissed, or will they continue to be employed by the City of Joondalup?

A1 Mayor Jacob advised the CCSRA have identified some staff that would be taken on as part of their management with a small number of staff redeployed within upcoming vacancies at the City's leisure services.

The Director Corporate Services confirmed most of the staff at the Duncraig Leisure Centre are casual based appointments which provide operational duties such as writing programs or delivering short courses and majority of these staff would transfer to CCSRA. The Director Corporate Services advised if the lease was accepted, a small number of these staff would return to the casual pool at the City to be redeployed when the opportunity becomes available.

Q2 Will there still be an employment cost to the City of Joondalup?

A2 The Director Corporate Services advised no, other than the programs being run at the Craigie Leisure Centre and the staff returning to the casual pool would assist in running a number of programs at the City's leisure centres. The Director Corporate Services advised the City would not keep on additional staff that were surplus to requirements.

Mayor Jacob advised that the Craigie Leisure Centre has an expansion planned.

Ms R Murphy, Marmion:

Re: Item 14 - Proposal to Lease Duncraig Leisure Centre.

Q1 Why has the City decided to consider closing the creche at the Duncraig Leisure Centre when there are a lot of young people using facilities in the area such as the library and the creche could be expanded to include services for families using other facilities?

A1 The Director Corporate Services advised there were approximately 330 enrolments a year at the creche with an income of approximately \$1,500 and a running cost of approximately \$20,000 per annum for staff to oversee the creche.

The Director Corporate Services stated at this stage the City is not proposing to close the creche, however if the lease were accepted by Council the creche would no longer be offered under the CCSRA's management. The Director Corporate Services advised if the lease was not accepted the City would have to review the facility and present to Council a plan on how that facility would be managed.

Ms S Warnes, Sorrento:

Re: Item 4 - Additional Land Use 'Community Purpose' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College).

Q1 Would Council consider requesting Sacred Heart College book the internal basketball courts for community use instead of the external courts which would reduce the impact of noise on residents situated on the back northern line where the external basketball courts are located?

A1 Mayor Jacob advised the suggestion would be considered by elected members.

PUBLIC STATEMENT TIME

The following summarised statements were made at the Briefing Session held on 11 August 2020:

Ms M O'Byrne, Kinross:

Re: Item 6 - Petition in Relation to the Implementation of a New Performing Arts and Cultural Vision within the City of Joondalup.

Ms O'Byrne spoke in relation to the petition regarding the implementation of a new Performing Arts and Cultural Vision within the City of Joondalup.

Ms O'Byrne stated as a result of the Performance Arts and Cultural Facility project outcome in June 2017, a Performance Arts Workshop was held in July 2017 which included members of the cultural arts community. Ms O'Byrne advised a report was produced from the workshop and was provided to elected members by email. Ms O'Byrne advised the report findings informed the petition and outlined how its recommendations would grow local community awareness and participation and would give a shorter term solution across the 22 suburbs of the City focusing on opening up existing public and private facilities for use.

Ms O'Byrne stated the report recommendations reflect a more reasonable cost to ratepayers and has other local government participation and major state and federal funding.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously approved**

Cr Russ Fishwick, JP	27 August to 10 September 2020 inclusive;
Cr Russell Poliwka	2 to 12 September 2020 inclusive.

REPORTS

ITEM 1 DEVELOPMENT AND SUBDIVISION APPLICATIONS – JULY 2020

WARD	All			
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development			
FILE NUMBER	07032; 101515			
ATTACHMENTS	Attachment 1	Monthly Development Determined - July 2020	Applications	
	Attachment 2	Monthly Subdivision Processed - July 2020	Applications	
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 during July 2020.

EXECUTIVE SUMMARY

Schedule 2 (deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer (CEO), who in turn has delegated them to employees of the City.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of development and subdivision applications. The framework for the delegations of those powers is set out in resolutions by Council and is reviewed annually, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during July 2020 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during July 2020 (Attachment 2 refers).

BACKGROUND

Clause 82 of schedule 2 (deemed provisions for local planning schemes) of the Regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

At its meeting held on 23 June 2020 (CJ079-06/20 refers), Council considered and adopted the most recent *Town Planning Delegations*.

DETAILS

Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during July 2020 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	9	7
Strata subdivision applications	21	37
TOTAL	30	44

Of the 30 subdivision referrals, 24 were to subdivide in housing opportunity areas, with the potential for 38 additional lots.

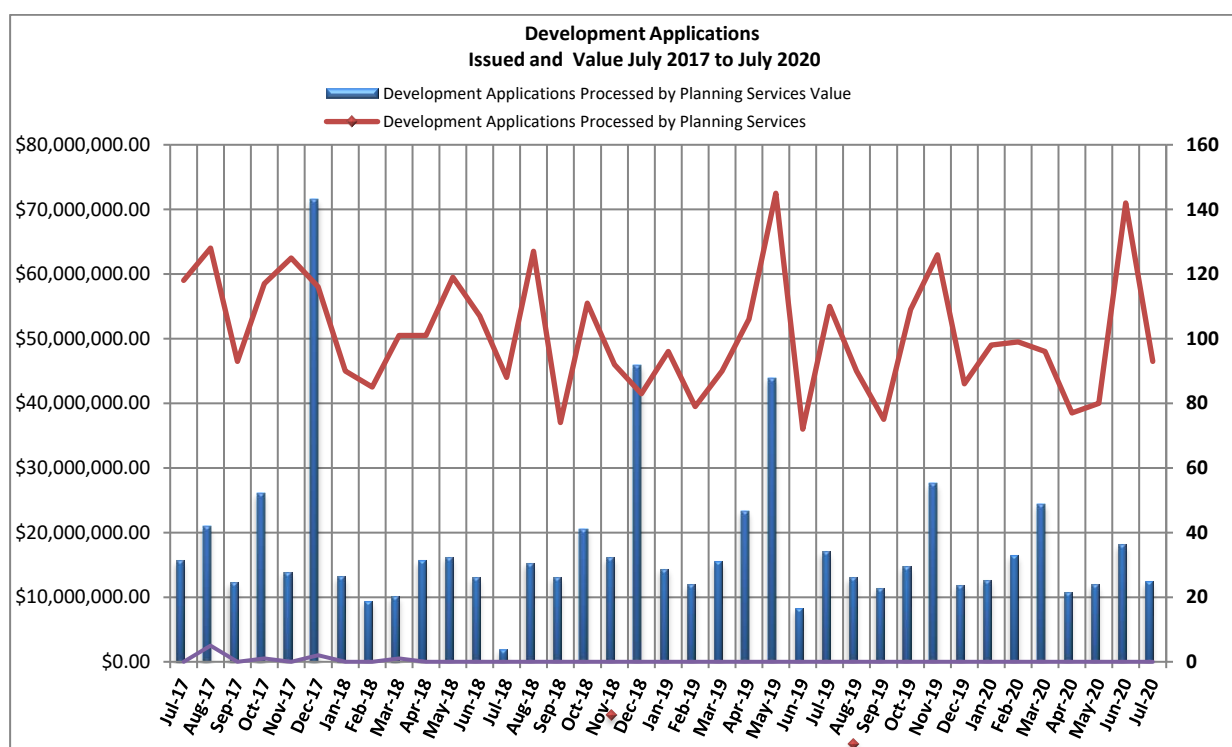
Development applications

The number of development applications determined under delegated authority during July 2020 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	93	\$12,358,434
TOTAL	93	\$12,358,434

Of the 93 development applications, 14 were for new dwelling developments in housing opportunity areas, proposing a total of 14 additional dwellings.

The total number and value of development applications determined between July 2017 and July 2020 is illustrated in the graph below:



The number of development applications received during July 2020 was 143.

The number of development applications current at the end of July was 210. Of these, 10 were pending further information from applicants and 13 were being advertised for public comment.

In addition to the above, 248 building permits were issued during the month of July with an estimated construction value of \$20,022,729.

Issues and options considered

Not applicable.

Legislation / Strategic Community Plan / Policy implications

Legislation	<i>City of Joondalup Local Planning Scheme No. 3. Planning and Development (Local Planning Schemes) Regulations 2015.</i>
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Strategic Community Plan

Key theme	Quality Urban Environment.
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Objective	Quality built outcomes.
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Strategic initiative	Buildings and landscaping is suitable for the immediate environment and reflect community values.
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Policy	Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that may apply to the particular development.
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Clause 82 of schedule 2 of the Regulations permits the local government to delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties. Development applications were determined in accordance with the delegations made under Clause 82 of schedule 2 of the Regulations.

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 93 development applications were determined for the month of July with a total amount of \$47,134.27 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 LPS3 and the Regulations.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the determinations and recommendations made under delegated authority in relation to the:

- 1 development applications described in Attachment 1 to this Report during July 2020;**
- 2 subdivision applications described in Attachment 2 to this Report during July 2020.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf200908.pdf](#)

ITEM 2 PROPOSED SIX GROUPED DWELLINGS (AGED OR DEPENDENT PERSONS' DWELLINGS) AT LOTS 531 (16) AND 532 (18) MYAREE WAY, DUNCRAIG

WARD	South		
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development		
FILE NUMBER	10090; 33097; 101515		
ATTACHMENTS	Attachment 1	Location Plan	
	Attachment 2	Development Plans	
	Attachment 3	Landscaping Concept Plan	
	Attachment 4	Applicants Statement Addressing <i>State Planning Policy 7: Design of the Built Environment</i> (SPP7)	
	Attachment 5	Acoustic Statement Addressing <i>State Planning Policy 5.4: Road and Rail Noise</i> (SPP5.4)	
	Attachment 6	Environmentally	Sustainable Design Checklist
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 a development application for six grouped dwellings (aged or dependent persons' dwellings) at Lots 531 (16) and 532 (18) Myaree Way, Duncraig.

EXECUTIVE SUMMARY

An application for development approval has been received for six single storey grouped dwellings (aged or dependent persons' dwellings) at Lots 531 (16) and 532 (18) Myaree Way, Duncraig (subject site).

The proposed development extends across two lots, which are proposed to be amalgamated.

The subject site is zoned 'Residential' and has a residential density code of R20 under the City's *Local Planning Scheme No. 3* (LPS3). The site is not located in a Housing Opportunity Area. The land use 'Grouped Dwelling' is a permitted ("P") use in the 'Residential' zone under LPS3.

The development is primarily subject to the requirements of LPS3, the City's *Residential Development Local Planning Policy* (RDLPP), *State Planning Policy 7.3 Residential Design Codes - Volume 1* (R-Codes) and *State Planning Policy 5.4: Road and Rail Noise* (SPP5.4).

The application was advertised in accordance with the City's *Planning Consultation Local Planning Policy* for a period of 21 days between 26 June 2020 and 17 July 2020. Advertising included letters to surrounding landowners/occupiers, a sign on site and a notice on the City's website. Nine submissions were received, eight objecting to the proposal and one neutral submission.

The application is required to be determined by Council as the development is for more than five grouped dwellings.

It is considered that the proposed development satisfies the requirements of the LPS3, RDLPP, R-Codes and SPP5.4. It is therefore recommended that the application is approved, subject to conditions.

BACKGROUND

Suburb/Location	Lot 531 (16) and 532 (18) Myaree Way, Duncraig.
Applicant	JMB Coastal Pty Ltd.
Owner	JMB Coastal Pty Ltd.
Zoning	LPS3 Residential, R20.
	MRS Urban.
Site area	1,449.666m ² (combined).
Structure plan	None applicable.

The subject site currently accommodates two separate single storey dwellings, and is bound by Myaree Way to the north and residential lots to the west, east and south (Attachment 1 refers).

The subject site is zoned 'Residential' and has a residential density code of R20 under the LPS3. The site is not located in a Housing Opportunity Area. The land use 'Grouped Dwelling' is a permitted ("P") use in the 'Residential' zone under Table 3 - Zoning Table of LPS3.

An 'aged person' is defined under the R-Codes as "a person who is aged 55 years or over", and a 'dependent person' is defined under the R-Codes as "a person with a recognised form of disability requiring special accommodation for independent living or special care".

In accordance with clause 26(3) of LPS3, for lots in the Residential zone with a density code of R20, the provision of the R40 density code applies for the purpose of 'aged or dependent persons dwellings' provided:

- (a) the site area is a minimum of 1,100m²
- (b) the development consists of a minimum of five dwellings
- (c) no portion of a dwelling is vertically above another dwelling.

The proposed development meets the above criteria and as such has been assessed against the relevant R40 density code provisions of the R-Codes and RDLPP.

DETAILS

The proposed development consists of the following:

- Six single storey 'aged or dependent persons' dwellings' over two lots, which are in the process of being amalgamated.
- Each dwelling has two bedrooms and an interchangeable third bedroom/study, and two bathrooms.

- Rendered brick walls with a rendered blade feature to the front elevation and colorbond roofing.
- A six metre wide crossover and four metre wide communal street (driveway/pedestrian path) accessed via Myaree Way.
- Double garages with two parking bays for units 1 and 2, and one parking bay for units 3, 4, 5 and 6.
- A formal visitor parking bay next to the street boundary.
- Front fencing, which is solid to a height of 1.2 metres, with infill panelling to a maximum overall height of 1.8 metres from natural ground level.

The development plans, landscaping concept plan and statement against the design principles of *State Planning Policy 7: Design of the Built Environment* (SPP7) are provided in Attachments 2 to 4 of this Report.

Joondalup Design Reference Panel (JDRP)

The proposal was presented to the JDRP on 20 May 2020. The issues raised by JDRP, the applicant's response and the City's comments on these are summarised in the table below:

No.	JDRP Comment	Applicant Response	City Comment
1	The site appears to be overdeveloped due to the setbacks, limited landscaping and available open space for each dwelling.	Updated plans have significantly reduced the encroachment on neighbouring lots with a compliant boundary wall to the southern lot boundary.	In addition to now meeting the deemed-to-comply requirements for setbacks/boundary wall requirements to the parent lot boundaries, the plot ratio area of each dwelling has been reduced, the total amount of landscaping has been increased and the open space provision for the overall development site meets the deemed-to-comply requirement of the R-Codes.
2	The development does not address Myaree Way which results in minimal activation and lack of relationship with the public realm. It is recommended that the proposal be modified so the front two dwellings are orientated towards the primary street.	Updated plans have been provided which ensure both front units address Myaree Way, which we agree is a better outcome than the original design.	The plans have been amended to ensure the development meets the street setback requirement to Myaree Way. Units 1 and 2 have been reorientated to ensure they address the street and now include a porch and a front entry to the dwelling to improve the relationship with the street.
3	Some bedroom windows of dwellings face each other, which may result in	The updated plans have alleviated this for the front and rear units. In relation to the middle units, there is	The development meets the deemed-to-comply requirements of the R-

No.	JDRP Comment	Applicant Response	City Comment
	privacy issues between dwellings.	8 metres between the full-sized secondary bedroom windows and 5.6 metres for the study rooms. The windows will be partially screened by landscaping and we install roller blinds on all our homes, which will provide further privacy for residents.	Codes in respect to visual privacy.
4	<p>There is a lack of landscaping proposed on site (no onsite trees and minimal shrubs).</p> <p>A landscaping plan is required to demonstrate the species, size and location of vegetation onsite.</p> <p>It is also recommended that the turf be reconsidered.</p>	<p>Artificial turf has been removed from the updated submission.</p> <p>A landscape architect has been appointed to provide a landscaping concept plan in respect to the vegetation and treatment of landscaped areas on site and within the verge.</p>	<p>The applicant has provided a landscaping concept plan which has been reviewed by the City and is generally consistent with the City's requirements for an application such as this.</p> <p>If approved, it is recommended a condition is included to require the lodgement and approval of a formalised landscaping plan.</p>
5	<p>The retention of large mature trees on site should be considered.</p> <p>A communal open space could contain these trees and provide an outdoor space for residents to congregate and encourage social interaction.</p>	<p>Unfortunately, the size and position of the existing trees on site means that we would not be able to retain them.</p> <p>Large gum trees are likely to create additional garden maintenance for residents, which is not the aim in a development of this nature.</p> <p>There is insufficient space for a communal open space and given the number of community facilities close by residents have other options to meet socially, including within the dwellings themselves.</p>	<p>Communal open space is not required under the R-Codes for a development of this scale.</p> <p>Existing trees are currently not required to be retained on site for a development such as this.</p>
6	The drying courts and space around them are very small and will be difficult to access. It is also noted that some of these spaces are impractical and are unlikely to be used effectively.	<p>The updated plans have removed any intrusions on drying courts from services (air-conditioning units).</p> <p>Each unit has a designated drying court area with enough space to accommodate clothes drying.</p> <p>All drying courts are connected to the laundries,</p>	<p>The proposed drying courts are adjacent to the laundry of each dwelling and do not impact on the outdoor living areas.</p> <p>There are no provisions under the R-Codes regarding the size and dimension of drying courts, however due to the size and nature of the</p>

No.	JDRP Comment	Applicant Response	City Comment
		which is not the case in many over 55 developments. Whilst small in some units we believe the areas will be functional for the targeted residents.	dwellings these areas are considered acceptable.
7	The length of the rear boundary wall is of a concern. It is also noted that there may be stormwater run-off issues due to the length and position of this wall.	Agree with the feedback. The rear boundary walls have been reduced significantly in the updated design, eliminating this issue.	The lot boundary wall to the southern boundary has been amended so it now meets the deemed-to-comply requirements of the R-Codes.
8	No separate pedestrian access has been provided for residents and visitors. This needs to be considered in the context of the development being for persons who may have physical conditions or impairments.	The driveway width has been increased to 4 metres, which provides significant space for pedestrian access and is consistent with other over 55 developments in City of Joondalup. Pedestrian traffic through the development has theoretically been reduced by a third from the original submission given that the front units now have entry doors to Myaree Way.	Amended plans have been provided to include a separate pedestrian path and driveway within the four metre wide communal street. Although this results in a design principle assessment for the driveway width, it is considered appropriate due to the increase in pedestrian safety on site and in the context of this particular proposal.
9	The level/grade of the driveway should be reviewed as it appears the slope is quite steep. This may impact pedestrian and vehicle access to the site.	The level differences between the East and West sides of the development have been reduced, which results in only a minor slope in the driveway. We don't believe this is an impediment to pedestrian access.	The development plans have been reviewed by the City and no issues have been identified in relation to the gradient of the driveway for pedestrian access.
10	It is considered that the development does not achieve the design principles of SPP7 as it does not enhance the streetscape or amenity of the locality. Limited landscaping, activation of the street and overdevelopment of the site all impact the design and aesthetics of the development.	We believe that the updated submission now addresses and enhances the streetscape with the amended design of the front units. Encroachment on external boundaries to the neighbours has been reduced to only one lot boundary wall to the rear. Landscaping has also been increased as indicated in the landscaping concept	The combination of reduced plot ratio, increase in open space, amended lot and street boundary setbacks to parent lot boundaries, increase in appropriate landscaping and reorientation of units 1 and 2 towards Myaree Way improves the appearance of the development. It is considered that the development will not have

No.	JDRP Comment	Applicant Response	City Comment
		plan prepared by our Landscape Architect.	a detrimental impact on the character of the locality or existing/desired streetscape.

Planning Assessment

The City has completed an assessment of the proposal and the application is considered to comply with the majority of the ‘deemed-to-comply’ development standards of the, RDLPP and R-Codes with the exception of the following:

Street setbacks

In accordance with the ‘deemed-to-comply’ requirements of clause 5.1.2 of the R-Codes, units 3, 4, 5 and 6 which front the communal street are required to have a setback of 2.5 metres to the dwelling and 1.5 metres to a porch. However, the applicant proposes a minimum setback of nil to units 5 and 6 and a minimum setback of 1.6 metres to the dwelling of units 3 and 4 from the communal street boundary.

As the development does not comply with the relevant ‘deemed-to-comply’ requirements of the R-Codes, the proposal is required to be assessed against the applicable ‘design principles’ which are outlined below:

“Buildings set back from street boundaries an appropriate distance to ensure they:

- *Contribute to, and are consistent with, an established streetscape;*
- *Provide adequate privacy and open space for dwellings;*
- *Accommodate site planning requirements such as parking, landscape and utilities; and*
- *Allow safety clearances for easements for essential service corridors.*

Buildings mass and form that:

- *Uses design features to affect the size and scale of the building;*
- *Uses appropriate minor projections that do not detract from the character of the streetscape.*
- *Minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*
- *Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.”*

It is considered that the proposal meets the following applicable ‘design principles’ as outlined below:

- The setbacks in question are internal to the development only and orientated towards the communal street. They are therefore not considered to impact the Myaree Way streetscape or surrounding landowners/occupiers.
- The setback of the dwellings to the communal street are generally the same so they establish a consistent internal streetscape.
- The setbacks do not impact on the privacy of the proposed dwellings or surrounding properties. Although the open space of unit 1 does not meet the ‘deemed-to-comply’ requirement, adequate open space is still provided for unit 1 and as the overall development achieves the ‘deemed-to-comply’ requirement for open space it is considered that the site is not overdeveloped.

- The total number of parking bays provided on site meets the ‘deemed-to-comply’ requirements of the R-Codes. In addition, the provision of landscaping on site is adequate.
- The development has been articulated and includes various openings to ensure the mass and form of the development does not impact the streetscape or surrounding properties. In addition, the dwellings meet the ‘deemed-to-comply’ requirements of the R-Codes for plot ratio area and are single storey development which minimises their impact on the street and surrounding properties.
- All the units include porches which provide additional articulation and design features to reduce the bulk of the development.

As a result of the above, it is considered that the reduced internal setbacks to the communal street meet the applicable ‘design principles’ and therefore are supported in this instance.

Lot boundary setbacks

In accordance with the ‘deemed-to-comply’ standards of clause 5.1.3 of the R-Codes, the internal boundary walls (where not abutting a simultaneously constructed wall) are to be a maximum length of 2/3rd the length of the lot boundary.

The proposed dwellings generally meet the ‘deemed-to-comply’ setbacks under clause 5.1.3 and Table 2a and 2b of the R-Codes, excluding the following:

Boundary Wall	Deemed-to-comply Standard	Proposed
Unit 1, southern lot boundary wall – garage, ensuite, bed 1 (internal)	9.2 metres in length	9.45 metres in length
Unit 2, southern lot boundary wall – garage, ensuite, bed 1 (internal)	9.2 metres in length	9.45 metres in length

As the development does not comply with the relevant ‘deemed-to-comply’ standards of the R-Codes, the proposal is required to be assessed against the applicable ‘design principles’ which are outlined below:

“Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

Buildings built up to boundaries (other than the street boundary) where this:

- *Makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;*
- *Does not compromise the design principle contained in clause 5.1.3 P3.1;*
- *Does not have any adverse impact on the amenity of the adjoining property;*
- *Ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and*
- *Positively contributes to the prevailing or future development context and streetscape as outlined in the local planning framework.”*

It is considered that the proposal meets the following applicable 'design principles' as outlined below:

- The lot boundary walls that do not meet the 'deemed-to-comply' standards relate only to the internal lot boundaries between the proposed new dwellings. Therefore, they have no impact on existing neighbours.
- The additional lengths of wall are considered minor in nature (0.25 metres) and will not significantly impact sunlight, visual amenity or ventilation of the adjoining units.
- The boundary walls are located 2.15 metres from the living room window and 2.9 metres from the alfresco area of units 3 and 4. This setback, along with the proposed landscaping adjacent to the wall, will assist in mitigating the impact/bulk of the wall on units 3 and 4.
- No overlooking or privacy issues result from the proposed boundary wall length and in fact, the walls provide greater privacy between units in this instance.

As a result, it is considered that the proposed boundary wall lengths meet the applicable 'design principles' of the R-Codes and are supported in this instance.

Open space

In accordance with the 'deemed-to-comply' standards of clause 5.1.4 of the R-Codes, open space is required to be provided in accordance with Table 1 of the R-Codes. For development assessed under the R40 coding, the standard is 45%. However, the proposed open space provision for unit 1 is 43%.

As the development does not comply with the relevant 'deemed-to-comply' of the R-Codes, the proposal is required to be assessed against the applicable 'design principles' which are outlined below:

"Development incorporates suitable open space for its context to:

- *Reflect the existing and/or desired streetscape character or as outlined under the local planning framework;*
- *Provide access to natural sunlight for the dwelling;*
- *Reduce the building bulk on the site, consistent with the expectations of the applicable density code and/or as outlined in the local planning framework;*
- *Provide an attractive setting for the buildings, landscape, vegetation and streetscape;*
- *Provide opportunities for residents to use space external to the dwelling for outdoor pursuits and access within/around the site; and*
- *Provide space for external fixtures and essential facilities."*

It is considered that the proposal meets the following applicable 'design principles' as outlined below:

- Unit 1 complies with the 'deemed-to-comply' street setback requirements of the R-Codes, additional street trees are proposed within the verge next to the dwelling and the scale of the development, being single storey, is generally consistent with the majority of other dwellings within the locality.
- The development complies with the 'deemed-to-comply' requirements of the R-Codes in relation to overshadowing and therefore does not impact surrounding properties in terms of access to direct sunlight to major openings and outdoor living areas.
- Unit 1 includes major openings to ensure the dwelling has adequate access to sunlight, and the outdoor living area has a northern aspect to ensure winter sun is available for future residents.

- The development complies with the ‘deemed-to-comply’ requirements of the R-Codes in relation to lot boundary setbacks to all external parent lot boundaries and building height requirements. This ensures the overall appearance of the dwelling from surrounding properties is of a bulk and scale that does not have a detrimental impact on amenity.
- The outdoor living area of unit 1 meets the ‘deemed-to-comply’ requirements of the R-Codes in respect to the size and dimension to ensure it is appropriately sized and functional for outdoor pursuits.
- Ancillary facilities and utilities such as air conditioning units, hot water units and clothes drying areas are located outside of the outdoor living area - meaning the space and functionality of this area is not compromised.
- With the exception of unit 1, all of the other proposed dwellings meet the ‘deemed-to-comply’ requirement for open space. It is also noted that open space across the whole development site (inclusive of all dwellings) averages 45% to ensure the overall provision of open space onsite meets the ‘deemed-to-comply’ requirement of the R-Codes.
- The additional site cover for unit 1 is minor in nature and equates to an addition 4.7m² of floor space within the dwelling.

As a result, it is considered that the proposed open space provision for unit 1 meets the applicable ‘design principles’ of the R-Codes and is supported in this instance.

Landscaping

In accordance with the ‘deemed-to-comply’ requirements of clause 5.3.2 of the R-Codes, soft landscaping is required for 50% of the common property within the front setback area. In addition, all unroofed visitor car parking spaces are required to be effectively screened from the street.

The applicant has proposed a total of 34.8% landscaping in the front setback area of the common property (excluding the visitor bay) and no screening has been proposed between the visitor parking bay and the street.

As the development does not comply with the relevant ‘deemed-to-comply’ of the R-Codes, the proposal is required to be assessed against the applicable ‘design principles’ which are outlined below:

“Landscaping of grouped and multiple dwelling common property and communal open spaces that:

- *Contribute to the appearance and amenity of the development for the residents;*
- *Contribute to the streetscape;*
- *Enhance security and safety for residents;*
- *Provide for microclimate; and*
- *Retain existing trees to maintain a local sense of place.”*

It is considered that the proposal meets the following applicable ‘design principles’ as outlined below:

- Due to the width of the common property (communal street) and the width requirement for the driveway/crossover, the landscaping ‘deemed-to-comply’ requirement is not able to be achieved. Where practical and possible, the area of common property which does not form part of the driveway/crossover is generally landscaped.
- The proposed landscaping treatment to the verge, with the inclusion of street trees, assists in contributing to the streetscape.

- No communal open space is required, nor is the retention of any existing trees on site. However, replacement street trees are proposed as part of the development to assist in maintaining a local sense of place, contributing to the urban tree canopy and improving the amenity of the streetscape.
- It is considered that the location of the wheelchair accessible visitor parking bay (minimum 3.8 metres wide) maximises safety, security and accessibility for this bay as it is highly visible to visitors and avoids additional traffic along the communal street and any manoeuvring difficulties for these typically larger vehicles.
- The provision of a 'crepe myrtle' tree within the verge adjoining the visitor parking bay provides an acceptable level of screening to the streetscape. This tree species generally grows to a maximum of six metres in height and has a mid-height canopy spread of approximately 3.5 metres. This will ensure the majority of the parking bay will have a degree of screening, whilst ensuring it is still visible and easily accessible for vehicles which may have wheelchair accessibility needs.

As a result of the above, it is considered that the landscaping within the front setback area of the common property and the level of screening to the visitor parking bay meets the applicable 'design principles' of the R-Codes and is supported in this instance.

Vehicular Access

In accordance with the 'deemed-to-comply' standards of clause 5.3.5 of the R-Codes, a driveway which serves more than five dwellings is required to be four metres in width. Although the total width of the communal street is four metres, the majority of the driveway is only three metres wide as one metre is identified as a pedestrian pathway.

As the development does not comply with the relevant 'deemed-to-comply' standard of the R-Codes, the proposal is required to be assessed against the applicable 'design principles' which are outlined below:

"Vehicular access provided for each development site to provide:

- *Vehicle access safety;*
- *Reduced impact of access points on the streetscape;*
- *Legible access'*
- *Pedestrian safety;*
- *Minimal crossovers; and*
- *High quality landscaping features."*

It is considered that the proposal meets the following applicable 'design principles' as outlined below:

- The proposed configuration of the communal street allows for vehicles to drive on the three metre wide driveway, whilst leaving a one metre wide footpath for pedestrians to pass at the same time. The entire communal street is level and allows vehicles to traverse the path when no pedestrians are present, if needed, to assist in vehicle manoeuvring.
- It is considered that the communal street is a low speed and low traffic volume environment due to the number of car parking bays serviced by the driveway.
- The designation of a separate pedestrian path increases safety, so it is clear to all users of the communal street that pedestrians are to use the path and avoid walking along the driveway. This will assist in minimising conflict between pedestrians and vehicles.
- Manoeuvring in and out of garages on site is not compromised as a result of the driveway width as sufficient manoeuvring space is still maintained for vehicles to enter and exit each dwelling.

- The crossover/driveway adjacent the street boundary is six metres wide. Not only does this assist with vehicle access to the wheelchair accessible visitor bay, but also allows for two vehicles to pass each other at this point. This increases safety and reduces vehicle conflicts on site.
- The communal street configuration enables more space for landscaping adjoining the proposed dwellings.
- Only one driveway/crossover has been proposed for all six dwellings. This minimises crossovers, reduces the total amount of hardstand within the verge and front setback area and allows additional landscaping in the verge.
- The City's technical officers have reviewed the plans and have not identified any issues from a vehicle access and manoeuvring perspective, as vehicle sightlines and access are adequate.

As a result of the above, it is considered that the proposed driveway width meets the applicable 'design principles' of the R-Codes and is therefore supported in this instance.

Pedestrian access

In accordance with the 'deemed-to-comply' requirements of clause 5.3.6 of the R-Codes, a communal street or pedestrian path is to be no closer than three metres to any wall with a major opening unless privacy screening is provided. However, major openings to all units are proposed which are set back less than three metres to the communal street boundary.

As the development does not comply with the relevant 'deemed-to-comply' standard of the R-Codes, the proposal is required to be assessed against the applicable 'design principles' which are outlined below:

"Legible, safe, and direct access for pedestrians to move between communal car parking areas or public streets and individual dwellings."

It is considered that the proposal meets the following applicable 'design principle' as summarised below:

- The proposed communal street (driveway) is legible, safe and direct due to it being located centrally within the site. This, along with its width and orientation, avoids any sightline issues.
- A pedestrian path has been included to differentiate between the driveway and the footpath to increase safety of pedestrians.
- The setback of major openings to the communal street does not result in any overlooking of the neighbouring properties and provides greater surveillance of the driveway consistent with 'designing out crime' initiatives.

As detailed above, the proposed setback of major openings to the communal street does not result in any safety or access issues for pedestrians and in fact provides greater surveillance of this space from the proposed dwellings. As a result, this aspect of the proposal is considered to meet the 'design principle' of the R-Codes and it is therefore supported.

State Planning Policy 5.4: Road and Rail Noise

In accordance with *State Planning Policy 5.4 Road and Rail Noise* (SPP5.4), the subject site is potentially impacted by noise emissions from Marmion Avenue as it is located within the 200 metre trigger distance as specified under SPP5.4.

Based on the acoustic exposure forecast completed by the applicant (in accordance with the *Road and Rail Noise Guidelines*), units 1, 3 and 5 may experience noise which exceeds the outdoor noise targets under SPP5.4 by 1dB during daytime hours and 6dB during night time hours, and they are therefore likely to be subject to Quiet House Design measures. It is noted that this forecast assessment is an estimate only and does not include actual noise level readings from the site.

The applicant has confirmed that the development can comply with the Package A - Quiet House Design measures under SPP5.4 (that is insulation thickness, glazing requirements and the like), with the exception of the location of the outdoor living area for these dwellings, as they are located on the same side as the transport corridor (western wide of dwellings). As a result, SPP5.4 would typically require the submission of a Noise Management Plan by the applicant to address this.

The applicant has provided a statement from Marshall Day Acoustics dated 25 June 2020 (Attachment 5 refers) which states that a detailed Noise Management Plan is not necessary in this instance and compliance with the outdoor living area location is not required given there is a relatively low risk of exceeding the noise targets due to the distance from Marmion Avenue, level difference and the location of dwellings/fences between the street and the development site.

The above approach is considered appropriate and meets the intent and objectives of SPP5.4 in managing noise impacts on the proposed dwellings. As a result, it is recommended that a condition of approval is included which requires the dwellings to be developed in accordance with Package A - Quiet House Design measures, excluding the location of outdoor living areas, in accordance with SPP5.4.

Issues and options considered

Council may determine an application for development approval by:

- granting development approval without conditions
- granting development approval with conditions
- or
- refusing to grant development approval.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3 (LPS3).
Planning and Development (Local Planning Schemes) Regulations
2015 (Regulations).*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Building and landscape is suitable for the immediate environment and reflect community values.

Policy *Environmentally Sustainable Design Policy.
Residential Development Local Planning Policy (RDLPP).
State Planning Policy 7 Design of the Built Environment (SPP7).
State Planning Policy 7.3 Residential Design Codes - Volume 1
(R-Codes).
State Planning Policy 5.4: Road and Rail Noise (SPP5.4).*

Local Planning Scheme No.3

Clause 16 (2) of LPS3 sets out the objectives for development within the 'Residential' zone:

- *“To provide a range of housing and choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.”*

Clause 26 (3) of LPS3 allows for the development of aged or dependant persons dwellings at the R40 density code as outlined below:

“(3) For lots within the Residential zone with a density code of R20, where a dual density code does not apply, as depicted on the Scheme Map, the provisions of the R40 density code shall apply for the purpose of the development of Aged or Dependent Persons' Dwellings provided:

- a) The site is a minimum of 1,100m;*
- b) The development consists of a minimum of five dwellings;*
- c) No portion of a dwelling is vertically above another dwelling;*

For the purposes of this subclause, no variation to the minimum and average site areas for Aged and Dependent Persons' Dwellings, as stipulated in the R-Codes, shall apply.”

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or. any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (g) any local planning policy for the Scheme area;*

- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i) public transport services;*
 - (ii) public utility services;*
 - (iii) storage, management and collection of waste;*
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) access by older people and people with disability;*

- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

State Planning Policy 7.3 Residential Design Codes - Volume 1

The overall policy objectives for multiple dwellings are:

- to provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives
- to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context
- to encourage design which considers and respects heritage and local culture
- to facilitate residential development that offers future residents the opportunities for better living choices and affordability.

The overall policy objectives for the planning, governance and development processes are:

- to encourage design that is responsive to site, size and geometry of the development site
- to allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives
- to ensure clear scope for scheme objectives to influence the assessment of proposals
- to ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.

State Planning Policy 5.4: Road and Rail Noise

“The objectives of SPP5.4 are to:

- a) *Protect the community from unreasonable levels of transport noise;*
- b) *Protect strategic and other significant freight transport corridors from incompatible urban encroachment;*
- c) *Ensure transport infrastructure and land-use can mutually exist within urban corridors;*
- d) *Ensure that noise impacts are addressed as early as possible in the planning process;*
and
- e) *Encourage best practise noise mitigation design and construction standards.”*

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$2,856 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's *Environmentally Sustainable Design Checklist* (Attachment 6 refers) to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west.
- Passive shading of glass.
- Sufficient thermal mass in building materials for storing heat.
- Insulation and draught sealing.
- Renewable energy technologies which includes roof solar systems for each unit.
- Low energy technologies.
- Water efficient technologies.
- Recyclable materials.

Consultation

The application was advertised for a period of 21 days in accordance with the *Planning Consultation Local Planning Policy*. Advertising commenced on 26 June 2020 and concluded on 17 July 2020. Consultation was undertaken in the following manner:

- a letter was sent to owners and occupiers of 68 properties in the vicinity of the subject site
- a sign was installed on site
- development plans and information were made available for public viewing on the City's website and at the City's administration building.

Nine submissions were received, eight objecting to the proposal and one being a neutral submission. The key concerns raised during public consultation, along with the applicant's response to each issue, are summarised in the table below:

No.	Issues Raised	Applicant Response	City Comment
1	The development is not in keeping with the existing dwellings and streetscape along Myaree Way, and therefore will have a negative impact on surrounding properties and appeal of the neighbourhood.	Whilst we agree that the nature of these dwellings is new for the street, we would argue that brand new homes replacing the two existing dwellings at 16/18 Myaree Way will be an improvement to the streetscape. The current homes on the site are aged and rather unsightly. We have ensured that all front setback requirements of the	The amended plans ensure that the development presents well to Myaree Way and is consistent with other dwellings along the street. The front door and porch of units 1 and 2 have been relocated and a pedestrian gate added to the fence to ensure the entry is visible and

No.	Issues Raised	Applicant Response	City Comment
		<p>R-codes have been met and we are open to any further landscaping suggestions for the front verge that would alleviate this concern.</p> <p>It should be noted that the existing house at 18 Myaree Way already has a carport that sits only 2.4 metres from the boundary. In addition, the house at no 12 also has a structure the same distance from boundary. The house at 14 Myaree Way is also closer to the street front than most houses in the street. We believe this will result in our new development blending into the existing streetscape.</p>	<p>provides better activation of the streetscape.</p> <p>The provision of additional landscaping, along with minor projections, articulated elevations and differing colours/textures, ensures the design is in keeping with the streetscape character and reflects the characteristics of existing/desired housing within the locality.</p>
2	<p>Lack of visitor car parking is a concern. Having visitor bays within unit garages is misleading and occupants may use the garages for their own personal use and result in not enough parking spaces for visitors. It is highly likely visitors will park on the street resulting in increased congestion and safety concerns for exiting neighbouring properties, pedestrians and children using and playing outside on the street and vehicles driving around the corner near the proposed development.</p>	<p>We have met the visitor bay requirements of the R-codes by having a bay at the front of the development. There is also room in front of each garage that can accompany a visiting car, reducing the impact on street parking.</p> <p>We note that in addition there is approximately 32 metres of verge in front of the development, allowing legal verge visitor parking. We believe that this additional frontage would mean that neighbouring properties are not significantly impacted.</p>	<p>The total number of resident and visitor parking bays provided onsite complies with the 'deemed-to-comply' requirements of the R-Codes.</p> <p>A total of eight resident bays are proposed (in lieu of six bays required) and one wheelchair accessible visitor bay (one bay required) onsite, which exceeds the total number of bays required by two bays.</p>
3	<p>The setback of the dwellings does not align with the existing houses within the street and will impact the amenity of the streetscape.</p>	<p>Please see comment above at point 1 in relation to setbacks. We have met the R-code front setback average requirement.</p>	<p>Amended plans have been provided so that the proposed dwellings are set back from Myaree Way in accordance with the 'deemed-to-comply' setback requirements under the R-Codes.</p>

No.	Issues Raised	Applicant Response	City Comment
4	The addition of six dwellings will create additional traffic along the street. Due to the nature of the residences (aged/dependent care) there will be a higher than normal amount of car traffic to and from each of these dwellings.	We don't agree that the nature of the homes (aged / dependent care dwellings) would receive further car traffic than a standard residential home. Whilst the increased number of dwellings may result in some higher level of car traffic all visitor and resident car parking bays per the R-codes have been met with our submission.	The total number of parking bays provided onsite exceeds the 'deemed-to-comply' requirement for resident bays and meets that required for visitor parking under the R-Codes. Although traffic may increase due to the number of proposed dwellings compared to that currently existing, the road network is capable of accommodating the additional vehicle movements generated by the development.
5	The accessible path from the street frontage does not appear to be provided with levels indicating gradient steeper than 1:14.	Pedestrian street frontage access is via the widened driveway. We believe the levels of this access are compliant. We will defer to the City to outline any exception in this regard.	The level/gradient of the driveway is not a planning consideration under the R-Codes; however, this aspect of the development has been reviewed by the City and the proposed slope is not considered to significantly impact pedestrian access to the dwellings.
6	The internal width of passages needs meet the requirements of the R-Codes for aged/dependent persons. Unit 1 passage to bed 1 does not appear to comply with C2.3ii - 1,200 millimetre minimum. In addition, the air conditioning unit for unit 1 is located within the visitor bay which reduces the overall width to less than 3.8 metres. Unit 2 entry porch appears not to comply with C2.2ii. Unit 3 and 4 entry passage does appear to comply with C2.3ii – 1,200 millimetre minimum.	Amended plans will be provided to increase corridor to 1,200 millimetre. The air-conditioning unit will be moved from that positioning. This was an oversight on our behalf. C2.2ii mentions level entry to front doors. We have no sills on the entry door and therefore believe it to be compliant. We will defer to the City to notify of any issue here.	The amended plans ensure that the minimum internal width of passageways meet the 'deemed-to-comply' requirements of the R-Codes.

No.	Issues Raised	Applicant Response	City Comment
7	The existing infrastructure within the street does not have the capacity to accommodate the additional dwellings. The verge does not have any footpath access, so all residents will need to use the carriageway for pedestrian movement.	The driveway has been widened as per Council's initial feedback to allow pedestrian access to dwellings and the access pathways to the front two units have been included as requested.	In accordance with the State Government's <i>Liveable Neighbourhoods</i> , Myaree Way (being categorised as an Access Street) does not require a pedestrian footpath within the verge. Additionally, the pedestrian movements generated by the development alone do not constitute the need for a public footpath in this instance.
8	The development has achieved very little ratio of green versus hard surface and we consider this will have a negative impact on the environment, increase heat generation, does not support the overall comfort of occupants and does not reflect the values of the immediate Myaree Way community. In addition, we do not believe these discretions are in keeping with the City of Joondalup <i>Leafy City Program</i> or the <i>Strategic Community Plan 2012-2022</i> .	We have provided the landscaping plan, which has been reviewed by Council's Landscape Architect, which didn't result in an opinion of a lack of landscaping. If this is a concern of Council as mentioned previously, we are open to the inclusion of further landscaping in the development. The nature of aged dwellings is for low maintenance homes, which drives a more minimalistic approach to gardens.	Amended plans have been provided to increase the proportion of open space on site, along with a landscaping concept plan which is generally consistent with the City's requirements. It is recommended that a condition is included if the application is approved which requires the lodgement and approval of a landscaping plan to the specification and satisfaction of the City to ensure the level of landscaping proposed is provided and maintained onsite.
9	The setbacks of the dwellings to the neighbouring properties may result in noise issues between residences.	We disagree with this assessment. The proximity of the houses to neighbouring properties does not increase noise. Noise levels are the result of the activity of the future residents. We also note that the neighbouring properties at 12 and 14 Myaree Way are set back very close to boundary.	Amended plans have been provided to ensure the development is setback from parent lot boundaries in accordance with the 'deemed-to-comply' requirements of the R-Codes.

No.	Issues Raised	Applicant Response	City Comment
10	The street frontage is not wide enough to support up to 12 bins each week when it is waste and recycling bins on the verge.	We disagree with this assessment. As noted above there is 32 metres of open verge in front of the development. This is ample room for bins.	The width of the subject site will allow for bins to be placed on the verge for collection.
11	Whilst we appreciate the communal street (driveway) is wider than required we believe vehicles will take precedent over pedestrians, who are potentially frail or use mobility aids or who are simply taking bins out to Myaree Way could be in danger without a designated pedestrian access way.	We have addressed the pedestrian access concerns of the City by widening the driveway. Given two of the units are street fronted, that reduces pedestrian risk further. Updated plans will show a different coloured paver defining the pedestrian access component of the driveway.	Amended plans have been provided to differentiate between the driveway and pedestrian path. This will aid in minimising conflicts between vehicles and pedestrians onsite.

COMMENT

As outlined above, it is considered that the development is appropriate in the context of its location and meets the relevant requirements of LPS3, RDLPP, R-Codes and SPP5.4.

The application is therefore recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **APPROVES** under clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 24 April 2020 submitted by JMB Coastal Pty Ltd for the proposed Grouped Dwelling (six new aged or dependent persons' dwellings) at Lot 531 (16) and 532 (18) Myaree Way, Duncraig, subject to the following conditions:

- 1 This approval relates to the six new aged or dependant persons' dwellings only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot;
- 2 The lots included as part of this application shall be amalgamated prior to occupancy certification;

- 3 At least one permanent occupant of each dwelling shall be an aged or dependent person or the surviving spouse of that person, as defined under the *Residential Design Codes*;
- 4 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense, and lodged with the City of Joondalup for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:

"At least one permanent occupant of the dwelling(s) shall be an aged or dependent person or the surviving spouse of that person in accordance with State Planning Policy 7.3: Residential Design Codes.";
- 5 A notification, pursuant to section 70A of the *Transfer of Land Act 1893*, shall be placed on the certificate of title for the subject lot. The notification shall be at the owner/applicants' expense, and lodged with the City of Joondalup for execution prior to commencement of development, and placed on the certificate of title prior to occupation of the development. The notification is to state as follows:

"This lot is in the vicinity of a transport corridor and is affected, or may in the future be affected, by road and rail transport noise. Road and rail transport noise levels may rise or fall over time depending on the type and volume of traffic.";
- 6 The proposed development shall be constructed to comply with the relevant provisions of *State Planning Policy 5.4: Road and Rail Noise* (and the associated Guidelines) prior to occupation of the development;
- 7 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 8 All development shall be contained within the property boundaries;
- 9 The driveway, pedestrian path and crossover are to be designed and constructed to the satisfaction of the City prior to occupation of the dwellings;
- 10 The applicant shall remove the existing crossovers and make good the verge to the satisfaction of the City, within 28 days of the completion of construction of the new crossover;
- 11 Boundary walls and retaining walls shall be of a clean finish and made good to the satisfaction of the City;
- 12 The designated visitor parking bay adjacent to unit 1 and Myaree Way, as depicted on the approved plans, shall remain unobstructed and permanently marked as a 'visitor bay' to the satisfaction of the City;
- 13 A landscaping plan shall be submitted to, and approved by, the City prior to the development first being occupied. The plan is required to detail the landscaping of all common property areas within the development site and address the applicable 'deemed-to-comply' and/or 'design principles' of clause 5.3.2 under the *Residential Design Codes*. Landscaping shall be planted prior to occupation of the development and maintained thereafter, to the satisfaction of the City;

- 14 **A permanent, enclosed storage area which complies with the ‘deemed-to-comply’ requirements of clause 5.4.4 of the *Residential Design Codes* shall be provided onsite for each dwelling, as depicted on the approved plans. Each storage area shall be maintained to the satisfaction of the City and not be used for the parking of vehicles;**
- 15 **Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City;**
- 16 **Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site prior to the occupation of the development, to the satisfaction of the City;**
- 17 **The ‘selected infill’ to the front fence as indicated on the approved plans shall be visually permeable as defined in the *Residential Design Codes*.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf200908.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Ms Dale Page, Director Planning and Community Development.
Item No./Subject	Item 3 - Proposed Eight Multiple Dwellings at Lot 281 (62) Banks Avenue, Hillarys.
Nature of interest	Interest that may affect impartiality.
Extent of Interest	The developer, Jacques Van Rooyen is known to Ms Page.

**ITEM 3 PROPOSED EIGHT MULTIPLE DWELLINGS AT
LOT 281 (62) BANKS AVENUE, HILLARYS**

WARD South-West Ward

**RESPONSIBLE
MANAGER** Mr Chris Leigh
Planning Services

FILE NUMBER 51487; 101515

ATTACHMENTS	
Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Building Perspectives
Attachment 4	Landscaping Plan
Attachment 5	Waste Management Plan
Attachment 6	Applicant's Submission Against SPP7.3, and SPP7.0 and Liveable Housing Design
Attachment 7	Summary of Submissions Received
Attachment 8	Summary of Assessment Against WACP and SPP7.3
Attachment 9	Environmentally Sustainable Design - Checklist

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.
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PURPOSE

For Council to determine a development application for eight multiple dwellings at Lot 281 (62) Banks Avenue, Hillarys.

EXECUTIVE SUMMARY

An application for development approval has been received for eight multiple dwellings at Lot 281 (62) Banks Avenue, Hillarys. The proposed development is three storeys, comprising a car park, lobby and storerooms on the ground floor and four dwellings each on the first and second floors.

The subject site is zoned 'Centre' under City of Joondalup *Local Planning Scheme No. 3* (LPS3) and is located within the Whitfords Activity Centre, therefore subject to the requirements of the *Whitford Activity Centre Plan* (WACP). Under the WACP the site is within the Banks District, with a density code of R80. The site is also located within the Housing Opportunity Area 5.

The development is primarily subject to the requirements of the LPS3, WACP and *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* (SPP7.3).

The application was advertised for a period of 21 days by way of 18 letters to surrounding landowners/occupiers, a sign on site and notice on the City's website, concluding on 27 July 2020. Two submissions were received, both opposing certain aspects of the proposed development.

The application is required to be determined by Council as the development is for more than five multiple dwellings.

It is considered that the proposed development satisfies the requirements of LPS3, WACP and SPP7.3. It is therefore recommended that the application is approved, subject to conditions.

BACKGROUND

Suburb/Location	Lot 281 (62) Banks Avenue, Hillarys.
Applicant	Jacques Van Rooyen.
Owner	Lucien Currie.
Zoning	LPS3 Centre.
	MRS Urban.
Site area	684m ² .
Structure plan	Whitford Activity Centre Structure Plan (Banks District).

The subject site is currently vacant and is bound by single storey dwellings to the eastern, southern and western boundaries, and Whitfords Shopping Centre to the north (Attachment 1 refers).

The development site and surrounding properties to the eastern and western boundaries are located within the Banks District of the WACP with a density coding of R80. The site is located on the southern edge of the *Whitfords Activity Centre Plan* as well as being located in Housing Opportunity Area 5.

Properties immediately south of the site are zoned Residential R20/60 and located outside of the activity centre plan area. The two lots immediately behind the site have been recently subdivided and developed at the higher density code.

Development in surrounding streets comprises predominantly single storey houses however two multiple dwelling developments and two mixed use developments have been constructed within 700 metres of the subject site. The mixed used developments are both within the Banks District of the WACP.

A planning approval was granted in May 2019 for a mixed use development on the subject site. The approval consists of four commercial tenancies, seven multiple dwellings, a roof terrace and ground floor car park over four storeys. A maximum height of 13.7 metres to the roof (14.7 metres to the lift shaft) is approved. It should be noted that this application was assessed under the Part 6 of the Residential Design Codes, which has now been superseded by *State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments*. This approval remains valid until May 2023.

DETAILS

The proposed development comprises the following:

- Eight multiple dwellings within a three-storey building. Two dwellings are one bedroom, four dwellings are two bedroom and two dwellings are three bedroom. These are evenly distributed between the first and second floor.
- A concealed roof design with render, contrast render, feature cladding and vertical timber screens within the primary street façade.
- A ground level car park, consisting of twelve resident parking bays and two visitor parking bays.
- Pedestrian entry from Banks Avenue, with an internal common stairwell and lift.
- Eight storerooms, a bin store and an informal communal area with seating in the lobby area.

The development plans and supporting information for the development are provided at Attachments 2 to 5 to this Report.

Joondalup Design Reference Panel (JDRP)

The proposal was presented to the JDRP on 17 June 2020. A summary of the JDRP comments, as well as the applicant's response to these items is included in the table below:

Summary of Design Reference Panel comments	Summary of Applicant response
<p>Concerns were raised regarding the overall aesthetic of the development, particularly in relation to the ground floor front façade. The elevations to the front and rear of the building are not very attractive and give a very clinical look and feel to the building.</p> <p>A lack of connection between the street and the ground floor of the development at the ground floor level was noted.</p> <p>The possibility of installing a 'green wall' was raised to reduce the amount of rendered brickwork as viewed from the street.</p> <p>It was suggested that some thought to be put into the door to the carpark as it is not very pleasing to look at.</p>	<p>Amended plans have been provided articulating the ground floor front façade by:</p> <ul style="list-style-type: none"> • increasing glazing to the communal/lobby area; • removing the garage door (roller door now located internal to car park, nine metres from the front boundary); • including angled timber screens which tie in with the screening located on the balconies above; • the roof to the carpark is now articulated to reduce the bulk as viewed from the upper floor balconies; and • the pedestrian door and roller door to the parking area have been removed, with the visitor bays now accessible to the street.
<p>The option to relocate the lift doors to the south of the lift was raised to prevent doors opening directly facing the entrances of units 1 and 5.</p>	<p>The option to relocate the doors of the lift was explored by the applicant, however no changes were made as the ground floor was reconfigured to include a storeroom to the south of the lift and the change would result in an increased boundary wall length to the western boundary and reduced light to the corridors.</p>

Summary of Design Reference Panel comments	Summary of Applicant response
<p>It was noted that the sliding doors to units 2 and 6 balcony are smaller than the sliding doors of units 1 and 5. It was suggested to investigate widening the doorways to match.</p> <p>It was queried whether the sliding doors were double-glazed and suggested that, if not, double-glazing is included.</p>	<p>Sliding doors have been increased in size to tie in with the other sliding doors.</p> <p>No details have been provided as to whether doors are double glazed. The applicant did state that they will consider the use of double glazing, however this information has not been provided on the submitted plans.</p>
<p>It was questioned whether the communal open space on the ground could be moved to the roof as it does not seem to be very functional where it currently is and does not seem to be true open space as it technically is enclosed.</p> <p>It was suggested to remove the communal open space to allow for a better outcome at the front.</p>	<p>The communal space was originally on the roof, however relocated to the ground floor for accessibility requirements. A formal communal space is not required under the R-Codes, so the proposed lobby/communal area provides an informal space for residents and visitors.</p>
<p>It was advised that the toilet located within the ground floor communal area is not required and does not add any value.</p>	<p>The toilet on the ground floor has been removed from the plans.</p>
<p>It was discussed whether there is the possibility to remove the pedestrian path adjacent to the front façade and replace it with plantings consistent with the verge area.</p>	<p>The pedestrian footpath which ran along the frontage of the building has been removed and replaced with landscaping.</p>
<p>It was noted that the plant numbers are fairly minimal, but the Panel recognised the addition of the three trees.</p> <p>The location of the deep soil areas at the back of the carpark was queried. It was also queried whether planting near the sewer line is possible and recommended that the application confirm with the Water Corporation.</p>	<p>A small increase in landscaping has been included in the amended plans to replace the footpath to the front of the building. The WACP provides for a 1 metre setback to the street and a nil setback to side boundaries. Landscaping reflects the desired built form for the area.</p> <p>The applicant has not provided any comments in relation to the proximity of the trees to the existing sewer line along the southern boundary.</p>
<p>Queried whether a 'green wall' could be added to the rear elevation and street frontage to soften the bulk of the building.</p>	<p>Articulation added to the front façade and roof of ground floor parking area however no green wall has been included.</p>
<p>It was commented that the rear units look a bit dark and suggested looking at options to create more natural light into these units, possibly through reconfiguring the balconies.</p>	<p>Plans have been amended to include highlight windows to units 7 and 8 above the kitchen cabinets.</p>
<p>Access to the visitor car bays was questioned as they are located behind the roller door.</p>	<p>Amended plans have been provided which relocate the roller door internally to the car park. Visitor bays are now open to the street and accessible to visitors.</p>
<p>Fire safety issues were queried in relation to the building certification, especially pertaining to the</p>	<p>This has not been addressed by the applicant, however, if planning approval</p>

Summary of Design Reference Panel comments	Summary of Applicant response
separation of units 2 and 4 and whether it complies with building separation requirements.	is granted, the applicant will need to obtain a building permit, where appropriate fire separation will need to be demonstrated.

Whilst the majority of concerns raised by the JDRP have been satisfied, the City considers that there are some issues that are not fully addressed which are discussed below:

- The proximity of the tree planting to the sewer line:

Concern was raised regarding the location of planting in relation to the location of the sewer line. It was recommended that the applicant contact the Water Corporation to discuss the proposed location of the trees along the southern boundary, however no information has been received regarding any discussions. In response to this, it is a condition of approval that a landscaping plan be approved prior to the commencement of development, which will provide greater detail in relation to the permissibility of the proposed species located in close proximity to the sewer line. Although there is the possibility that these trees may be substituted for a more suitable species, this will have no significant impact on the overall development, especially as viewed from the street. It is therefore considered that this point not being addressed does not affect the recommendation or the overall outcome of the development.

- Orientation of lift doors:

The Panel raised the idea of whether the lift doors could be relocated to the southern side of the lift, resulting in them not opening directly facing the entrances to units 1 and 5. These recommendations were not incorporated into the amended plans. It is considered that whilst the relocation of the lift doors may provide for increased amenity for units 1 and 5, it would increase the length of the boundary wall on the western boundary for both the first and second floors, and result in the removal of the light well to the corridor. It is considered that as there are no windows to units 1 and 5 facing the corridor, and that the lift services only four units per floor, that the location of the lift doors will have no significant impact and can therefore be supported as per the proposed plans.

Based on the amended plans and additional information provided by the applicant, and also the above assessment and recommended conditions, it is considered that the comments and recommendations of the JDRP have been adequately addressed.

Planning assessment

An assessment has been undertaken against the relevant provisions of LPS3, the WACP, *State Planning Policy 7 Design of the Built Environment* (SPP7) and SPP7.3.

The WACP was endorsed by the WAPC on 26 July 2016. SPP7.3 became operative on 24 May 2019.

The Western Australian Planning Commission (WAPC) resolved at its meeting on 1 May 2019 that the provisions of a properly approved structure plan or activity centre plan continue to apply to the extent of any inconsistency with SPP7.3 and are not superseded by the new requirements.

As the WACP was properly endorsed by the WAPC, the requirements of the WACP prevail in the event of any inconsistency with requirements of SPP7.3.

A summary of the City's assessment against the provisions of both the WACP and applicable provisions of SPP7.3 is included in Attachment 7 to this Report, which also outlines the requirements of SPP7.3 that are replaced by the WACP.

The key design elements and the design elements noted during consultation are discussed in more detail below.

Local Planning Scheme No. 3 (LPS3)

The subject site is zoned 'Centre' under LPS3 and is subject to the requirements of the WACP. Under the WACP the site is located within the Banks District with a residential density coding of R80. The land use of 'multiple dwelling' is a discretionary or 'D' land use in the Banks District.

The discretionary land use permissibility for multiple dwellings applies to every lot in the precinct. At the R80 density code, multiple dwellings are considered to be an appropriate form of residential development. Being residential in nature, the multiple dwelling land use is consistent with the objective of the Banks District by providing a transition between the highly urbanised retail core and residential areas outside of the activity centre structure plan area.

Whitford Activity Centre Plan (WACP)

The WACP is the primary guiding document in assessing development within the Whitfords Activity Centre. It is noted that the WACP came into effect prior to SPP7.3 with the requirements of the WACP applying in the event of any inconsistency with SPP7.3.

Building height and ceiling heights

Under the WACP, a maximum building height of 13.5 metres is permissible, which generally allows for a four-storey building. A maximum building height of 11.68 metres (three storeys) is proposed.

The highest point of the building is to the lift shaft on the western boundary, which is approximately 2.4 metres deep and 2.6 metres wide and set back 7.6 metres from the primary street boundary. The remainder of the building has a maximum building height of 10.59 metres, 2.91 metres below the maximum permissible height.

Developments are required to have a minimum floor to floor height of 4.5 metres at the ground floor. This 4.5 metre height is required to provide flexibility at the ground floor for a number of different types of land uses, including non-residential land uses.

The development includes a floor to floor height of 3.43 metres. As the proposal includes only a lobby on the ground floor and no other floor space that could be adapted over time, the provision of a higher ceiling height is not considered necessary. The proposed floor to floor height, being higher than typical residential floor to floor heights, still creates an open atmosphere for the communal lobby area.

The building height and ground floor ceiling height is considered an appropriate scale for the site and results in a building that presents positively to the streetscape, meets the objectives of the WACP and is therefore supported.

Street and side setbacks

The development proposes a minimum setback of 1 metre to the primary street boundary, with balconies to the north having a nil to the primary street. This is in accordance with the setback requirements within the Banks District of the WACP and provides a consistent façade which enhances passive surveillance to the public realm.

The nil setbacks to the side lot boundaries, which are consistent with the setback requirements of the WACP, will provide a continuous building line and consistent streetscape should the surrounding lots redevelop in the future.

A 7.5 metre rear setback is required in accordance with the WACP to minimise overlooking to surrounding properties. The proposed building is set back 7.5 metres from the rear southern boundary; however the balconies are set back 6.6 metres.

Although within the rear setback area, the proposed balconies meet the acceptable outcomes and element objectives of Clause 3.5 – Visual Privacy of SPP7.3 as discussed in detail below. The location of the carpark roof and storerooms of the subject site, coupled with the alfresco roof and setback of the adjoining properties will assist in reducing direct overlooking to the adjoining dwellings, with most of the views being over the roofs.

The WACP states that covered car parking can be provided within the 7.5 metre rear setback area. The proposal includes a covered parking area and storerooms set back between 1.8 metres and 4.5 metres from the rear boundary. The covered parking and storerooms have a maximum height of 2.8 metres. It is considered as these structures are non-habitable and single storey in nature, there will be no significant impact on the adjoining properties. The storerooms will help to reduce vehicular noise as they enclose 55% of the parking area to the rear boundary, which will assist in reducing noise spill to the adjoining dwellings.

It is therefore considered that the setback of the proposal from the property boundaries is acceptable and is supported.

Street and public realm interface

The WACP requires a ‘passive frontage’ along this part of the Banks District. The WACP considers a ‘passive frontage’ includes provisions relating to pedestrian shelter, entrances, fencing and screening of visitor parking.

The proposal consists of major openings and balconies fronting the primary street, with an informal communal space and major opening on the ground floor. These elements contribute to providing passive surveillance of the street.

The main entrance to the building fronts the street and is clearly identifiable with the façade screening the parking area behind. The upper floor balconies provide shelter to the entrance and approach to the building.

It is considered that the passive surveillance provided, clear identification of the building entrance along with design details including contrasting render colours and varying materials provide visual interest and an appropriate interface with the street and public realm.

Landscaping and private open space

The WACP requires landscaping to private development that 'suits the intense urban environment of the activity centre'. Whilst the landscaping requirements of SPP7.3 do not strictly apply to the proposal, in designing the development the applicant has had regard to Tree Canopy and Deep Soil Areas (element 3.3), Communal Open Space (element 3.4), Private Open Space and Balconies (element 4.4) and Landscape Design (element 4.12).

The proposal includes a landscaping plan which consists of native planting to the verge and to the front of the building, one planter on both the first and second floors, also featuring native planting, and two medium trees located to the rear of the development (Attachment 4 refers).

The permissible 1 metre setback to the front boundary, nil setbacks to the side boundaries and no prescribed setback to parking areas to the rear, the proposed planting is reflective of these setbacks and is considered to suit the intense urban environment that is proposed in this locality. Deep soil zones are proposed to the rear of the building and will assist in screening the building from the adjoining properties and reducing overlooking from the rear balconies.

Whilst the requirement for deep soil areas and trees specified under SPP7.3 do not apply (as the WACP requirements prevail), in the context of a multiple dwelling in a highly urbanised environment, the amount of landscaping is considered sufficient to achieve the development objectives of the WACP.

Based on the above, it is considered that the landscaping for the proposed development is sufficient.

The WACP requires balconies to private residences to face the street or be designed to avoid overlooking private open space.

The development proposes street facing balconies for the dwellings at the front of the building. As discussed in further detail below, the balconies for the rear facing dwellings are considered to avoid overlooking surrounding private open space through a combination of building setback, existing and proposed structures.

It is also noted balconies have been provided that meet the minimum requirements suggested by the acceptable outcomes of SPP7.3 and are considered to be appropriately sized and functional for future residents.

Based on the above, it is considered that the balconies for the proposed development are appropriate.

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments (SPP7.3)

SPP7.3 provides the built form controls for multiple dwellings at density codes R40 and above, with these requirements applying except where replaced by requirements of the WACP.

SPP7.3 is performance based, broken up into different design elements (that is plot ratio and solar access). For each design element there are element objectives that are required to be met, in addition to the overall policy objectives. A development that satisfies these objectives is considered to meet the requirements and therefore should not be refused against the policy.

To assist in guiding the assessment against the element objectives, acceptable outcomes and design guidance is provided. These are more specific measurable requirements for each design element. SPP7.3 makes it clear that these acceptable outcomes and design guidance are not a 'deemed-to-comply' pathway and whilst meeting the acceptable outcomes is likely to achieve the element objectives, a proposal may still satisfy the objectives via alternative methods.

State Planning Policy 7 Design of the Built Environment (SPP7) is an overarching policy that establishes 10 broad principles of good design that are applicable to all planning proposals. These principles have been used to establish the policy objectives and element objectives of SPP7.3. Through a proposal meeting the objectives of SPP7.3 it is also considered to meet the requirements of SPP7.

Plot ratio

Element 2.5 Plot ratio objective states:

“O 2.5.1 The overall bulk and scale of development is appropriate for the existing or planned character of the area.”

A plot ratio of 1.0 is suggested under the acceptable outcomes, with the development proposing a plot ratio of 1.0. The proposal is 1.9m² below the acceptable outcome.

In this instance the WACP provides guidance on bulk and scale impacts of height and setback. The proposal is considered to meet the height and setback requirements of the WACP as discussed above and therefore the scale of the development is consistent with the desired future development in the area.

In considering the above, the plot ratio of the development is considered to achieve the element objective.

Visual privacy

Element 3.5 Visual Privacy objective states:

“O 3.5.1 The orientation and design of buildings, windows and balconies minimises direct overlooking of habitable rooms and private outdoor living areas within the site and of neighbouring properties, while maintaining daylight and solar access, ventilation and the external outlook of habitable rooms.”

The acceptable outcomes suggest major openings (windows) be set back from adjoining properties at a distance of 3 metres to bedrooms, studies and open walkways, 4.5 metres to habitable rooms other than bedrooms and studies (that is living rooms), and 6 metres to unenclosed private open space areas (that is balconies). The acceptable outcomes also suggest balconies be unscreened for at least 25% of their perimeter.

The design and orientation of the dwellings ensure the acceptable outcomes for visual privacy are met, thereby achieving an appropriate level of privacy between the development and adjoining residential properties. The roof of the parking structure and storerooms below, combined with the alfresco roof and setback of the adjoining properties to the south ensure no overlooking of any habitable room windows and assist in ameliorating direct overlooking to the outdoor living areas.

During community consultation, concerns were raised regarding overlooking, particularly from the balconies along the southern elevation. In response to these concerns, the applicant has agreed to include obscured balustrading to the balconies along the southern boundary to further minimise any potential for overlooking between properties.

Given the above, the development is considered to achieve the element objective pertaining to visual privacy.

Vehicle Access

Element 3.8 Vehicle Access objectives state:

- “O 3.8.1 Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.*
- O 3.8.2 Vehicle access points are designed and located to reduce visual impact on the streetscape.”*

The acceptable outcomes suggest that no structures greater than 0.75 metres in height are located within 1.5 metres where a driveway meets a public street. A section of the supporting wall to the eastern boundary is set back 1.0 metre from where the driveway meets the public street.

The development has been designed for two-way access, so a vehicle exiting the property will be approximately 3.1 metres from the wall on the eastern boundary. This will ensure that views along the street will be unobstructed and creates a safer environment for both pedestrians and cyclists.

The footpath along the verge is located 4 metres from the front boundary, which will provide minimal conflict between pedestrians and vehicles entering and exiting the site, as it allows for a vehicle to move past the property boundary before crossing the footpath, increasing views along the verge area.

Based on the above it is considered that the vehicle access arrangement proposed meets the element objectives.

Car and bicycle parking

Element 3.9 Car and bicycle parking objectives state:

- “O 3.9.1 Parking and facilities are provided for cyclists and other modes of transport.*
- O 3.9.2 Carparking provision is appropriate to the location, with reduced provision possible in areas that are highly walkable and/or have good public transport or cycle networks and/or are close to employment centres.*
- O 3.9.3 Car parking is designed to be safe and accessible.”*

The acceptable outcomes suggest a total of 10 car parking bays are required, comprising eight resident bays and two visitor bays. The development includes 10 resident bays and two visitor bays.

The number of bays provided for the dwellings and visitors is considered appropriate given the acceptable outcomes are met and given the close proximity to high frequency bus routes and Whitfords Shopping Centre which provides access to services and amenities, as well as local employment opportunities.

Visitor parking is located at the entrance of the car park and is available to visitors at all times. All resident parking is screened from the street, with visitor parking being partially screened by the use of vertical timber slats and angled rendered brickwork. The treatment of the visitor parking allows it to remain visible from the street to allow it be identifiable for visitors, whilst ensure it does not become a dominant feature on the streetscape.

A total of five bicycle parking bays are proposed, meeting the suggested acceptable outcome. Bicycle bays are located behind the secure roller door and are easily accessible for the residents of the development.

Based on the above it is considered that the car and bicycle parking proposed meets the element objectives.

Solar and daylight access

Element 4.1 Solar and daylight access objectives state:

- “O 4.1.1 In climate zones 4, 5 and 6: the development is sited and designed to optimise the number of dwellings receiving winter sunlight to private open space and via windows to habitable rooms.*
- O 4.1.2 Windows are designed and positioned to optimise daylight access for habitable rooms.*
- O 4.1.3 The development incorporates shading and glare control to minimise heat gain and glare:*
 - from mid-spring to autumn in climate zones 4, 5 and 6 AND*
 - year-round in climate zones 1 and 3.”*

The acceptable outcomes suggest 70% of dwellings being provided with at least two hours of direct sunlight between 9.00am and 3.00pm to living rooms and private open space. Given the orientation, 50% of the units meet this requirement, with units 3, 4, 7 and 8 only receiving winter sunlight to bedrooms. Highlight windows have been added to units 7 and 8 above the kitchen to maximise access of winter sunlight to the main living areas. Windows along both the northern and southern elevations for the rear units will maximise cross ventilation, with extensive glazing to the south allowing sufficient natural light. The depth of the units to the light source will optimise daylight internally.

It is therefore considered that the amount of light provided to these units is appropriate.

Private Open Space and Balconies

Element 4.4 Private open space and balconies objectives state:

- “O 4.4.1 Dwellings have good access to appropriately sized private open space that enhances residential amenity.*
- O 4.4.2 Private open space is sited, oriented and designed to enhance liveability for residents.*
- O 4.4.3 Private open space and balconies are integrated into the overall architectural form and detail of the building.”*

The acceptable outcomes suggest the size of the balcony (both the minimum dimension and minimum area) are dependent on the number of rooms within that dwelling. That is, the more bedrooms in a dwelling, the greater the private open space requirements. The suggested acceptable outcomes for private open space are a minimum 2 metre dimension being provided for all studio and one bedroom apartments (minimum area of 8m²), a minimum dimension of 2.4 metres for two bedroom apartments (minimum area of 10m²), and a minimum dimension of 2.4 metres for three bedroom units or more (minimum area of 12m²).

In all instances, each dwelling includes a balcony which is accessible from the living/dining area where the overall size of each balcony exceeds the minimum requirement suggested by the acceptable outcomes, however, there are instances where portions of some of the balconies are provided with a minimum dimension less than the suggested acceptable outcome.

Units 2 and 6, both three-bedroom dwellings, only meet the acceptable outcome in relation to the minimum area when the two 'wings' adjacent to the master bedroom and bedroom 2 are included. The balcony area excluding these 'wings' is 10.05m². The sections of balcony adjacent to the master bedroom and bedroom 2 have minimum dimension of one metre and 1.5 metres respectively. The inclusion of the balcony area adjacent to the master and bedroom 2 increases the private open space to 16.89m² and provides additional space for the provision of essential facilities, including the air conditioning unit without impacting on the useable outdoor space for recreational purposes. The balconies are directly linked to the living and dining rooms via double sliding doors which can be opened to create a larger indoor/outdoor space with a northern orientation.

The balconies to the front of the development are incorporated into the overall architecture of the building, with vertical timber screens which act to screen air condition units, but also add to the overall architectural façade of the development.

It is considered that the proposal meets the element objectives and is therefore supported.

Storage

Element 4.6 Storage objective states:

"O 4.6.1 Well-designed, functional and conveniently located storage is provided for each dwelling."

All storerooms meet the suggested acceptable outcomes and have incorporated sliding doors to maximise the useable internal space. The storerooms have a minimum internal height of 2.4 metres and are located in a position which is easily accessible for each resident. It is considered that the proposal meets both the acceptable outcomes and element objectives for storage and is therefore supported.

Waste management

Element 4.17 Waste management objectives state:

"O4.17.1 Waste storage facilities minimise negative impacts on the streetscape, building entries and the amenity of residents."

O4.17.2 Waste to landfill is minimised by providing safe and convenient bins and information for the separation and recycling of waste."

A 2.2 metre by 4.08 metre enclosed bin storage area is located in the carpark area with access via a pedestrian gate and footpath and is not visible from the primary street. The bin store is located 7.5 metres from the front boundary, allowing for ease of access for waste collection.

The City's preference for waste collection of multiple dwelling is for waste collection to be on-site, however due to the site characteristics and the location of the site, including the proximity to a school, childcare centre and shopping centre, it is considered that in this circumstance, waste collection from the verge is the preferred method of collection. A maximum of seven bins will be collected from the verge, four bins collected weekly, and seven bins collected fortnightly. The verge (excluding the crossover) is 12 metres in length which is sufficient for to accommodate seven bins on the collection day.

Whilst on-site collection was considered for the proposal, this would involve the reversing of a waste truck across the existing pedestrian footpath which creates a safety hazard for pedestrians. The existing tree located in the median strip may also impede manoeuvring of a waste truck entering the side in reverse gear.

It is therefore considered that verge collection is a safer option and could be supported in this situation. Additional details are to be provided as part of the waste management plan which will be a condition should the application be approved.

Issues and options considered

Council is required to determine whether the proposed development of eight multiple dwellings at Lot 281 (62) Banks Avenue, Hillarys is appropriate.

Council may determine an application for development approval by:

- granting development approval without conditions
- granting development approval with conditions
- or
- refusing to grant development approval.

Legislation / Strategic Community Plan / Policy implications

Legislation *City of Joondalup Local Planning Scheme No. 3 (LPS3).
Planning and Development (Local Planning Schemes) Regulations
2015 (Regulations).*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality built outcomes.

Strategic initiative Building and landscape is suitable for the immediate environment and reflect community values.

Policy *Environmentally Sustainable Design Policy.
State Planning Policy 7 Design of the Built Environment (SPP7).
State Planning Policy 7.3 Residential Design Codes Volume 2 –
Apartments (SPP7.3).*

Local Planning Scheme No.3

Clause 16 (2) of LPS3 sets out the objectives for development within the 'Centre' zone:

- *"To designate land for future development as an activity centre.*
- *To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy."*

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

"In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*

- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (d) *any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) *any policy of the Commission;*
- (f) *any policy of the State;*
- (g) *any local planning policy for the Scheme area;*
- (h) *any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) *any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) *in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*

- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
 - (i) *public transport services;*
 - (ii) *public utility services;*
 - (iii) *storage, management and collection of waste;*
 - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate;*
- (zc) *include any advice of a Design Review Panel.”*

State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments

The overall policy objectives for multiple dwellings are:

- to provide residential development of an appropriate design for the intended residential purpose, land tenure, density, place context and scheme objectives
- to encourage design consideration of the social, environmental and economic opportunities possible from new housing, and an appropriate response to local context
- to encourage design that considers and respects local heritage and culture
- to facilitate residential development that offers future residents the opportunities for better living choices and affordability when seeking a home, as well as reduced operational costs and security of investment in the long term.

The overall policy objectives for the planning, governance and development processes are:

- to encourage design that is responsive to site, size and geometry of the development site
- to allow variety and diversity of housing choices where it can be demonstrated this better reflects context or scheme objectives

- to ensure clear scope for scheme objectives to influence the assessment of proposals
- to ensure certainty in timely assessment and determination of proposals, applied consistently across State and local government.

Whitford Activity Centre Plan (WACP)

The overall objectives of the WACP that relate to urban form are:

- provide a robust and flexible urban structure and built form that is responsive to changing community aspirations, increased intensity and diversity of activity, whilst respecting the amenity of surrounding residential areas
- provide a vibrant and pedestrian friendly street based public realm
- create a unique and appropriate visual character and identity using high quality architectural, spatial and landscape design
- roofscape is to be considered as part of building design and designed to be attractive, where it can be viewed from the public realm or any viewpoint within surrounding buildings, to include future buildings.

The objectives for the Banks District are:

- create a functional mixed use transitional zone between the retail core and suburban residential development to the south
- promote the delivery of mixed use development, but do not preclude single uses (that is either residential or commercial only) in the interim
- encourage the rationalisation and sharing of crossovers between properties and developments
- ensure parking areas for all new development is screened from street view
- provide quality building presentation to the street and screen service areas associated with the Retail District
- ensure a strong pedestrian connection to the Retail District is achieved.

Risk management considerations

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

Financial / budget implications

The applicant has paid fees of \$4,270 (excluding GST) for assessment of the application in accordance with the City's *Schedule of Fees and Charges*.

Regional significance

Not applicable.

Sustainability implications

The applicant has completed the City's *Environmentally Sustainable Design Checklist* to the extent that it is applicable to the development. The applicant has indicated that the following will be achieved as part of the development:

- Development includes:
 - retention of natural landforms and topography
 - northerly orientation of daytime living/working areas with large windows, and minimal windows to the east and west
 - sufficient thermal mass in building materials for storing heat
 - insulation and draught sealing.
- Development is to incorporate low energy technologies.
- Development is to incorporate water efficient technologies.
- Natural/living materials such as roof gardens and 'green' or planted walls.
- Low-VOC products.

Consultation

The application was advertised for a period of 21 days in accordance with the *Planning Consultation Local Planning Policy*. Advertising commenced on 6 July 2020 and concluded on 27 July 2020. Consultation was undertaken in the following manner:

- A letter was sent to owners and occupiers of 12 properties in the vicinity of the subject site, being a total of 18 letters.
- A sign was installed on site.
- Development plans and information were made available for public viewing on the City's website and at the City's administration building.

Two submissions were received, both raising concerns to the proposal, but also providing alternatives to the design to minimise the impact of the development on the amenity of their properties. The key concerns and comments raised during this consultation were:

- setbacks to the rear (southern) boundary
- visual privacy concerns with regard to the balconies to the rear of the development, and whether there is the possibility to incorporate obscure glass balustrades to reduce the impact to the adjoining properties to the south
- loss of northern sunlight as a result of the building and the vegetation
- whether smaller shrubs/trees with a maximum height of four metres can be planted to the rear of the site instead of the proposed trees with a maximum height of seven metres.

The key issues raised in the submission are discussed in the planning assessment above, however a full summary of the submissions along with the applicant and City responses, is also provided in Attachment 7 to this Report.

COMMENT

The proposal has been assessed against the relevant planning framework including LPS3, the WACP and SPP7.3. As part of the assessment the application was reviewed by the JDRP and was also advertised for public comment.

For the reasons outlined above, it is considered that the development is appropriate in the context of its location and meets the relevant requirements.

The application is therefore recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **APPROVES** under clause 68(2) of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 19 February 2020 submitted by Jacques Van Rooyen for the proposed eight multiple dwellings at Lot 281 (62) Banks Avenue, Hillarys, subject to the following conditions:

- 1 This approval relates to the eight multiple dwelling development and associated works only. It does not relate to any other development on the lot. Development shall be undertaken in accordance with the approved plan(s), and any other supporting information and the conditions of approval;
- 2 A Construction Management Plan being submitted and approved prior to the commencement of development. The management plan shall detail how it is proposed to manage:
 - 2.1 all forward works for the site;
 - 2.2 the delivery of materials and equipment to the site;
 - 2.3 the storage of materials and equipment on the site;
 - 2.4 the parking arrangements for the contractors and subcontractors;
 - 2.5 the management of dust during the construction process;
 - 2.6 other matters likely to impact on the surrounding properties,and works shall be undertaken in accordance with the approved Construction Management Plan;
- 3 A full schedule of colours and materials for all exterior parts to the building is to be submitted and approved prior to the commencement of development. Consideration is to be given and detail to be provided in relation to the finish and detail of the proposed boundary walls to ensure an appropriate level of amenity, as determined by the City, is maintained as an interim measure ahead of redevelopment of adjoining properties and beyond. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard to the satisfaction of the City;
- 4 A detailed landscaping plan shall be submitted to, and approved, by the City prior to commencement of development. The landscaping plans are to indicate the proposed landscaping treatments of the subject site and adjoining road verges and shall:
 - 4.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
 - 4.2 provide all details relating to paving, treatment of verges and tree plantings, including treatment of rootable soil zones;
 - 4.3 provide plant species, mature height and spread, plant spacing, pot size and quantities and an irrigation design by a Certified Irrigation Designer;
 - 4.4 be based on water sensitive urban design and designing out crime principles;

- 5 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the occupation of the development and thereafter maintained to the satisfaction of the City;
- 6 A Waste Management Plan indicating the method of rubbish collection is to be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied and thereafter implemented to the satisfaction of the City;
- 7 Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied, to the satisfaction of the City. A lighting plan shall be submitted to the City for approval prior to the commencement of construction;
- 8 Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details;
- 9 Unit 3 and unit 7 as indicated in the approved plans and supporting information shall be constructed to meet Silver Level requirements as defined in the *Livable Housing Design Guidelines* (Livable Housing Australia);
- 10 Bicycle parking facilities provided shall be designed in accordance with the Australian Standard for *Off-street Car parking – Bicycles (AS2890.3-1993)*. Details of bicycle parking area(s) shall be provided to, and approved by the City prior to the commencement of construction;
- 11 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 Standards (AS2890)*, prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
- 12 The paving to the western boundary of the car park shall be traversable to allow for the reversing of vehicles from the unit 2 parking bays;
- 13 The applicant shall remove the existing crossover and make good the verge to the satisfaction of the City, within 28 days of the completion of construction of the new crossover;
- 14 The two designated visitor car parking bays to be clearly delineated (marked/signed), and available for use at all times;
- 15 Resident parking bays for units 5, 7 and 8 are to be reverse only and are to be appropriately marked on site;
- 16 All development shall be contained within the property boundaries;
- 17 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;

- 18** Prior to occupation of the dwellings, each dwelling shall be provided with an adequate area for clothes drying facilities that is screened from view from the street(s) to the satisfaction of the City. Clothes drying is not permitted in balconies;
- 19** The installation of obscured glazing or non-visually permeable material to the balustrading of the balconies on the rear (southern) elevation prior to occupation of the dwellings to the satisfaction of the City.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf200908.pdf](#)

ITEM 4 **SELECTION OF NOMINEES – RECONCILIATION ACTION PLAN COMMUNITY REFERENCE GROUP (RAPCRG)**

WARD	All
RESPONSIBLE DIRECTOR	Ms Dale Page Planning and Community Development
FILE NUMBER	45088, 101515
ATTACHMENTS	Attachment 1 RAPCRG Terms of Reference Attachment 2 RAPCRG Nomination Form Attachment 3 RAP Frequently Asked Questions Attachment 4 Confidential - Nomination Information and Assessment - Community Members Attachment 5 Confidential - Nomination Information and Assessment - Organisational Members Attachment 6 Confidential - All Nomination Forms (Please Note: <i>Confidential Attachments 4 to 6 will appear in the official Minute Book only</i>)
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 nominations to appoint the members of the Reconciliation Action Plan Community Reference Group (RAPCRG).

EXECUTIVE SUMMARY

At its meeting held on 17 September 2019 (CJ118-09/19 refers), Council approved the establishment of the RAPCRG and the associated Terms of Reference.

Council also:

- approved the Mayor as interim Chair of the RAPCRG, noting that once membership of the RAPCRG has been confirmed, the group will decide which of its members is most suited to assume the role of the Chair in an ongoing capacity
- approved that membership of the RAPCRG comprises two elected members; up to eight community representatives; and up to four organisational representatives.

The opportunity to nominate for membership of the RAPCRG was advertised for 31 days.

The nomination form sought quantitative information on age and gender and whether the nominee identified as a person who is Aboriginal or Torres Strait Islander. The nomination form also sought qualitative information such as interest for joining the group, connection to City of Joondalup and suitability.

At the close of advertising, the City had received 21 nominations. One additional nomination was received after the closing date.

The nomination information and assessment for Community Members (Attachment 4 refers) and the nomination information and assessment for Organisational Members (Attachment 5 refers) is provided in an assessment table for Council to review the valid nomination forms and subsequently appoint the membership of the RAPCRG.

BACKGROUND

The City is progressing with the establishment of its first *Reconciliation Action Plan* (RAP).

The development, endorsement, implementation and review of a RAP would be undertaken with the intention of:

- formalising the City's commitment to reconciliation
- strengthening meaningful links with Aboriginal and Torres Strait Islander people through ongoing, effective and respectful connections
- bringing a sense of vision and purpose to the City's current suite of reconciliation contributions
- fostering a culturally safe, understanding, welcoming and respectful workplace and community
- bringing positive behavioural and attitudinal change through partnerships and cultural celebration
- creating ongoing conversation and engagement.

To support the development of an informed and meaningful RAP, a collaborative approach guided by community is required. To this end, at its meeting held on 17 September 2019 (CJ118-09/19 refers), Council resolved that it:

- "1 *APPROVES the establishment of the Reconciliation Action Plan Community Reference Group;*
- 2 *ENDORSES the Terms of Reference shown as Attachment 1 to Report CJ118-09/19;*
- 3 *APPROVES the Mayor of the City of Joondalup as a member and interim Chair of the Reconciliation Action Plan Community Reference Group;*
- 4 *NOTES once membership of the Reconciliation Action Plan Community Reference Group has been confirmed, the group will decide which of its members is most suited to assume the role of the Chair in an ongoing capacity;*
- 5 *APPROVES up to eight community members for the Reconciliation Action Plan Community Reference Group;*
- 6 *APPROVES up to four organisational members for the Reconciliation Action Plan Community Reference Group;*
- 7 *AGREES that Council will NOMINATE two specific elected members as members of the Reconciliation Action Plan Community Reference Group when Council is requested to consider the outcomes of the Expression of Interest process and make a decision on the broader membership of the group;*

- 8 *SUPPORTS calling for Expressions of Interest for a 30-day period using the Nomination Form and Terms of Reference shown as Attachments 1 and 2 to Report CJ118-09/19;*
- 9 *Subsequent to the 30-day Expression of Interest advertising period and assessment of the Nomination Forms received, REQUESTS the Chief Executive Officer to prepare a report on the proposed membership selection of the Reconciliation Action Plan Reference Group."*

The purpose of the RAPCRG is to draw on a wide range of experience, knowledge and views to help inform a Reconciliation Action Plan (RAP) that will make a positive impact in the community.

The role of the RAPCRG is to:

- explore options for the Joondalup community to advance reconciliation
- guide the development of the City's RAP
- scope and reflect on how the City of Joondalup can contribute to reconciliation in a way that is meaningful, mutually beneficial and sustainable
- improve relationships with Aboriginal and Torres Strait Islander people and relevant stakeholders
- foster an understanding of Aboriginal and Torres Strait Islander cultures, rights and experiences
- enable opportunities that are culturally appropriate, partnership-centred and encourage Aboriginal and Torres Strait Islander people to participate equally.

The opportunity to nominate for membership of the RAPCRG was advertised and promoted through a range of mediums, including; an advertisement and a feature article in *The Joondalup Times*; an advertisement in *The West Australian*; via the City's website, social media, display screens; direct email to individuals who had contacted in recent times expressing interest in a RAP; and direct email to relevant organisations.

The promotional campaign spanned from Wednesday 22 October 2019 to Thursday 21 November 2020.

By the closing date of 5.00pm on Thursday 21 November, the City had 21 nomination forms. One further nomination was received after the deadline.

The project was then placed on hold during COVID-19 due to redirection of resources and State Government restrictions on meetings and gatherings.

DETAILS

The composition of the RAPCRG is intended to include:

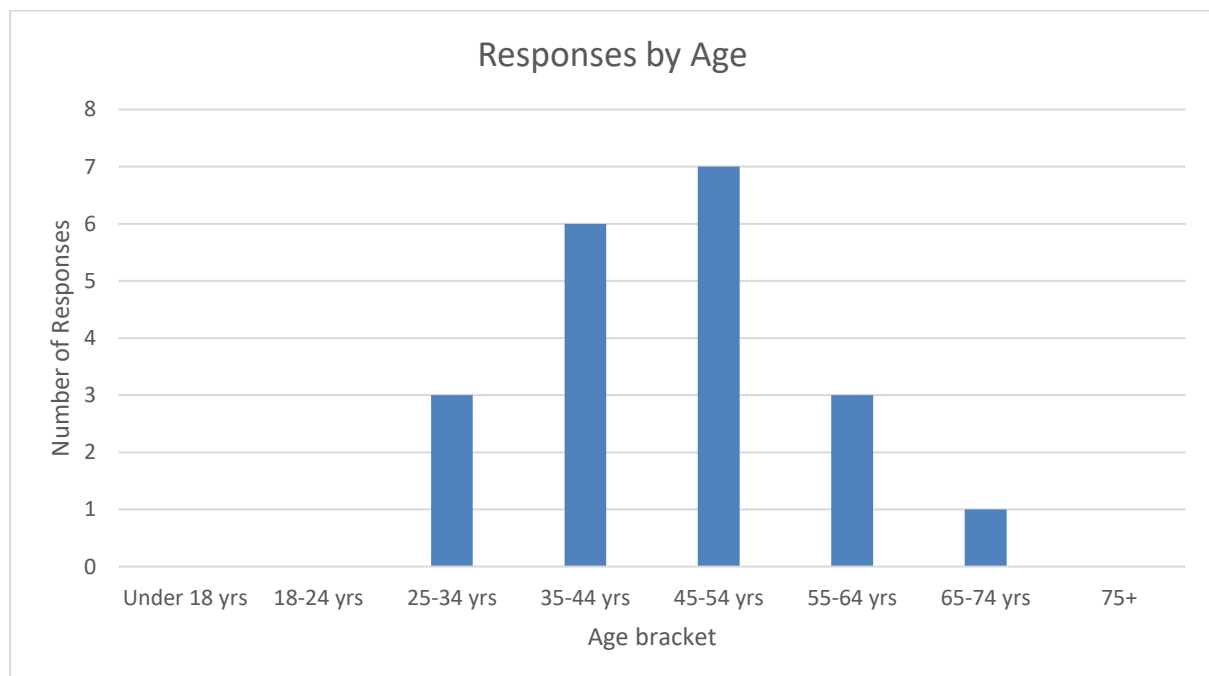
- the Mayor of the City of Joondalup (as interim Chair)
- two other elected members
- up to eight community members (including Aboriginal and Torres Strait Islander people; and non-Aboriginal and Torres Strait Islander people)
- up to four other representatives from organisational groups (like community groups, special interest groups or businesses).

A summary of individual nomination and assessments is provided in Attachment 4 to this Report and a summary of organisation nomination and assessments is provided in Attachment 5 to this Report.

The following is a summary of responses:

- Twenty-two nominations were received.
- One nomination was considered invalid.
- One nominee submitted two similar applications in the same category (but has since confirmed willingness to participate as either a community member or organisational member).
- One nominee did not complete the qualitative questions on the nomination form (but has since provided the additional information required).
- Fourteen valid nominations were received from potential community members (10 women, four men).
- Seven nominations were received from potential organisational members (three women, two men). One nominee subsequently withdrew.

The ages of the valid nominations are outlined in graph below, noting that the graph does not include the invalid nomination or duplicate nomination:



Following an open request for quote process, the City engaged experienced consultants to help guide development of the City's RAP. The consultant team comprises Kambarang Services and CSD Network.

A key component of the consultant brief required the consultants to review RAPCRG nominations and to provide advice in relation to the selection of RAPCRG membership. The consultants have reviewed all nominations received and have been satisfied with the number, quality and breadth of responses, which they consider a strong pool of nominees.

In considering an optimal RAPCRG membership, the consultants referred to the qualitative information contained in the selection criteria submitted on the nomination forms pertaining to the nominees' stated interest in joining; relevant connection, experience, knowledge or skills; and reasons provided for being a suitable RAPCRG member. Consultants also drew on their knowledge of the Aboriginal community and their experience in other RAP reference groups.

Given the high number of quality applicants, the consultants initially considered proposing an increase in the number of RAPCRG members; however, it was ultimately agreed this would become impractical.

The eight Community (individual) nominees that the consultants consider to be most suitable for membership of the RAPCRG include:

- six women and two men
- four nominees who identify as Aboriginal
- representation from the following age groups: 35-44 years, 45-54 years and 55-64 years.

The four organisational nominees that the consultants consider to be most suitable for membership of the RAPCRG include:

- two females and two males
- three representatives who identify as Aboriginal
- two community groups located in the City
- one tertiary learning institution
- one Aboriginal corporation.

Issues and options considered

A summary of individual nomination and assessments is provided in Attachment 4 to this Report and a summary of organisation nomination and assessments is provided in Attachment 5 to this Report. The attachments also contain the consultants' recommendations for membership of the RAPCRG.

Council may choose to accept the consultants' recommendations or may choose to select alternate nominees for RAPCRG membership. Council could also decide to select additional nominees, noting that the extra membership would exceed that outlined in the agreed *Terms of Reference* and could add to the complexity of the RAPCRG process.

Council also needs to select two elected members for membership of the RAPCRG.

Legislation / Strategic Community Plan / Policy implications

Legislation *Local Government Act 1995.*

Strategic Community Plan

Key theme Governance and Leadership.

Objective Active democracy.

Strategic initiative

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

Policy *Community Consultation Policy.*

Risk management considerations

Both the community representative and organisational representative nominations were over-subscribed, which has the potential to result in applicants feeling disenchanted or disappointed with the selection process.

However, nominations were promoted through a public campaign, and the City and the consultants have undertaken a thorough assessment and treated each application on its merit. The City will encourage those nominees who were unsuccessful to join the wider community consultation, enabling them to help shape the RAP through expressing their views in the next layer of engagement.

Financial / budget implications

Funds are set aside in the *2020-21 Annual Budget* to develop the RAP, including costs of running the community reference group (such as catering). It is anticipated that direct costs will be minimal.

As outlined in the *Terms of Reference*, membership to the RAPCRG is voluntary and it is not proposed at this stage to offer payment to RAPCRG for attendance at meetings.

Regional significance

The City has a desire to create a welcoming environment for all people, including Aboriginal and Torres Strait Islander people. In acknowledgement that traditional custodianship of the land does not match local government boundaries, nominees were asked to describe their connection to the City of Joondalup and may not necessarily be residents.

Sustainability implications

Increasingly, it is acknowledged that creating a resilient, thriving and sustainable community includes a meaningful commitment to reconciliation. The City can participate actively in Australia's shared commitment to improve the lives of Aboriginal and Torres Strait Islander people by supporting reconciliation activities. The RAPCRG can play a key role in relation to engaging the community and making a positive difference toward achieving outcomes that are impactful, mutually beneficial and sustainable.

Consultation

The RAPCRG will oversee and guide the development of the RAP. This will include seeking their views on how to shape a broader community consultation opportunity. Meetings of the RAPCRG are intended to take place on weekday, after hours, for approximately 1.5 hours every two months, or as required.

COMMENT

The establishment of the RAPCRG creates an opportunity for the community to include culturally appropriate perspectives and diverse community views to help shape a relevant, meaningful RAP for the City of Joondalup.

The proposed RAPCRG brings combined reconciliation experience in relation to health, education, justice, government, business, community groups, environment, faith-based organisations and involvement in other RAP groups in different organisations.

The City attracted a very strong pool of candidates for membership on the RAPCRG. There is confidence that the proposed RAPCRG membership provides a suitable composition of members that bring relevant knowledge, experience and skills.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 APPOINTS eight Community Members who have nominated for the Reconciliation Action Plan Community Reference Group as detailed in Attachment 4 to this Report;**
- 2 APPOINTS four Organisational Members who have nominated for the Reconciliation Action Plan Community Reference Group as detailed in Attachment 5 to this Report;**
- 3 CONSIDERS appointing two elected members to the Reconciliation Action Plan Community Reference Group;**
- 4 ADVISES all applicants of the outcome of the selection process.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf200908.pdf](#)

ITEM 5 EXECUTION OF DOCUMENTS

WARD	All
RESPONSIBLE DIRECTOR	Mr Garry Hunt Office of the CEO
FILE NUMBER	15876, 101515
ATTACHMENT	Attachment 1 Documents sealed by affixing the Common Seal during the period 4 August 2020 to 11 August 2020
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 4 August 2020 to 11 August 2020.

EXECUTIVE SUMMARY

The City enters into various agreements by affixing the 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 therefore recommended the Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 4 August 2020 to 11 August 2020, as detailed in Attachment 1 to this Report.

BACKGROUND

For the period 4 August 2020 to 11 August 2020, five documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Call Option Deed	1
Special Conditions	1
Restrictive Covenant	1
Section 70A Notification	1
Amendment No. 7 to <i>Local Planning Scheme No. 3</i>	1

DETAILS**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.

Policy Not applicable.

Risk management considerations

Not applicable.

Financial / budget implicationsCurrent financial year impact

Not applicable.

Future financial year impact

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 4 August 2020 to 11 August 2020, as detailed in Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf200908.pdf](#)

ITEM 6 APPOINTMENT OF AN ALTERNATE MEMBER TO MINDARIE REGIONAL COUNCIL

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	03149, 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 appoint an alternate member to act on behalf of Cr Russ Fishwick, JP at the Mindarie Regional Council meeting to be held on 24 September 2020.

EXECUTIVE SUMMARY

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- City of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Mayor Hon. Albert Jacob, JP.

Cr Russ Fishwick JP, will not be able to attend the MRC Council meeting scheduled to be held on 24 September 2020, at the City of Vincent commencing at 6.30pm. Previous legal advice requires that where the City is required to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

It is therefore recommended that Council:

- 1 *In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the Interpretation Act 1984, APPOINTS an elected member as an alternate member to act on behalf of Cr Russ Fishwick, JP and represent the City at the Council meeting of the Mindarie Regional Council to be held on 24 September 2020;*
- 2 *ADVISES the Mindarie Regional Council of its decision.*

BACKGROUND

The Mindarie Regional Council (MRC) was established for the management of waste and comprises the following local governments:

- City of Joondalup
- City of Perth
- City of Stirling
- City of Wanneroo
- City of Vincent
- Town of Victoria Park
- Town of Cambridge.

Each local government is represented on the MRC, with the City of Joondalup being represented by Cr Russ Fishwick, JP and Mayor Hon. Albert Jacob, JP.

DETAILS

Cr Russ Fishwick, JP will not be able to attend the MRC Council meeting scheduled to be held on 24 September 2020, at the City of Vincent commencing at 6.30pm. Previous legal advice requires that where the City requires to be represented in the absence of a nominated member to the MRC it must do so by specific resolution for a specified period.

This advice indicated that there is no power for member Councils to appoint permanent deputies to the MRC. Consequently, if the City's appointed member to the MRC is unable to attend the meeting, a nominated deputy cannot just attend in his or her place. Instead, the City needs to appoint an alternate member to act in place of the member on each occasion when the member cannot attend.

Issues and options considered

The options available to the Council are to:

- agree to appoint an alternate member to act on behalf of Cr Russ Fishwick, JP during his absence
or
- not agree to appoint an alternate member.

Legislation / Strategic Community Plan / policy implications

Legislation

Interpretation Act 1984.

Section 52(1) and (2) of the *Interpretation Act 1984* states:

“Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power:

Where a person so appointed to an office or position is suspended or unable, or expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position; and

To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.

For the purposes of subsection (1)(b), “cause” includes:

- *Illness*
- *Temporary absence from the State*
- *Conflict of interest.*

The key provisions, which create problems for the appointment of deputies, are the word ‘unable’ in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c)”.

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

The risk to the City of Joondalup is that if an alternate member is not appointed to represent the City in the absence of Cr Russ Fishwick, JP, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the MRC.

Financial / budget implications

Not applicable.

Regional significance

The Mindarie Regional Council is the primary Waste Management Authority for a number of metropolitan local government authorities. The City’s representation at MRC meetings is of critical importance to the regional management of waste.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

It is considered to be of regional and strategic importance that Council exercises its ability to be represented at each and every meeting of the MRC. It is recommended that an alternate member be appointed to represent the City at the MRC Council meeting scheduled to be held on 24 September 2020, in Cr Russ Fishwick, JP, absence due to other commitments.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 In the absence of Cr Russ Fishwick, JP and in accordance with the provisions of section 52 of the *Interpretation Act 1984*, APPOINTS an elected member as an alternate member to act on behalf of Cr Russ Fishwick, JP and represent the City at the Council meeting of the Mindarie Regional Council to be held on 24 September 2020;**
- 2 ADVISES the Mindarie Regional Council of its decision.**

ITEM 7 SETTING MEETING DATE FOR ANNUAL GENERAL MEETING OF ELECTORS 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	107893, 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 determine the meeting date for the 2020 Annual General Meeting (AGM) of Electors.

EXECUTIVE SUMMARY

Section 5.27 of the *Local Government Act 1995* requires that the Annual General Meeting of Electors be held on a day selected by the local government, but not more than 56 days after the local government accepts the annual report. It is anticipated that Council will accept the annual report at its meeting to be held on 17 November 2020.

Section 5.29 of the *Local Government Act 1995* states the Chief Executive Officer is to convene an electors meeting by giving at least 14 days public notice. Furthermore, section 5.55 of the *Local Government Act 1995* states the Chief Executive Officer is to give at least seven days public notice of the availability of the Annual Report, following its acceptance by Council.

Should Council adopt the annual report at its meeting to be held on 17 November 2020, the earliest date to issue local public notice is Thursday 19 November 2020, meaning that the earliest date the Annual General Meeting of Electors can be held is Friday 4 December 2020, with the last date being Tuesday 12 January 2021.

Under the *Local Government (COVID-19 Response) Order 2020* issued by the Minister for Local Government, Annual General Meetings within the 2019-20 financial year were not to be held during the COVID emergency period. However, a recent media release from the Minister indicated that this Order also applied to upcoming AGMs within the 2020-21 financial year. Clarity has been sought from the Department of Local Government, Sport and Cultural Industries regarding the application of the Order.

In view of the above, and should the state of emergency declared under section 56 of the *Emergency Management Act 2005* in response to the COVID-19 pandemic cease to have effect, it is considered that the most appropriate date for holding the Annual General Meeting of Electors is Tuesday 8 December 2020, prior to the scheduled Council meeting. elected members are more likely to be available at this time due to their attendance at the Council meeting and it also provides opportunity for the public to attend who may also be attending the scheduled Council meeting.

It is therefore recommended that subject to the state of emergency, declared under section 56 of the Emergency Management Act 2005 in response to the COVID-19 pandemic ceasing to have effect, Council AGREES to convene the 2020 Annual General Meeting of Electors on Tuesday 8 December 2020, commencing at 5.30pm in the Council Chamber.

BACKGROUND

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”, there are no Council elections in 2020.

The Annual General Meeting of Electors is a statutory requirement under the *Local Government Act 1995* and the meeting is to consider, among other things, the annual report for the previous financial year.

In recent years, the Annual General Meeting of Electors has been convened at 5.30pm and was held immediately prior to the scheduled Briefing Session or Council meeting (refer below, for AGM of Elector’s meeting dates and attendance). This format has resulted in an improved elector turnout compared to previous years. For this reason, it is recommended that the AGM of Electors meeting continue to be held at 5.30pm immediately prior to the scheduled Council Meeting in 2020.

AGM Date	Start Time	Finish Time	Prior to Meeting	Attendees
Tuesday, 10 December 2013	5.30pm	5.56pm	Council	6
Tuesday, 2 December 2014	5.35pm	6.36pm	Briefing	12
Tuesday 15 December 2015	5.40pm	6.22pm	Council	6
Tuesday, 6 December 2016	5.30pm	6.31pm	Briefing	78
Tuesday, 12 December 2017	5.30pm	7.02pm	Council	27
Tuesday, 4 December 2018	5.30pm	6.27pm	Briefing	14
Tuesday 10 December 2019	5.30pm	6.52pm	Council	33

DETAILS

The Office of Auditor General (OAG) will be undertaking their final audit in early October, with the audited financial statements and independent auditor’s report anticipated to be received late October or early November. The audited financial statements are scheduled to be presented to the Audit and Risk Committee, providing recommendations to Council at its meeting to be held on 17 November 2020. It is worth noting that in the event that there is a change in the audit schedule initiated by OAG or additional audit requirements are requested the AGM of Electors meeting date may be required to be changed.

The audited financial statements are a key component of the City’s annual report, which will be presented to Council in a separate report to the Council meeting scheduled to be held on 17 November 2020. The finalised annual report will include the audited financial statements.

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*. A decision is required on the date to hold the AGM of Electors, being aware of Council's decision on 16 October 2007, and in view of the limitations to finalise the necessary documentation as well as complying with the required public notice period.

Issues and options considered

It is a statutory requirement that Council sets a meeting date for the 2020 Annual General Meeting of Electors.

Council can either:

- adopt the date and time as recommended in the report
or
- select an alternative time and / or date to hold the AGM 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 Active democracy.

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

Policy Not applicable.

Section 5.27 states the following in regard to the Annual General Meeting of Electors:

“5.27 Electors’ general meetings

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors’ meetings are to be those prescribed.”*

Section 5.29 states the following in respect to convening electors’ meetings:

“5.29 Convening electors’ meetings

- (1) *The Chief Executive Officer is to convene an electors’ meeting by giving:*
 - (a) *at least 14 days’ local public notice; and*
 - (b) *each council member at least 14 days’ notice,**of the date, time, place and purpose of the meeting.*

- (2) *The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held.”*

Section 5.55 states the following in respect to giving notice of annual reports:

“5.55 Notice of annual reports

The CEO 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.”

Section 1.7 of the *Local Government Act 1995* defines ‘local public notice’ and states where such notice is not expressly stated, the notice is to be published and exhibited for at least seven days.

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

- Attendances and apologies.
- Contents of the *2019-20 Annual Report*.
- General business.

Risk management considerations

The risk associated with failing to set a date for the 2020 Annual General Meeting of Electors will result in non-compliance with the requirements of the *Local Government Act 1995*.

Financial / budget implications

Not applicable.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

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.

While the City advertises the meeting in accordance with the *Local Government Act 1995*, the City will promote the scheduled meeting date as soon as possible and will publicise the *2019-2020 Annual Report* through the City’s website once it is adopted by Council at its meeting to be held on 17 November 2020.

COMMENT

The audited financial statements for 2019-20 will be the subject of a separate report to Council. Once these statements are adopted by Council, an abridged version will be inserted into the *2019-20 Annual Report*.

Under the *Local Government (COVID-19 Response) Order 2020* issued by the Minister for Local Government, Annual General Meetings within the 2019-20 financial year were not to be held during the COVID-19 emergency period, as declared under section 56 of the *Emergency Management Act 2005*. However, a recent media release from the Minister indicated that this Order also applied to upcoming AGMs within the 2020-21 financial year. Although clarification is being sought from the Department of Local Government, Sport and Cultural Industries, it is suggested that a date be set by Council and subject to the state of emergency declaration being lifted.

In order for the City to meet its legislative requirements, it is therefore recommended that Council convenes the 2020 Annual General Meeting of Electors on Tuesday 8 December 2020, commencing at 5.30pm, prior to the scheduled Council meeting.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That subject to the state of emergency, declared under section 56 of the *Emergency Management Act 2005* in response to the COVID-19 pandemic ceasing to have effect, Council AGREES to convene the 2020 Annual General Meeting of Electors on Tuesday 8 December 2020, commencing at 5.30pm in the Council Chamber.

ITEM 8 MINUTES OF REGIONAL COUNCIL MEETINGS

WARD	All	
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy	
FILE NUMBER	03149, 101515	
ATTACHMENTS	Attachment 1	Mindarie Regional Council - Special Council Meeting Minutes - 30 July 2020.
	Attachment 2	Tamala Park Regional Council - Ordinary Council Meeting Minutes - 20 August 2020
	<i>(Please Note: Attachments 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 bodies on which the City has current representation.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Special Council meeting of the Mindarie Regional Council held on 30 July 2020.
- Minutes of Tamala Park Regional Council meeting held on 20 August 2020.

DETAILS

Mindarie Regional Council Meetings

A Special Council meeting of the Mindarie Regional Council was held on 30 July 2020.

Cr Russ Fishwick, JP and Cr Christopher May were Council's representatives at the Special Council meeting of the Mindarie Regional Council.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup.

Tamala Park Regional Council Meetings

An Ordinary Council Meeting of the Tamala Park Regional Council was held on 20 August 2020.

Cr John Chester and Cr Philippa Taylor were Council's representatives at the Tamala Park Regional Council meeting.

The attached minutes detail those matters that were discussed at this external meeting that may be of interest to the City of Joondalup.

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.

RECOMMENDATION

That Council NOTES the minutes of the:

- 1 Mindarie Regional Council Special meeting held on 30 July 2020 forming Attachment 1 to this Report;**
- 2 Tamala Park Regional Council Ordinary meeting held on 20 August 2020 forming Attachment 2 to this Report.**

To access this attachment on electronic document, click here: [ExternalMinutesbrf200908.pdf](#)

ITEM 9 STATUS OF PETITIONS

WARD	All
RESPONSIBLE DIRECTOR	Mr Jamie Parry Governance and Strategy
FILE NUMBER	05386; 101515
ATTACHMENT	Attachment 1 Status of Petitions – 16 August 2016 to 18 August 2020
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 status of outstanding petitions.

BACKGROUND

At its meeting held on 16 December 2008 (CJ261-12/08 refers), Council considered a report in relation to petitions.

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

DETAILS

Issues and options considered

Attachment 1 to this Report provides a list of all outstanding petitions, which were received during the period 16 August 2016 to 18 August 2020, with a comment on the status of each petition.

Legislation / Strategic Community Plan / policy implications

Legislation *City of Joondalup Meeting Procedures Local Law 2013.*

Strategic Community Plan

Key Themes Governance and Leadership.

Objective Active democracy.

Strategic Initiatives

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

Policy Implications

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

Risk Management Considerations

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

Financial/Budget Implications

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

Regional Significance

Not applicable.

Sustainability Implications

Not applicable.

Consultation

Not applicable.

COMMENT

The list of petitions is presented to Council for information, detailing the actions taken to date and the actions proposed to be undertaken for those petitions that remain outstanding.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES:

- 1 the status of outstanding petitions submitted to Council during the period 16 August 2016 to 18 August 2020, forming Attachment 1 to this Report;**
- 2 in relation to the petition requesting Council create a working group to review and develop appropriate signage guidelines and policy to allow small business to have a say on signage and place-making within the City of Joondalup, *Local Planning Scheme No. 3* was gazetted on 23 October 2018. A review of the *Signs Policy* is continuing, and the petition will be considered as part of that review;**
- 3 in relation to the petition requesting that Council to introduce the following to drive growth and success in the Performing Arts and Cultural sector, thereby making opportunities available to our families and businesses:**

- 3.1** establish a formal subcommittee of Council to manage and deliver all performing arts and cultural growth / events in the City with 80% of members drawn from this City's community;
- 3.2** establish safe, secure and accessible equipment storage for groups along with a dedicated, City supplied, equipment library to supply (free of charge) key equipment;
- 3.3** the City of Joondalup to have a professional Performing Arts and Cultural team that will:
 - 3.3.1** act as the production and support for all suburbs with activities being centralised;
 - 3.3.2** support all groups with fundraising applications, professional PR and memberships;
 - 3.3.3** facilitate access to all current facilities in the City of Joondalup such as school theatres, churches, parks or empty business units for all groups and activities;
 - 3.3.4** raise cross-cultural understanding and accessibility for families / disadvantaged groups;
- 3.4** source a Performing Arts and Cultural Facility that is fully funded by grants and donations,

a report was presented to Council at its meeting held on 18 August 2020 (CJ107-08/20 refers) and the lead petitioner has been notified of its decision;

- 4** in relation to the petition requesting a skate park facility be built at Chichester Park, Woodvale, the draft BMX, Skate and Youth Outdoor Recreation Strategy is continuing to be progressed and it is anticipated that a report will be presented to Council at a later date;
- 5** in relation to the petition requesting the installation of a BMX dirt track at Kallaroo Park, the draft BMX, Skate and Youth Outdoor Recreation Strategy is continuing to be progressed and it is anticipated that a report will be presented to Council at a later date;
- 6** in relation to the petition requesting that Council:
 - 6.1** revise and phase out the use of glyphosate in public places considering the mounting evidence of its toxicity to workers, public health and environment;
 - 6.2** conduct and repeat alternative non-chemical weed control trials especially in areas where children and pets are exposed;
 - 6.3** immediately introduce marker dye in herbicide so public can avoid the recently sprayed areas,

a report was presented to Council at its meeting held on 21 July 2020 (CJ096-07/20 refers) and the lead petitioner has been advised of its decision;

- 7 in relation to the petition requesting the playground at Beldon Park, Beldon remains where it is and that the Management Orders are changed in order to erect shade cloth over the existing playground, it is anticipated that a report will be presented to Council in September 2020;
- 8 in relation to the petition requesting that:
- 8.1 provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;
- 8.2 Council resolutely lobby the State Government's Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed,
- it is anticipated that a report will be presented to Council in September 2020;
- 9 in relation to the petition requesting that Council reconsider and rescind their decision to spend \$2.15 million on a Chinese Garden for Jinan, to be located in Central Park and instead, redeploy the funds for community gardens across the City of Joondalup and for the benefit of all residents and ratepayers, it is anticipated that consideration of the redeployment of funds will occur during the City's mid-year budget review process and a report will be presented to Council following this process;
- 10 in relation to the petition requesting that Council change the regulation that bans dogs from all beaches, apart from the dog beach, it is anticipated that a report will be presented to Council in October 2020;
- 11 in relation to the petition requesting that Council change the parking regulations in Bonneville Way, Abitibi Turn and Curran Court, Joondalup to make these streets 'resident only' parking, it is anticipated that a report will be presented to Council in October 2020;
- 12 in relation to the petition requesting that Council:
- 12.1 initiates a scheme amendment to Local Planning Scheme No. 3 to change the land use permissibility for the Private Community Purpose Zone from 'P' (permissible) to 'D' (discretionary) for the following use classes – Civic Use, Exhibition Centre, Recreation – private and Small Bar;
- 12.2 revises Sacred Heart College's Car Parking Standards to better reflect the school's public hire use, by applying the 'Use Class' of Cinema / Theatre, Civic Use, Club Premises, Place of Worship, Reception Centre, Recreation – Private, in order to alter the number of on-site parking bay requirement from one car per 50m² to one car per four people accommodated,
- a report was submitted to Council at its meeting held on 23 June 2020 (CJ072-06/20 refers), and the lead petitioner has been advised of its decision;
- 13 in relation to the petition requesting that Council install or construct traffic calming measures on Sherington Road, Greenwood, the specified road has been included on the City's Traffic Count Program since early 2020, which has been delayed due to the COVID 19 pandemic, and therefore it is anticipated that a report will be presented to Council in October 2020;

- 14** in relation to the petition requesting that Council invest in the improvement of Clifford Coleman Park, Marmion, it is anticipated that a report will be submitted to the October Council Meeting;
- 15** in relation to the petition requesting that Council:
- 15.1** Reject the proposal to lease Duncraig Leisure Centre to the Churches of Christ Sport and Recreation Association (Inc);
 - 15.2** Maintain the community ownership and management of the Duncraig Leisure Centre, by the City of Joondalup on behalf of the residents and ratepayers;
 - 15.3** Upgrade and improve the facilities at the Duncraig Leisure Centre to current benchmarked leisure industry standards in order for it to continue to serve the local community with high quality and affordable sport, leisure and fitness facilities,

a report was presented to Council at its meeting held on 18 August 2020 (CJ115-08/20 refers) where part one and part two of the petition were decided on by Council and part three of the petition will be listed for consideration as part of the 2021-22 Budget and the City is to advise the lead petitioner of its decision.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf200908.pdf](#)

ITEM 10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	07882,101515
ATTACHMENTS	Attachment 1 Financial Activity Statement Attachment 2 Investment Summary Attachment 3 Supporting Commentary
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 31 July 2020.

EXECUTIVE SUMMARY

At its meeting held on 30 June 2020 (JSC07-06/20 refers), Council adopted the *2020-21 Annual Budget*. The figures in this report are compared to the adopted budget.

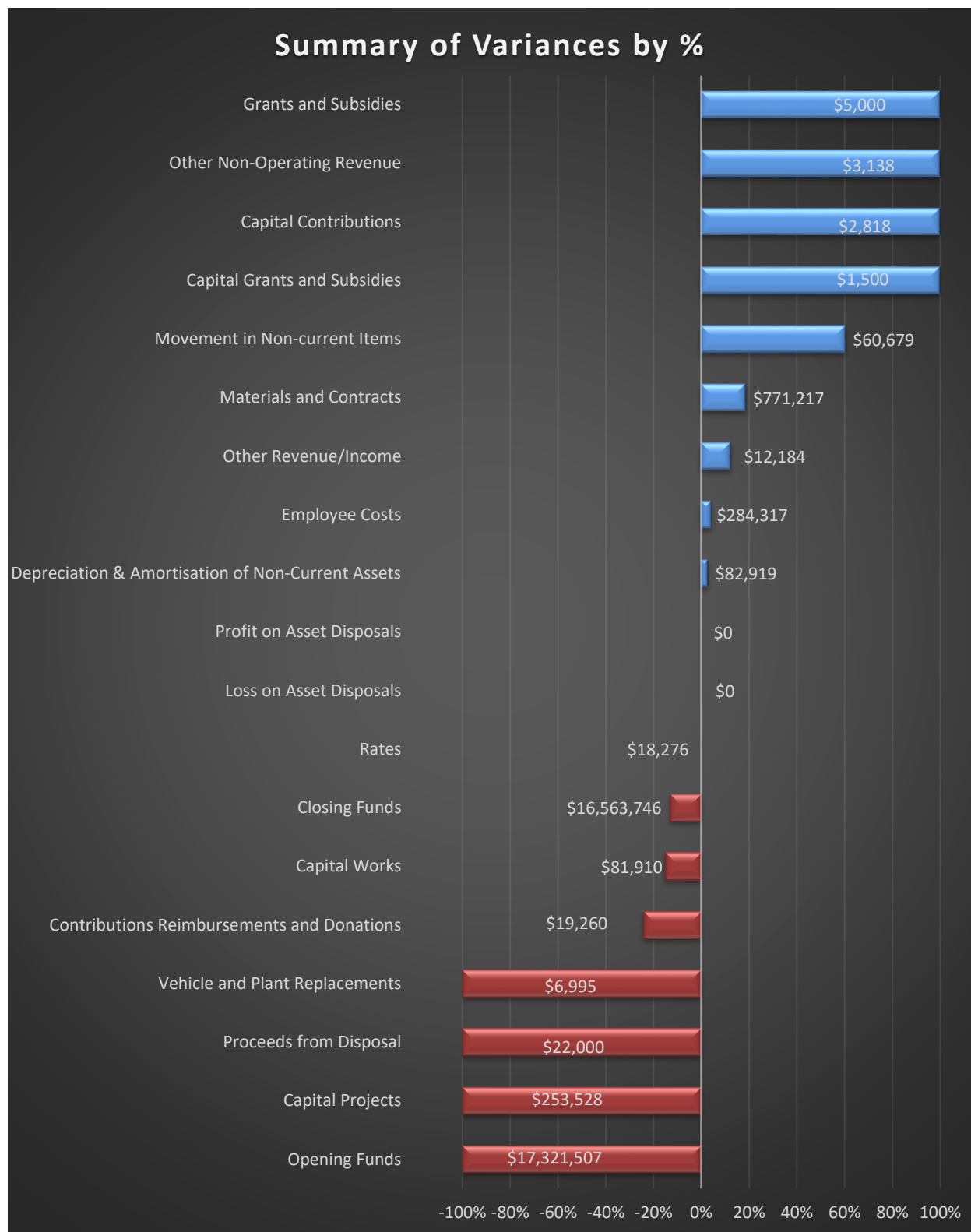
The July 2020 Financial Activity Statement Report shows an overall unfavourable variance of (\$16,563,746) from operations and capital, after adjusting for non-cash items.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 31 July 2020 and results from a number of factors identified in the report, including the opening funds position which is subject to the finalisation of the *2019-20 Annual Financial Statements*.

There are a number of factors influencing the unfavourable variance, but it is predominantly due to timing of revenue and expenditure compared to the budget estimate in July and the finalisation of 2019-20 end of year process which has meant that the opening funds total is currently not included, however the closing surplus at 30 June 2020 is expected to offset this variance. The notes in Attachment 3 to this Report identify and provide commentary on the individual key material revenue and expenditure variances to date.

The COVID-19 pandemic impacted the City with the closure of leisure and library facilities in late March. Revenue from leisure centres and facility bookings have improved since COVID-19 restrictions eased but are still lower than Pre-COVID levels. In addition, reduction in economic activity and implementation of social distancing measures has resulted in a fall in the City's parking revenues.

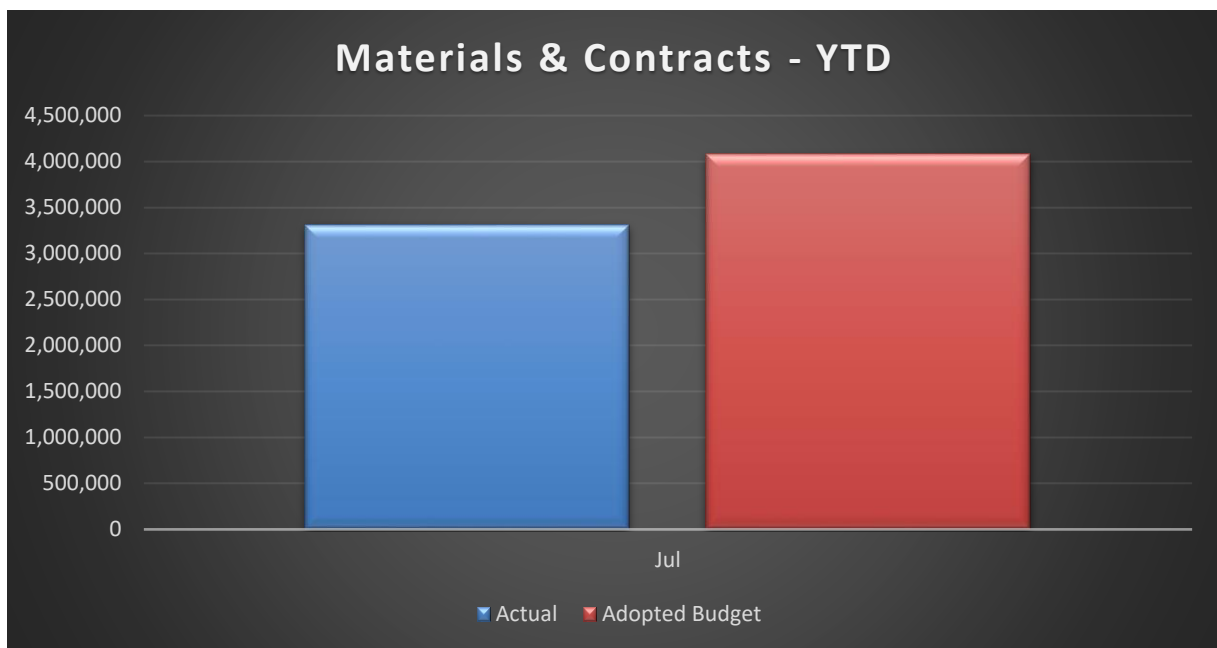
The key elements of the variance are summarised below:



The significant variances for July were:

Materials and Contracts

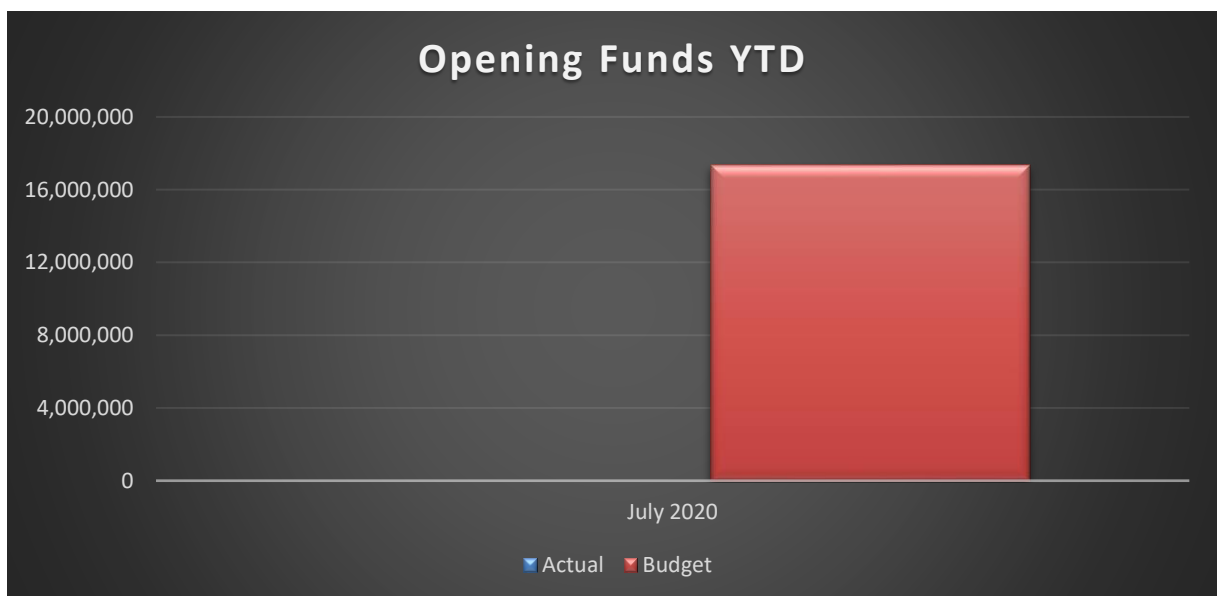
\$771,217



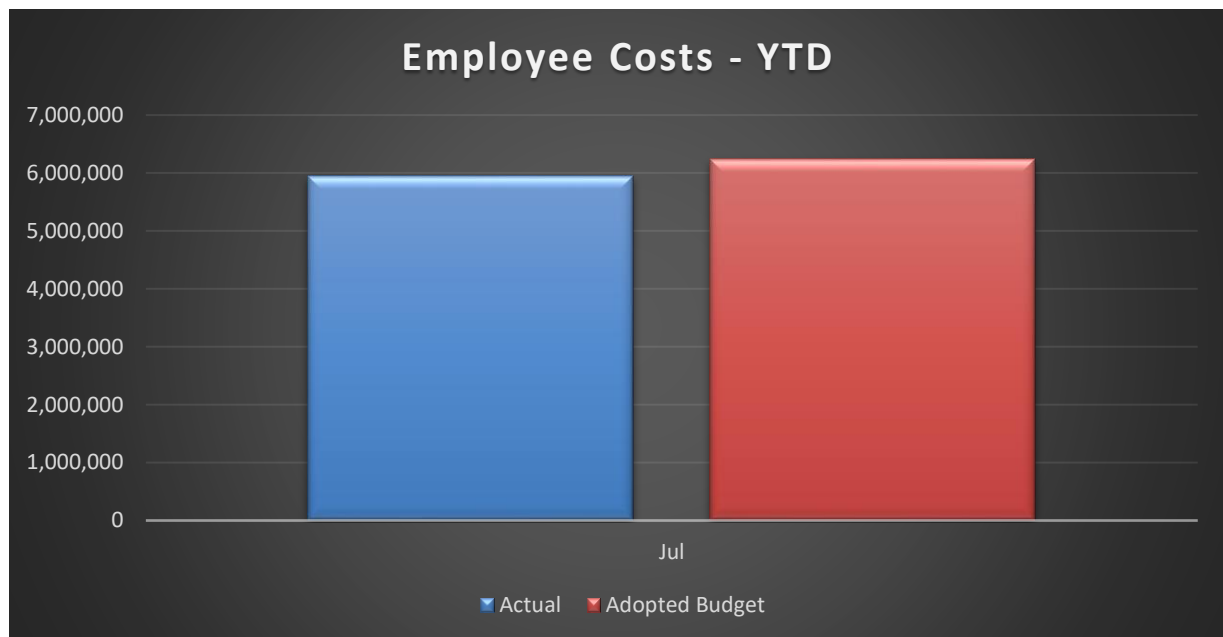
Materials and Contracts expenditure is \$771,217 below budget. This is spread across a number of different areas including External Service Expenses \$350,133 and Waste Management Services \$156,955.

Opening Funds

(\$17,321,507)



Opening Funds for July 2020 is \$17,321,507 below budget. The variation in the Closing Funds for the period ended 30 June 2020 is prior to end of year adjustments being processed. The final balance will be available after the Financial Statements for 2019-20 have been audited.

Employee Costs**\$284,317**

Employee Costs expenditure is \$284,317 below budget. Favourable variances predominantly arose from vacancies in various areas.

It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2020 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS**Issues and options considered**

The Financial Activity Statement for the period ended 31 July 2020 is appended as Attachment 1 to this Report.

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* 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 funds for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial / budget implications

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

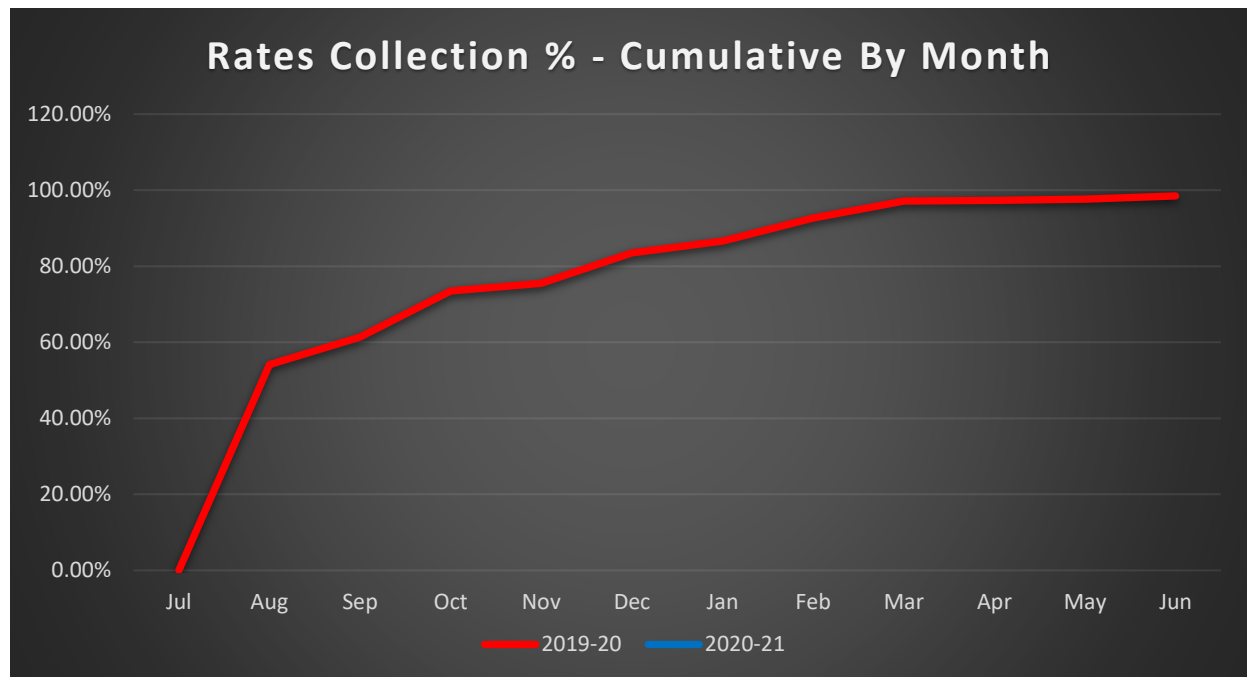
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

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*.

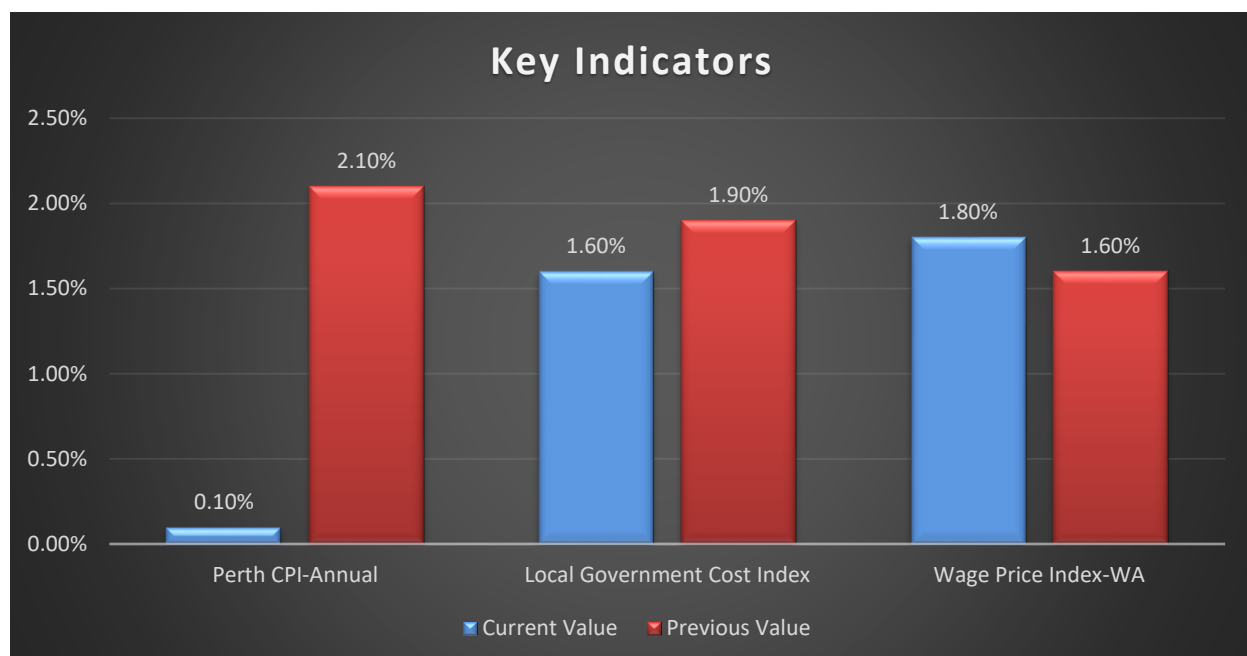
KEY INDICATORS

Rates Collection



Rates notices for 2020-21 were issued in the third week of July 2020 therefore meaningful collection data for July is not available.

Economic Indicators



During July the Perth CPI for the second quarter of 2020 was released. This saw a significant fall that has been reflected across all other capital cities. It is expected that inflation will rebound in quarter three but remain subdued going forward.

In the current environment where significant disruption to economic activity has occurred as a result of measures taken by government to combat the COVID-19 pandemic, there is uncertainty about key indicators as this latest data may not have the full impact of the pandemic restrictions and measures incorporated, particularly due to the effect of measures taken by the Commonwealth government to minimise unemployment impacts.

COMMENT

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2020-21 adopted budget or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 July 2020 forming Attachment 1 to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf200908.pdf](#)

ITEM 11 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2020

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	09882; 101515
ATTACHMENTS	Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of July 2020 Attachment 2 Chief Executive Officer's Delegated Municipal Payment List (Bond Refunds) for month of July 2020 Attachment 3 Municipal and Trust Fund Vouchers for the month of July 2020
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 July 2020.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of July 2020, totalling \$14,690,993.13.

It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for July 2020 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$14,690,993.13.

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 July 2020. Lists detailing the payments made are appended as Attachments 1 and 2 to this Report.

The vouchers for the month are appended as Attachment 3 to this Report.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 110116 - 110148 & 110152 - 110179 & 110182-110255 & EF086508 - EF086508 & EF086515- EF086800 & EF086802 - EF087064 Net of cancelled payments. Vouchers 2852A – 2868A	\$9,643,794.57 \$5,043,424.76
	Bond Refund Cheques & EFT Payments 110149 – 110151 & 110180-110181 EF086509 – EF086514 & EF086801 – EF086801 Net of cancelled payments.	\$3,773.80
	Total	\$14,690,993.13

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

Changes in the treatment of bonds received and repaid, from being held in the Trust Fund to now being reflected in the Municipal Fund, have arisen from a directive by the Office of the Auditor General.

COMMENT

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2020-21 Budget* as adopted by Council at its meeting held on 30 June 2020 (JSC07-06/20 refers) or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for July 2020 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to this Report, totalling \$14,690,993.13.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf200908.pdf](#)

ITEM 12 TENDER 014/20 - CIVIL WORKS INCLUDING ELECTRICAL, LANDSCAPING AND IRRIGATION FOR WHITFORDS AVENUE / NORTHSHORE DRIVE INTERSECTION UPGRADE

WARD	South-West
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	108684; 101515
ATTACHMENT	Attachment 1 Summary of Tender Submissions
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 accept the tender submitted by WCP Civil Pty Ltd for the civil works including electrical, landscaping and irrigation for Whitfords Avenue / Northshore Drive intersection upgrade.

EXECUTIVE SUMMARY

Tenders were advertised on 16 May 2020 through statewide public notice for the civil works including electrical, landscaping and irrigation for Whitfords Avenue / Northshore Drive intersection upgrade. Tenders closed on 18 June 2020. A submission was received from each of the following:

- Tracc Civil Pty Ltd.
- Ralmana Pty Ltd trading as R J Vincent & Co.
- Civcon Civil & Project Management Pty Ltd.
- Densford Civil Pty Ltd (Conforming and Alternative Offers).
- BOS Civil Pty Ltd.
- WCP Civil Pty Ltd.
- Raubex Construction Pty Ltd.
- D.B. Cunningham Pty Ltd trading as Advanteering Civil Engineers.
- RCA Civil Group Pty Ltd.
- Egan Civil Pty Ltd (Castle Civil).

The submission from WCP Civil Pty Ltd represents best value to the City. The company demonstrated a good understanding of the required tasks. It has in the past completed various road upgrade projects for the City and examples of works included minor to moderate scale projects for the Cities of Nedlands and Perth, Town of Bassendean, the Shires of Mundaring and Peppermint Grove. WCP Civil Pty Ltd is well established with sufficient industry experience and capacity to complete the works for the City.

It is therefore recommended that Council:

- 1 *APPROVES BY AN ABSOLUTE MAJORITY an increase in the 2020-21 budget for the Whitfords Avenue / Northshore Drive intersection upgrade of \$660,000 to total expenditure \$2,500,000 to be reflected in the 2020-21 Mid-Year Budget Review;*
- 2 *ACCEPTS the tender submitted by WCP Civil Pty Ltd for the civil works including electrical, landscaping and irrigation for Whitfords Avenue / Northshore Drive intersection upgrade as specified in Tender 014/20 for the fixed lump sum of \$2,403,840 (excluding GST) for completion of works within four months.*

BACKGROUND

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake civil works including electrical, landscaping and irrigation for the intersection upgrade on Whitfords Avenue / Northshore Drive, Hillarys. The following scope of requirements includes but limited to:

- All required site set-out.
- All site establishment works including site office, temporary power, communications, sewer and water; contractor responsibility.
- Removal of selected trees, vegetation and debris from the site as noted in the documents and disposed of at a suitable location in accordance with City of Joondalup and other statutory authority requirements.
- Locating existing services prior to works and protecting during construction.
- Complying with all service providers guidelines for working on and around their assets.
- All earthworks including stockpile and or removal of topsoil, importation of fill, balanced cut to fill and cut to spoil.
- Supply and install all road pavement including subgrade preparation and compaction, lay and compact sub-base and road-base, place and compact asphaltic base course and lay and compact asphalt pavement.
- Supply and install all stormwater drainage infrastructure including stormwater drainage pits and pipes, back-fill and compaction.
- Supply and install all concrete structures including bedding, crossovers, kerbing, islands, footpaths, pedestrian and pram ramps.
- Supply and install concrete type tactile pavement markers inset to pram ramps.
- All signage and pavement marking not required as part of the new works shall be removed and where required, disposed of at a suitable location.
- Site preparation for line marking in accordance with technical specification.
- All traffic management works associated with the construction of Whitfords Avenue/ Northshore Drive works in accordance with Australian Standards and approved by the City prior commencing of works.
- Demolition of existing pavement, kerbing, drainage structures and road furniture as shown on the drawings (the removed structures/materials are to be removed from the site and disposed of at a suitable location).
- All required electrical works detailed in technical specification.
- All required landscaping works detailed in technical specification.
- Other associated works not mentioned above but shown on the drawings and specification.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, tenderers' experience and performance history, productive use of City resources and other environmental or local economic factors.

DETAILS

The tender for the civil works including electrical, landscaping and irrigation for Whitfords Avenue/Northshore Drive intersection upgrade was advertised through statewide public notice on 16 May 2020. The tender period was for four weeks and tenders closed on 18 June 2020.

Tender Submissions

A submission was received from each of the following:

- Tracc Civil Pty Ltd.
- Ralmana Pty Ltd trading as R J Vincent & Co.
- Civcon Civil & Project Management Pty Ltd.
- Densford Civil Pty Ltd (Conforming and Alternative Offers).
- BOS Civil Pty Ltd.
- WCP Civil Pty Ltd.
- Raubex Construction Pty Ltd.
- D.B. Cunningham Pty Ltd trading as Advanteering Civil Engineers.
- RCA Civil Group Pty Ltd.
- Egan Civil Pty Ltd (Castle Civil).

Tracc Civil Pty Ltd withdrew its submission on 23 July 2020, citing the company has recently been awarded a large number of civil construction contracts and is not in a position to commence additional work for a minimum of three months.

A summary of the tender submissions including the location of each tenderer is provided in Attachment 1 to this Report.

Evaluation Panel

The evaluation panel comprised four members, being:

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

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

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services.

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements.

Construction of the Whitfords Avenue / Northshore Drive will be a complex undertaking as works are affecting two roads that have high traffic volumes as well as the Whitfords Beach carpark, hence contractors with the appropriate resources and relevant experience will be considered to construct this high-risk project. The predetermined minimum acceptable qualitative score for this tender was therefore set at 60%.

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience completing similar projects	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

Compliance Assessment

All offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

Castle Civil scored 45.9% and was ranked nine in the qualitative assessment. The company has the capacity required to provide the services. However, afterhours contacts for emergency requirements were not addressed. It demonstrated experience completing drainage and road works for private and public sectors including local governments in WA. Local government clients included the Shire of Laverton and the Cities of Joondalup, Kwinana and Rockingham. Five examples of works were provided. These were predominantly drainage and local road upgrades and smaller scale projects with few works associated with live services. It did not fully demonstrate its understanding of the required tasks. A construction program was supplied however it was inconclusive, with no indicative dates of construction or practical completion. It also did not fully address traffic and pedestrian management during construction.

RCA Civil Group Pty Ltd scored 55% and was ranked eighth in the qualitative assessment. The company demonstrated experience completing minor to moderate road construction projects for WA local governments including the Shire of Serpentine Jarrahdale, the Town of Victoria Park and the Cities of South Perth and Stirling. Most of these works were linear runs and smaller scale to the City's requirement. It demonstrated its understanding of the City's requirements. However, its proposed methodology has limited details on traffic management, relating to control and management of traffic and pedestrian movements and/or detours during construction which is key to this project. Though it did not address the number of fulltime employees, the company has the capacity required to provide the services.

Advanteering Civil Engineers scored 58.5% and was ranked seventh in the qualitative assessment. The company demonstrated the capacity required to undertake the works. It has experience completing civil projects for private and public sectors including state government agencies in WA. Examples were provided though some projects were carried out at relatively controlled sites. It demonstrated a good understanding of the required tasks. A preliminary construction program was supplied; however, no specific site traffic management plan or methodology was provided detailing traffic movements through the site during construction.

Raubex Construction Pty Ltd scored 59.4% and was ranked sixth in the qualitative assessment. The company has experience completing various road construction projects for the private and public sector in WA. Examples included mostly regional projects in linear or controlled sites with little or no drainage or existing services works. Other examples were provided and these involved mainly landfill facilities including Henderson landfill capping for the City of Cockburn. It has the capacity required to provide the services though the specific number of fulltime employees was not stated. It demonstrated a sound understanding of the City's requirements. However, its proposed approach to closing car park during works was not supported due to current vendors using the area.

BOS Civil Pty Ltd scored 60.2% and was ranked fifth in the qualitative assessment. The company demonstrated a good understanding of the required tasks. It detailed the proposed stages of works to be undertaken. However, its proposed lateral shift of traffic through existing landscaped ground was considered not ideal and the construction program has no nominated date for practical completion. It has experience completing road upgrades for private and public sectors in WA including the City of Joondalup, the Shire of Serpentine Jarrahdale and BGC / City of Perth. These were moderate civil projects with no full road construction projects. It demonstrated the capacity required to provide the services though it did not address its number of full-time employees or afterhours contacts.

WCP Civil Pty Ltd scored 60.3% and was ranked fourth in the qualitative assessment. The company demonstrated a good understanding of the required tasks. Traffic management control was described in its proposed construction methodology as a four phase process though its diagram maps did not provide a clear visual process for the control of traffic during construction phasing. The company has in the past completed various road upgrade projects for the City and examples of works included minor to moderate scale projects for the Cities of Nedlands and Perth, Town of Bassendean, the Shires of Mundaring and Peppermint Grove. WCP Civil Pty Ltd is well established with sufficient industry experience and capacity to complete the works for the City.

Densford Civil Pty Ltd scored 61.8% and was ranked third in the qualitative assessment. The company demonstrated the capacity required to complete the works. It has extensive experience completing road upgrades for the private and public sectors including the Cities of Cockburn and Joondalup. Though some examples of works provided were of major projects, others were of similar works or scale to the City's requirements. It demonstrated its understanding of the required tasks and proposed two options for completion of works. The conforming offer and timeline meets the specified date for practical completion and has a 16 to 18 week road closure and the alternative offer proposes an alternate date for practical completion. The proposed road closure period and alternative date for practical completion did not meet the City's specified requirements and were not supported.

Civcon Civil & Project Management Pty Ltd scored 65% and was ranked second in the qualitative assessment. The company has the capacity and experience required to carry out the works. It has completed civil works and road construction projects for WA government agencies though examples of works provided were mainly major projects with moderate civil works and no total road construction. It demonstrated a good understanding of the required tasks, though it is noted the company did not detail the City's nominated subcontractor in its proposed electrical component of required streetlight works. Also, limited information was supplied on the proposed lane closure, duration and possible detour routes. Its proposed lateral shift of traffic through existing landscaped medians was considered not ideal.

R J Vincent & Co scored 66.8% and was ranked first in the qualitative assessment. The company demonstrated experience completing road reconstruction and duplication projects for private and public sectors including the City of Wanneroo and Tamala Park Regional Council. It has the capacity required to undertake the works. It demonstrated a sound understanding of the City's requirements. A preliminary program was supplied, however, its proposed 4.5 weeks full road closure of Northshore Drive was considered too long a period and not supported.

Given the minimum acceptable qualitative score of 60%, R J Vincent & Co, Civcon Civil & Project Management Pty Ltd, Densford Civil Pty Ltd (conforming and alternative Offers), WCP Civil Pty Ltd and BOS Civil Pty Ltd qualified for stage two of the assessment.

Price Assessment

The panel carried out a comparison of the lump sum prices offered by each of the tenderers in order to assess value for money to the City.

Tenderer	Fixed Lump Sum (Exclusive of GST)
R J Vincent & Co	\$2,853,004
Civcon Civil & Project Management Pty Ltd	\$2,782,102
Densford Civil Pty Ltd	\$3,130,946 (conforming offer) \$3,495,703 (alternative offer)
WCP Civil Pty Ltd	\$2,403,840
BOS Civil Pty Ltd	\$2,711,024

Evaluation Summary

Tenderer	Price Ranking	Lump Sum Price	Qualitative Ranking	Weighted Percentage Score
WCP Civil Pty Ltd	1	\$2,403,840	4	60.3%
BOS Civil Pty Ltd	2	\$2,711,024	5	60.2%
Civcon Civil & Project Management Pty Ltd	3	\$2,782,102	2	65%
R J Vincent & Co	4	\$2,853,004	1	66.8%
Densford Civil Pty Ltd	5 6	\$3,130,946 (conforming) \$3,495,703 (alternative)	3	61.8%

Based on the evaluation result the panel concluded that the tender from WCP Civil Pty Ltd provides best value to the City and is therefore recommended.

While R J Vincent & Co, Civcon Civil & Project Management Pty Ltd and Densford Civil Pty Ltd scored higher (66.8%, 65% and 61.8%) in the qualitative assessment, their offers were \$449,164, \$378,262 and \$727,106, respectively, more expensive when compared to WCP Civil Pty Ltd and did not provide any additional level of service that would warrant the additional cost.

Issues and options considered

The City has a requirement to engage an appropriately qualified and experienced contractor to undertake civil works including electrical, landscaping and irrigation for the intersection upgrade on Whitfords Avenue / Northshore Drive, Hillarys. The City does not have the internal resources to provide the required services and requires the appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation

A statewide public tender was advertised, opened and evaluated in accordance with regulations 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be more, or worth more, than \$250,000.

Strategic Community Plan

Key theme	Quality Urban Environment.
Objective	Integrated spaces.
Strategic initiative	Provide for diverse transport options that promote enhanced connectivity.
Policy	Not applicable.

Risk management considerations

The project consists of 2 parts as follows:

- Whitfords Avenue/ Northshore Drive Roundabout Upgrade - 2/3 Metropolitan Regional Road Group (MRRG) funding, 1/3 municipal funding.
- Whitfords Avenue Upgrade (John Wilkie Tarn to Northshore Drive) - 100% municipal funding.

It should be noted that the project achieved a relatively low score and was approved for MRRG funding of \$980,000 in 2019 due to the uncharacteristically low number of project submissions at the time. Should the contract not proceed, the risk to the City will be high as the MRRG funding will be withdrawn with the project unlikely to get funded again if the City resubmits the project.

Furthermore this could also result in the City's loss of reputation which could have negative implications for future funding submissions.

It is considered that the contract will represent a low risk to the City as the recommended tenderer is well established with sufficient industry experience and capacity to provide the services to the City.

Financial / budget implications

Account no.	RDC2021.
Budget Item	Whitfords Avenue / Northshore Drive Roundabout.
Budget amount	\$ 1,840,000
Amount spent to date	\$ 21,969 (includes \$18,647 committed)
Proposed cost	\$ 2,403,840
Balance	\$ (585,809)

The final budget for 2020-21 was adopted at \$1,840,000 and was initially predicted to be sufficient to undertake the full suite of works. Unfortunately, only one submission was priced in the vicinity of the adopted budget, but was excluded due to a poor qualitative assessment, which would bring with it unacceptable risks to the project and the community.

It is assumed that various COVID-19 infrastructure stimulus projects are beginning to contribute to limited availability of suitable contractors, indicated in this process by a withdrawn offer, which will affect supply and likewise increase the cost of certain works. The results of this tender process demonstrates the current market cost of the project and additional funding is required.

The project also incorporates two scope variations which were ratified as part of the detailed design process and reflected in the design shown to elected members in the 2020-21 draft budget workshop in March 2020. However, the 2020-21 project budget does not sufficiently accommodate the cost of these additional works. The two scope variations are:

Whitfords Avenue Parking Station Expansion

The project budget was established based on the original concept design whereby the carpark to the west of the Whitfords Avenue/ Northshore Drive roundabout had to be reduced in size by approximately 40% to accommodate the works. During detailed design, City staff were able to modify the design and, not only retain the entire carpark, expand the carpark resulting in additional 11 regular, two ACROD and two shared bays. Given the popularity and usage of the coastal paths and carparks, the carpark expansion is well-needed for the area.

Conversion of Western Power lighting within the project area to City-owned lighting

Over the last several years, the City has progressively converted Western Power lighting along the City's popular foreshores, parks and roads to City-owned lighting.

Installing City-owned new poles and luminaires on this project provides many advantages over Western Power lighting including the following:

- Matching the lighting installed on the previous section of Whitfords Avenue between Flinders Avenue and John Wilkie Tarn completed in 2018.
- Approximate energy consumption savings of around \$5,000 per year.
- Estimated 34% less greenhouse gas emissions produced (when comparing City's LED luminaires against Western Power's LED luminaires).
- Improved LED lighting with less obtrusive light, which will increase the night views for residents.
- All lights will be connected to the City's Wireless control system and powered from a metered supply, which provides immediate cost savings. For example, if a streetlight goes out the City won't get charged the energy consumption, whereas the City would if it is a Western Power light. Lights could be dimmed down to make further savings when required.
- Improved level of service for residents – Western Power currently remove poles without notifying the residents or the City and can take around six months to replace them.
- Long life aluminium poles (50 years) with the feasibility to earn extra revenue for the City from attaching advertising banners to the poles.

The total value of these additional works is estimated to be \$418,000.

All amounts quoted in this report are exclusive of GST.

Mid-year Budget Review Implications

The additional funds required to undertake this project will be included for consideration by Council in the 2020-21 Mid-Year Budget Review, including the possible funding sources which could include reserve funding, any additional revenue in 2020-21 from interim rates, or surplus funds available from 2019-20.

These options will be presented to Council for consideration at the time.

Regional significance

Not applicable.

Sustainability implications

The Whitfords Avenue / Northshore Drive intersection upgrade will assist in addressing safety, capacity and performance of the area.

Dualling of the existing roundabout at this intersection with an enlarged roundabout diameter will ease congestion through the intersection, improve manoeuvrability, lane compliance for road users and minimise turning movement crashes.

The installation of a new separated cycle lane through the roundabout will improve cyclist awareness and safety.

The installation of a new median island on Whitfords Avenue will minimise risks of loss of control, head-on and turning movement crashes as well as improving visual aesthetics of this section.

Extensive resurfacing with skid resistant asphalt will improve the overall safety of the road.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the City's evaluation process and concluded that the offer submitted by WCP Civil Pty Ltd represents best value to the City.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 APPROVES BY AN ABSOLUTE MAJORITY an increase in the 2020-21 budget for the Whitfords Avenue / Northshore Drive intersection upgrade of \$660,000 to total expenditure \$2,500,000 to be reflected in the 2020-21 Mid-Year Budget Review;**
- 2 ACCEPTS the tender submitted by WCP Civil Pty Ltd for the civil works including electrical, landscaping and irrigation for Whitfords Avenue / Northshore Drive intersection upgrade as specified in Tender 014/20 for the fixed lump sum of \$2,403,840 (excluding GST) for completion of works within four months.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf200908.pdf](#)

ITEM 13 TENDER 019/20 - SUPPLY AND LAYING OF ASPHALT - (MAJOR WORKS)

WARD	All
RESPONSIBLE DIRECTOR	Mr Mat Humfrey Corporate Services
FILE NUMBER	108750; 101515
ATTACHMENTS	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions
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 accept the tender submitted by Downer EDI Pty Ltd for the supply and laying of asphalt - major works.

EXECUTIVE SUMMARY

Tenders were advertised on 1 July 2020 through state-wide public notice for the supply and laying of asphalt – major works for a period of three years. Tenders closed on 21 July 2020. A submission was received from each of the following:

- Asphaltech Pty Ltd.
- Downer EDI Works Pty Ltd.
- Fulton Hogan Industries Pty Ltd.
- Kee Surfacing Pty Ltd.
- Roads 2000 Pty Ltd.

The submission from Downer EDI Pty Ltd represents best value to the City. The company demonstrated a complete understanding and appreciation of the City's requirements and is well established in this field. It has with proven capacity to provide the goods and services to the City. It demonstrated extensive experience in the supply, delivery and placement of asphalt for local governments including the Cities of Armadale, Cockburn, Mandurah, Perth, Rockingham, Stirling and Swan. It also worked with the City in June 2019 delivering the Arnisdale Road project using its Reconophalt asphalt mix.

It is therefore recommended that Council ACCEPTS the tender submitted by Downer EDI Pty Ltd for the supply and laying of asphalt – major works as specified in Tender 019/20 for a period of three years with the option for a further two years, at the submitted schedule of rates, with any price variations subject to bitumen rise and fall and the annual percentage change in the Perth Consumer Price Index (All Groups).

BACKGROUND

The City has a requirement for the supply and laying of asphalt for capital works and general maintenance requirements of roads and associated infrastructure.

The City currently has a single contract for the supply and laying of asphalt – major works with Asphaltech Pty Ltd which expires on 12 October 2020.

Tender assessment is based on the best value for money concept. Best value is determined after considering whole of life costs, fitness for purpose, respondents' experience and performance history, productive use of City resources and other environmental or local economic factors.

DETAILS

The tender for the supply and laying of asphalt – major works was advertised through state-wide public notice on 1 July 2020. The tender period was for three weeks and tenders closed on 21 July 2020.

Tender Submission

A submission was received from each of the following:

- Asphaltech Pty Ltd.
- Downer EDI Works Pty Ltd
- Fulton Hogan Industries Pty Ltd.
- Kee Surfacing Pty Ltd
- Roads 2000 Pty Ltd.

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

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

Evaluation Panel

The evaluation panel comprised four members:

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

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

Evaluation Method and Weighting

The qualitative weighting method of tender evaluation was selected to evaluate the offers for this requirement. Prior to assessment of individual submissions, a determination was made, based on the selection criteria, of what would be an acceptable qualitative score that would indicate the ability of the tenderer to satisfactorily deliver the services.

The standard minimum acceptable qualitative score for tenders at the City is 50%, but the specific circumstances of tender requirements may, from time to time, require the minimum score to be set higher than 50%, where the specification has complex design or technical requirements. The predetermined minimum acceptable qualitative score for this tender was set at 50%.

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in providing similar services	35%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

Compliance Assessment

All offers were assessed as compliant.

Qualitative Assessment

Kee Surfacing Pty Ltd scored 53.3% and was ranked fifth in the qualitative assessment. It demonstrated some experience in this field including asphalt surfacing and associated services for the Town of Cambridge and profiling, spray seal and asphalt surfacing for the Cities of Nedlands and Wanneroo. It did not demonstrate sufficient understanding of the required tasks. Its proposed methodology was limited to one page and it did not demonstrate an appreciation of the requirements. By the company indicating it does not have a committed supplier of asphalt and it would acquire asphalt mixes from different suppliers and also not specifying where additional assistance would be sourced if required, it did not fully demonstrate that it has the capacity required to carry-out the works.

Downer EDI Works Pty Ltd scored 64.7% and was ranked fourth in the qualitative assessment. It demonstrated extensive industry experience delivering similar services to local government. It currently holds eight local government contracts delivering over 100,000 tonnes of asphalt per annum. Some of these clients include the Cities of Armadale, Cockburn, Mandurah, Perth, Rockingham, Stirling and Swan. The company demonstrated a thorough understanding of the City's requirements and has sufficient capacity to complete the works.

Roads 2000 scored 70.5% and was ranked third in the qualitative assessment. The company demonstrated its capacity to carry out the works. It has comprehensive experience providing similar services. Numerous examples of works were provided to support its experience including the supply and laying of asphalt for the Cities of Wanneroo, Nedlands, Stirling, Fremantle and Gosnells and the Towns of Cambridge, Cottesloe and Mosman Park. It demonstrated a very good understanding of the required tasks.

Fulton Hogan scored 71.4% and was ranked second in the qualitative assessment. It demonstrated extensive experience in delivering similar services to local governments including the Cities of Kalamunda, Swan, Belmont, Armadale and Stirling and private organisations. Four project specific details with the Town of East Fremantle, City of Stirling, City of Subiaco and City of Swan was supplied. It is well resourced and has the capacity to provide the services. It demonstrated a good understanding of the required tasks.

Asphaltech scored 77.3% and was ranked first in the qualitative assessment. The company demonstrated a thorough understanding and appreciation of the City's requirements. It has extensive experience in the supply, delivery and placement of asphalt for local governments including the Cities of Wanneroo, Swan, Bayswater, Melville, Nedlands and Stirling and the Shires of Mundaring and Kalamunda. It is also the City's current supplier for the supply and laying of asphalt (major works). Asphaltech is well established with proven capacity to provide the goods and services to the City.

Based on the minimum acceptable score (50%), all tenderers qualified for stage 2 (price) assessment.

Price Assessment

The panel carried out a comparison of the submitted rates offered by those that passed the stage one evaluation to assess value for money to the City.

To arrive at the estimated financial value of the tender, the tendered rates offered by each Tenderer (using all tonnage rates or rates for medium job size where a single rate for all tonnage was not offered) have been applied to historical usage of the 14 most regularly used items and projected usage of five miscellaneous items (opening fees for after-hours weekdays, Saturdays and Sundays, multigrade binder DGA and multigrade binder SMA). This provides a value of the tender based on the assumption that the historical pattern of usage is maintained. The estimated expenditure over a 12 month period will vary based on demand and is subject to change in accordance with ongoing requirements.

The rates are subject only to the rise and fall in bitumen prices in the first year of the contract, but are subject to a price variation in years two and three of the contract to a maximum of the percentage change in the Perth CPI (All Groups) for the preceding year. For estimation purposes, a 2% CPI increase in years two and three was applied to the tendered rates. The bitumen price rise and fall cannot be accurately estimated and did not form part of this assessment.

Tenderer	Year 1	Year 2	Year 3	Total
Downer EDI Works Pty Ltd	\$1,855,958	\$1,893,077	\$1,930,939	\$5,679,974
Asphaltech Pty Ltd	\$2,042,457	\$2,083,306	\$2,124,972	\$6,250,735
Fulton Hogan Industries Pty Ltd	\$2,288,094	\$2,333,856	\$2,380,533	\$7,002,483
Kee Surfacing Pty Ltd	\$2,212,186	\$2,256,430	\$2,301,558	\$6,770,174
Roads 2000 Pty Ltd	\$2,113,318	\$2,155,585	\$2,198,696	\$6,467,599

During 2019-20, the City incurred \$2,373,262 for the supply and laying of asphalt - major works and is expected to incur in the order of \$5,679,974 over the three-year contract period and \$9,658,480 should both options to extend the contract be exercised.

Evaluation Summary

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

Tenderer	Price Ranking	Estimated Total Comparative Price	Qualitative Ranking	Weighted Percentage Score
Downer EDI Works Pty Ltd	1	\$5,679,974	4	64.7%
Asphaltech Pty Ltd	2	\$6,250,735	1	77.3%
Roads 2000 Pty Ltd	3	\$6,467,599	3	70.5%
Kee Surfacing Pty Ltd	4	\$6,770,174	5	53.3%
Fulton Hogan Industries Pty Ltd	5	\$7,002,483	2	71.4%

Based on the evaluation result the panel concluded that the tender from Downer EDI Works Pty Ltd provides best value to the City and is therefore recommended.

Issues and options considered

The City has a requirement for the supply of asphalt and associated services for both capital works and general maintenance requirements of roads and associated infrastructure. The City does not have the internal resources to provide the required goods and services and requires an appropriate external contractor to undertake the works.

Legislation / Strategic Community Plan / Policy implications

Legislation A state-wide public tender was advertised, opened and evaluated in accordance with clauses 11(1) and 18(4) of Part 4 of the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$250,000.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated spaces.

Strategic initiative Improve the interface between the urban and natural environments.

Policy Not applicable.

Risk management considerations

Should the contract not proceed, the risk to the City will be high as the City will be unable to efficiently complete the capital works road resurfacing program in a timely manner and attend to road maintenance as required.

Financial / budget implications

Current financial year impact

Account no.	Various accounts within the Road Preservation and Resurfacing Program (RPR).
Budget Item	Supply and laying of asphalt – major works.
Budget amount (Estimated)	\$ 2,833,333 (Asphalt component of the total budget).
Amount spent to date (current Contract)	\$ 28,735
Proposed cost (current Contract)	\$ 825,000
Proposed cost (new Contract)	\$ 1,320,585
Balance	\$ 659,013

The balance does not represent a saving at this time, as the final cost of the project may include variations arising due to the work sites, the extent of which is not currently known.

All amounts quoted in this report are exclusive of GST.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submission in accordance with the City's evaluation process and concluded that the offer submitted by Downer EDI Works Pty Ltd represents best value to the City.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted by Downer EDI Pty Ltd for the supply and laying of asphalt – major works as specified in Tender 019/20 for a period of three years with the option for a further two years, at the submitted schedule of rates, with any price variations subject to bitumen rise and fall and the annual percentage change in the Perth Consumer Price Index (All Groups).

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf200908.pdf](#)

ITEM 14 PETITION IN RELATION TO PLAYSPACE AT BELDON PARK, BELDON

WARD	Central
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services
FILE NUMBER	05808; 101515
ATTACHMENTS	Attachment 1 Beldon Park, Beldon Attachment 2 City Playground Shade Policy
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 petition in relation to the playspace at Beldon Park, Beldon.

EXECUTIVE SUMMARY

Beldon Park and the Beldon Primary School are located on two adjacent parcels of Crown Lands where Management Orders exist. The City is responsible for the management and control of Beldon Park, being Reserve 34071 (Lot 9472) and the Department of Education (DoE) is responsible for the management and control of the Beldon Primary School site, being Reserve 34236 (Lot 9523).

Following a request from the Beldon Residents Association for the installation of shade cloth over the playground equipment, the project was considered as part of the *2019-20 Capital Works Program*. Upon investigation, it was noted that the City's playspace infrastructure was located on Reserve 34236 (Lot 9523) which is under the care and control of the DoE. The location of the playspace on land that is not owned or managed by the City poses a potential insurance and liability risk for both the City and the DoE should an accident or injury occur in the playspace.

To address the above concern, the City has considered several options including the relocation of the playspace onto City managed land as well as engaging with the DoE with a view to amending the current Management Orders or the current licence (shared use) agreement.

At its meeting held on 17 September 2019 (C59-09/19 refers), a Petition of Electors was received by Council, requesting that the playspace at Beldon Park, Beldon remains where it is and that the Management Orders are changed in order to provide shade over the existing playground.

It is therefore recommended that Council:

- 1 SUPPORTS retaining the playspace in its current location on Reserve 34236 subject to an amendment to the licence (shared use agreement) between the City and the Minister for Education to include the playspace and associated infrastructure;*
- 2 SUPPORTS the installation of shade sails over the playspace located on Reserve 34236 subject to an amendment to the licence (shared use agreement) between the City and the Minister for Education to include the playspace and associated infrastructure;*
- 3 REQUESTS the Chief Executive Officer to engage with the Department of Education to amend the licence (shared use agreement) referred to in Parts 1 and 2 above;*
- 4 NOTES that the relocation of the playspace at Beldon Park to City managed land will be investigated when the playspace is due for renewal;*
- 5 ADVISES the lead petitioner of its decision.*

BACKGROUND

Beldon Park, Beldon is located within the Central Ward with approximately 3.5 hectares of irrigated parkland. Beldon Park and the Beldon Primary School are located on two adjacent parcels of Crown Lands where Management Orders exist. The City is responsible for the management and control of Beldon Park, being Reserve 34071 (Lot 9472) and the DoE is responsible for the management and control of the Beldon Primary School site, being Reserve 34236 (Lot 9523) (Attachment 1 refers).

The playing surface contained within Beldon Park extends across Reserve 34071 and Reserve 34236 and is subject to a licence (shared use agreement) between the City and the Minister for Education. The DoE pay an annual sum to the City equivalent to 25% of the audited operating cost relating to maintenance, which includes, but is not limited to, mowing, irrigation, weed control and turf management.

In the late 1990's, individual pieces of City play equipment located on the Beldon Primary School site (Reserve 34236) were consolidated into a single playspace which was renewed by the City in 2014. Currently, the City's playspace includes the following infrastructure:

- Combination unit with slide.
- Rope climber.
- Swing set.
- Springer boat.
- Steppers.
- Access footpath.
- Bench seating (two).
- Limestone walls.
- Rubber and sand softfall.

In April 2019, the Beldon Residents Association requested, amongst other things, the installation of shade cloth over the playground equipment. The installation of artificial shade over City playspaces is governed by the *City Playground Shade Policy* (Attachment 2 refers) which was endorsed by Council at its meeting held in August 2015.

In order to maintain the natural amenity of parks and public open spaces, the City's preference is to support the use of natural shade provided by trees over artificial options. This could be achieved by relocating the playspace to the northern section of the park under the existing mature trees adjacent to the Beldon Park toilet and changeroom facility, however, the playspace was only renewed in its current location in 2014 and is therefore not due for renewal until approximately 2035. For this reason, Beldon Park was considered for the installation of artificial shade as part of the *2019-20 Capital Works Program*.

Following the adoption of the City's *2019-20 Budget*, the City undertook preliminary investigations and it was noted that the licence (shared use agreement) for Beldon Park did not include the portion of land where the playspace was located thus creating a potential insurance and liability risk for both the City and the DoE.

The Beldon Residents Association was subsequently advised in July 2019 that the City was investigating options regarding the most appropriate course of action, as the current playspace was located on the DoE managed land of Reserve 34236. One of the options being considered was to relocate the playspace onto City managed land being Reserve 34071. The benefit of this proposal was that the playspace would be situated under existing shade trees which would negate the need for the installation of artificial shade. A further benefit was that a drinking fountain could also be installed near the new playspace given the shorter distance for a water connection.

In August 2019, the City received correspondence from both the Beldon Primary School and the Department of Education seeking clarity on the City's position regarding the location of the playspace and both noted that their preference was for the playspace to remain in-situ.

At its meeting held on 17 September 2019 (C59-09/19 refers), Council received a 152 signature petition from residents requesting that *"the playground at Beldon Park, Beldon remains where it is and that the Management Orders are changed in order to erect shade cloth over the existing playground."*

DETAILS

The City's playspace infrastructure at Beldon Park is currently located on Reserve 34236 (Lot 9523) which is under the care and control of the DoE. The location of the playspace on land that is not owned or managed by the City poses a potential insurance and liability risk for both the City and the DoE should an accident or injury occur in the playspace.

To address the above concern, the City considered several options including the relocation of the playspace onto City managed land as well as engaging with the DoE with a view to amending the current Management Orders or the current licence (shared use) agreement. At this time, the City's preference was to relocate the playspace to the northern end of Beldon Park onto City managed land, and under the existing mature trees. Not only would this option address the uncertainty of the responsible party in the event a public liability claim was lodged, the proposed location would also provide natural shade in preference to artificial shade which is in line with the City's *Playground Shade Policy*.

Upon receiving the petition, the City sought advice from the Department of Planning Lands and Heritage (DPLH) as the current landowner of both Reserves 34071 and 34236. The DPLH suggested that, if the primary intention is to retain the play equipment in its current location, (as requested through the petition), the City should consider amending the Management Orders to ensure the equipment does not extend across two property boundaries that are currently vested in different government entities for management purposes, (namely the City of Joondalup and the Department of Education).

The DPLH further advised that the following actions would need to be undertaken:

- Engage affected stakeholders, including the Department of Education and Beldon Primary School regarding the proposal.
- If supported, confirm each parties' acceptance of costs associated with undertaking a survey to reflect the new areas of both Reserves.
- Revoke the current Management Orders and replace with new Management Orders granted over the resurveyed boundaries.

In line with this advice, in February 2020, the City wrote to the DoE seeking their feedback in relation to the encroachment issue identified acknowledging that although this arrangement had existed for many years with limited cause for concern, the situation did present potential insurance and public liability risks in the event that a future claim was received by either the City or the DoE, should a person injure themselves on the equipment and the encroachment issue remained outstanding. Specifically, the City sought the Department's initial feedback on the following:

- The relocation of the play equipment onto the City managed Reserve.
- Progressing an amendment to the Management Orders to resolve the outstanding encroachment issue, allowing the play equipment to remain in-situ.
- The preferred method of engagement with the Beldon Primary School.

In April 2020, the DoE advised the City that feedback from the Beldon Primary School and the Beldon Education Support Centre had been received and the Department was awaiting feedback from the State Solicitor's Office (SSO) to determine whether insurance/public liability risks can be addressed through a variation to the shared use agreement if the play equipment were left in situ.

The City has now received advice from the DoE noting that the Department's preferred approach to remedy the potential insurance and public liability risks is to vary the licence (shared use agreement). The following reasons were provided for the adoption of this approach:

- The States Solicitor's Office has advised the Department that this is achievable and the simplest option to fix this issue without relocating the play equipment.
- The play equipment is not used by either the Beldon Primary School and Beldon Education Support Centre during school hours however, it has been a useful facility in its current location for parents and students before and after school.
- A relocation of the play equipment closer to Marmion Avenue is not desired by the Department given potential for increased safety issues.
- The Department, in general, does not support excisions to land held (or "amendments to existing Management Orders") which may result in a land area reduction where there is an alternative option being both viable and simpler.

Issues and options considered

Council can either choose one of the following options:

Option 1

Relocate the existing playspace onto Reserve 34071 under the existing mature trees adjacent to the Beldon Park toilet and changeroom facility.

The advantages of this option are as follows:

- The City's playspace will be located on land under the care and control of the City.
- The need for shade sails including ongoing maintenance and replacement of shade sails will be negated.

The disadvantage of this option is as follows:

- The relocation of the current playspace will be more costly than the installation of trees or shade sails.

The relocation of the playspace in line with the *City Playground Shade Policy* can again be reconsidered at the time of renewal.

Option 2

Leave the existing playspace in its current location on Reserve 34236 and amend the licence (shared use agreement) between the City and the Minister for Education and plant six 1,000 litre trees around the playspace.

The advantages of this option are as follows:

- The installation of trees will be less costly than the relocation of the current playspace or the installation of shade sails.
- The additional ongoing maintenance and replacement cost of shade sails will be negated.

The disadvantage of this option is as follows:

- The trees will take time to mature to provide the optimal levels of shade.

Option 3

Leave the existing playspace in its current location on Reserve 34236 and address the insurance and liability concerns by amending the licence (shared use agreement) between the City and the Minister for Education and install shade sails over the existing playspace.

The advantages of this option are as follows:

- The installation of shade sails will be less costly than the relocation of the current playspace, however, the ongoing maintenance cost will be higher.
- Shade sails will provide an instant shade solution.

The disadvantages of this option are as follows:

- Additional City owned infrastructure will be constructed on DoE land.
- Ongoing maintenance and replacement of shade sails (sail replacement approximately every five years).

This is the preferred option.

It should be noted that when artificial shade is provided over playgrounds it is recognised as an interim solution only until such time when natural shade is optimal. The City will therefore undertake additional infill tree planting around the playspace.

Legislation / Strategic Community Plan / Policy implications

Legislation Not applicable.

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Quality open spaces.

Strategic initiative Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

Policy *City Playground Shade Policy.*

Risk management considerations

Although the playspace infrastructure is owned and maintained by the City, the land upon which it is situated is under the care and control of the DoE. This poses a potential risk to both the City and the DoE should an accident or injury occur in the playspace.

To mitigate this risk, if the playspace is to remain in its current location, the licence (shared use agreement) will need to be amended to include the playspace and associated infrastructure. It should be noted that any works will only commence once the licence (shared use agreement) has been amended and executed by the City and the DoE.

Financial / budget implications

Option 1: The estimate for relocating the playspace is \$110,000.

Option 2: The estimate for the planting of six 1,000 litre trees is \$35,000.

Option 3: The estimate for the installation of shade sails over the playspace at its current location and infill planting is \$50,000 with an additional \$6,000 every five years for the replacement of shade sails.

The installation of shade sails at Beldon Park was included in the City's *2019-20 Capital Works Program* (PEP2776 - Shade Sail Program). This has been carried forward to the 2020-21 financial year.

Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

The City consulted with the DPLH and the DoE regarding the options available to the City as outlined in this report. It should be noted that the DoE engaged with the Beldon Primary School and the Beldon Education Support Centre prior to providing feedback to the City. Further discussions with the DoE will be required to amend the licence (shared use agreement) should Council support either options 2 or 3.

COMMENT

The City's preference, in accordance with the *City Playground Shade Policy*, is to maintain the natural amenity of parks and public open spaces and therefore supports the use of natural shade provided by trees over artificial options.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 SUPPORTS retaining the playspace in its current location on Reserve 34236 subject to an amendment to the licence (shared use agreement) between the City and the Minister for Education to include the playspace and associated infrastructure;**
- 2 SUPPORTS the installation of shade sails over the playspace located on Reserve 34236 subject to an amendment to the licence (shared use agreement) between the City and the Minister for Education to include the playspace and associated infrastructure;**
- 3 REQUESTS the Chief Executive Officer to engage with the Department of Education to amend the licence (shared use agreement) referred to in Parts 1 and 2 above;**
- 4 NOTES that the relocation of the playspace at Beldon Park to City managed land will be investigated when the playspace is due for renewal;**
- 5 ADVISES the lead petitioner of its decision.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf200908.pdf](#)

ITEM 15 PETITION IN RELATION TO INSTALLATION OF TRAFFIC CONTROLS AT THE INTERSECTION OF WALTER PADBURY BOULEVARD AND HEPBURN AVENUE, PADBURY

WARD	South-West	
RESPONSIBLE DIRECTOR	Mr Nico Claassen Infrastructure Services	
FILE NUMBER	10105, 101515	
ATTACHMENTS	Attachment 1	Location Plan
	Attachment 2	Proposed Location of Emergency Access and Egress Point
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 installation of traffic lights at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury.

EXECUTIVE SUMMARY

At its meeting held on 19 November 2019 (C145-11/19 refers), Council received a 32 signature petition from residents of the City of Joondalup seeking support for the installation of traffic signals at Hepburn Avenue and Walter Padbury Boulevard, Padbury.

The City has previously investigated the installation of traffic signals at this location. Following advice received from Main Roads WA (MRWA) the City commissioned a Major Road Network Review (MRNR) to inform the future network requirements and prioritise improvements to specific sections or intersections of the City's major arterial roads. This review included the development of a traffic model utilising growth factors to project the traffic volumes and road performance for 2021, 2026 and 2031. Hepburn Avenue, as a key east/west arterial road was included in this review.

The outcome of the review of Hepburn Avenue concluded that the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury was performing and will continue to perform for the modelling period (up to 2031) at an acceptable level of service (LoS) and that modifications are therefore not required.

At its meeting held on 17 March 2020 (CJ032-03/20 refers), Council consider a report in relation to the petition and the item was referred back to the Chief Executive Officer to investigate alternative access and egress options to Hepburn Heights estate.

The City commissioned new traffic video surveys undertaken on Thursday 2 July and Saturday 4 July 2020 to capture vehicle and pedestrian movements at the intersection to provide data which would determine the most optimum improvements required, if any. The outcome of the data analysis and investigation concluded that the intersection of Hepburn Avenue and Walter Padbury Boulevard did not justify the pursuit of traffic signals at the intersection at this time, and may lead to increased delays and frustration experienced by motorists, and was unlikely to be approved by Main Roads WA. Further inspection of the area did determine opportunities to improve emergency access and egress to the estate.

It is therefore recommended that Council:

- 1 *NOTES that the findings of the Major Road Network Review and the additional investigation of turning movements at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury and DOES NOT SUPPORT the installation of traffic lights at this intersection;*
- 2 *SUPPORTS retaining the existing T-junction treatment at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;*
- 3 *NOTES that the traffic model underpinning the Major Road Network Review will be reviewed and updated periodically to reflect any changes in traffic volume and or travel behaviours which may result in future modifications to the layout and/or treatment of the Hepburn Avenue and Walter Padbury Boulevard intersection;*
- 4 *SUPPORTS the installation of an emergency access and egress point between the south eastern elbow of Fernwood Square and the southern bend of Brookmount Ramble to facilitate emergency access in the event of an emergency;*
- 5 *ADVISES the lead petitioner of its decision.*

BACKGROUND

At its meeting held on 19 November 2019 (C145-11/19 refers), Council received a 32 signature petition from residents of the City of Joondalup requesting the following:

- “1 *Provision be made in the next upcoming budget to install traffic light controls, including pedestrian controls at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury;*
- 2 *Council resolutely lobby the State Government’s Main Roads Department, as the regulator for such installations, so that permission can be obtained for such an installation to proceed.”*

History of Council Decisions

The City has previously investigated the intersection of Hepburn Avenue and Walter Padbury Boulevard (Attachment 1 refers) following the receipt of two petitions by Council at its meeting held on 28 June 2011 (C22-06/11 refers), requesting that parking, traffic and pedestrian issues occurring since the opening of St Stephens School Early Learning Centre in 2011 and the potential impact on traffic for the local area be addressed. At its meeting held on 28 June 2012 (CJ120-06/12 refers) Council considered a report in response to these two petitions and resolved in part that it:

- “1 *NOTES that this report specifically addresses the traffic, parking and pedestrian issues raised in the petitions received by Council on the 28 June 2011;*

- 2 *REQUESTS that the Chief Executive Officer prepare a report for the Strategic Financial Management committee detailing a business case of purchasing vacant land 12 Blackwattle Parade, Padbury;*
- 5 *REQUESTS that the Chief Executive Officer investigate the installation of traffic signals at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;”*

At its meeting held on 24 June 2014 (CJ104-06/14 refers), Council considered a confidential report regarding the proposed acquisition of Lot 12223 (12) Blackwattle Parade, Padbury and resolved in part that it:

- “2 *REQUESTS the Chief Executive Officer to pursue clarification from the Minister for Planning and the Minister for Lands regarding the conditions provided to the City on how the proceeds on the proposed disposal of the site should be utilised;*
- 3 *AUTHORISES the advertising of the proposal to purchase Reserve 43717 for thirty days in accordance with the Department of Lands requirements;*
- 4 *NOTES the preference for the proceeds of the sale of Lot 12223 (12) Blackwattle Parade, Padbury is to resolve traffic ingress/egress issues to Hepburn Heights by the installation of traffic lights at the junction of Walter Padbury Boulevard and Hepburn Avenue, Padbury.”*

In reference to part 3 above, consultation was undertaken from 24 February to 26 March 2015 to gauge resident’s opinion on the acquisition of the site. At its meeting held on 19 May 2015 (CJ082-05/15 refers), Council considered the results of the community consultation and resolved in part that it:

- “4 *SUPPORTS the creation of a specific reserve account in the City’s Trust Fund for community projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury in line with the definition of “Community Purposes” under District Planning Scheme No. 2 in which the sale proceeds of Lot 12223 (12) Blackwattle Parade, Padbury are to be allocated to;*
- 5 *NOTES the level of support from the community consultation process for the installation of traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury, the upgrading to the existing landscaping along Hepburn Avenue and the upgrading of the infrastructure in Fernwood Park, Padbury;*
- 6 *REQUESTS the Chief Executive Officer to develop an advocacy plan to gain support from the relevant State Government departments to use the funds from the sale of the land for Council and the community’s preferred option to install traffic lights at the intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury.”*

As per part 6 above, an advocacy plan has been drafted in preparation to commence the process of requesting the relevant State Government departments’ agreement for the installation of traffic lights at the junction of Walter Padbury Boulevard and Hepburn Avenue, Kingsley using the funds from the sale of Lot 12223. However, the implementation of the advocacy plan can be considered once a traffic impact assessment that is required as part of a development application for the future development of Lot 12223 (12) Blackwattle Parade, Padbury has been completed.

A business case was submitted to the Department of Planning, Lands and Heritage (DPLH-Lands) which resulted in the City receiving conditional support for the purchase of the site at the concessional rate of \$88,000 (exclusive GST). Community's support was one the DPLH-Lands conditions, as was the proceeds from the sale for the site being placed in a trust account that had an auditable trail available of the use of the funds. The DPLH-Planning's support was also a requirement.

The DPLH-Planning advised that it did not object to the sale of Lot 12223 to the City subject to the proceeds of the sale of the site to be placed in a reserve fund and used for community purposes as detailed under the City's former *District Planning Scheme No. 2* – now LPS3 as follows:

Community Purpose – means the use of premises designed or adapted primarily for the provision of education, social, cultural and recreational facilities and services by organisations involved in activities for community benefit.

The DPLH-Planning further advised that using the proceeds to address parking, traffic and pedestrian issues is not in accordance with the intent of the community purpose definition. Additional comments were provided on the extent of where the sales proceeds might apply. It had no definite policy position on the definition of 'locality' but commented that if the former community purpose site had been developed, it would have attracted residents from both the northern and southern side of Hepburn Avenue.

Concerning the DPLH-Planning's advice that the proceeds should not be used for parking, traffic and pedestrian issues in the area, DPLH-Lands advised the City that this condition would require removal before the acquisition could proceed. The progress of the acquisition continued due to the City's reassurance that before utilising any of the funds, it would seek the prior approval of the DPLH-Lands.

Council considered a report at its meeting held on 19 March 2019 (CJ031-03/19 refers) based on the above information and resolved in part that it:

- “3 *NOTES that it has previously SUPPORTED the creation of a reserve account in the City's Trust Fund for community projects in the vicinity of Lot 12223 (12) Blackwattle Parade, Padbury in line with the definition of 'Community Purpose' under the City's former District Planning Scheme No. 2 in which the sale proceeds of Lot 12223 (12) Blackwattle Parade, Padbury are to be allocated to;*”

Major Road Network Review

Concurrently with the above, throughout 2013 and 2014 the City liaised with MRWA to seek an agreement in principle for the installation of traffic signal controls at this location. In October 2014, MRWA advised that traffic signals at this intersection were not supported for a number of reasons including the low volume of traffic on the side road, the intersections relatively low crash rates/ranking and increasing traffic congestion on Hepburn Avenue. MRWA recommended that the City consider developing its own strategic road network plans.

Following advice from MRWA the City commissioned the Major Road Network Review (MRNR) which commenced in October 2015 and was completed in June 2019. Within the MRNR is the city-wide mesoscopic transport model covering the City of Joondalup boundary which provides an insight into existing and expected traffic patterns on a city-wide level. Hepburn Avenue was one of the 11 road corridors that was assessed in further detail at the microsimulation level. By modelling the road corridor, the impacts of individual intersection improvements on the overall movement of vehicles along the road corridor can be understood. The findings of the MRNR were intended to be a strategic plan for the implementation of intersection upgrades across the City's road network.

Through the MRNR, the Hepburn Avenue corridor was assessed in 2017 at a more detailed microsimulation level for the weekday morning and afternoon peak hours to determine future intersection upgrades that maybe required. The peak hours were determined to be 8.00am to 9.00am and 5.00pm to 6.00pm respectively, as determined by traffic video surveys conducted in March 2017. This data formed the demands for the base year model.

Future year demands were based on MRWA's strategic transport model ROM24, which is based on land use data and is used to project travel demand patterns in Perth and covers the entire Perth metropolitan region from Yanchep to Mandurah. These projected travel demand patterns provided the base data for the years 2021, 2026 and 2031 used in the Hepburn Avenue microsimulation model.

The outputs of the model include level of service (LoS) for the morning and afternoon peaks for the base year and future years. The LoS is a qualitative stratification of the performance measure or measures representing quality of service. There are six levels of service, designated A to F, with 'LoS A' representing the best operating condition and service quality from the user's perspective and 'LoS F' the worst. In the case of the intersections along the Hepburn Avenue corridor, the LoS measure is the average delay per vehicle.

Major Road Network Review Findings

The modelling indicated the LoS for the intersection of Hepburn Avenue and Walter Padbury Boulevard was within acceptable levels for both the morning and afternoon peaks for the assessed year (2017) and future years up to 2031. The review did not recommend any modifications to this intersection, however, when taking a holistic view of the Hepburn Avenue corridor, recommended improvements to the Hepburn Avenue and Lilburne Road intersection. This intersection, while currently performing within an acceptable LoS, will require a future upgrade to a roundabout to maintain performance levels. The timing of the upgrade will be in line with the expected LoS deterioration and prioritised alongside other major intersection upgrades required by the City.

An extract of the traffic survey data used in the model development is provided below which demonstrates the vehicle demands for side roads on Hepburn Avenue between Marmion Avenue and the Mitchell Freeway. The intersections with the signalised and the roundabout controls service a higher vehicle demand than those with the give way control. Of the two give way control intersections, Lilburne Road has a higher vehicle demand in comparison to Walter Padbury Boulevard in the modelled periods.

Table 1: Extract traffic survey data Thursday 9 March 2017

Hepburn Avenue intersection with	Current Intersection Control	Morning Peak 8.00am – 9.00am		Afternoon Peak 5.00pm – 6.00pm	
		Access (veh)	Egress (veh)	Access (veh)	Egress (veh)
Gibson Avenue	Signalised	438	770	513	322
Lilburne Road	Give Way	361	320	246	223
Walter Padbury Boulevard	Give Way	161	225	193	138
Glengarry Drive	Roundabout	410	429	282	361

Crash analysis

To ensure there are no significant issues with the design layout of the Hepburn Avenue and Walter Padbury Boulevard intersection, a crash analysis was undertaken of the most recent five-year crash history being the period January 2014 to December 2018. The results of the analysis revealed that there were two reported crashes at this location. A comparison with other intersections on Hepburn Avenue was undertaken and is provided below.

Table 2: Examples of crash ranking and five-year crash numbers for Hepburn Avenue intersections

Hepburn Avenue intersection with	Intersection Ranking	*Casualty Crash Numbers (2014-2018)	Total Crash Numbers (2014-2018)	Current Intersection Control
Gibson Avenue	28	20	43	Signalised
Glengarry Drive	46	9	30	Roundabout
Kingsley Drive	49	3	30	Signalised
Cockman Road	59	5	24	Give Way
Moolanda Boulevard	79	5	16	Give Way
Allenswood Rd	86	3	15	Give Way
Lilburne Road	95	1	12	Give Way
Seacrest Drive	108	2	9	Give Way
Goollelal Drive	109	4	9	Give Way
Waraker Drive	121	5	8	Give Way
Barridale Drive	123	2	8	Give Way
Orbell Road	141	3	6	Give Way
Karuah Way	144	3	6	Give Way
Walter Padbury Boulevard	Not ranked	1	2	Give Way
Brookmount Ramble	Not ranked	1	1	Give Way

**Casualty crashes refer to injury related crashes involving medical treatment.*

Intersection ranking figures shown in the second column of Table 2 above are the ranking for the associated intersections/locations within the City of Joondalup that meet the MRWA minimum recorded crash criteria for Black Spot funding eligibility. The minimum crash criteria for the Australian Government Black Spot Program is three casualty crashes over five years and the State Black Spot criteria is five crashes over five years. The intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury does not meet these requirements and thus is not ranked.

The above findings were reported back to Council at its meeting held on 17 March 2020 (CJ032-03/20 refers). At this meeting Council resolved that:

Item CJ032-03/20 – Petition in Relation to Installation of Traffic Controls at the Intersection of Walter Padbury Boulevard and Hepburn Avenue, Padbury, BE REFERRED BACK to the Chief Executive Officer to investigate alternate access and egress options to Hepburn Heights.

DETAILS

The intersection of Hepburn Avenue and Walter Padbury Boulevard is a priority-controlled intersection and includes a number of design features that are in accordance with *Main Roads standards* and *Austroads Guidelines*. The intersection allows for full vehicle access with the following design elements listed below and shown in the aerial imagery for the intersection:

- Left turn pocket east bound on Hepburn Avenue into the Walter Padbury Boulevard - under give way control.
- Right turn pocket west bound on Hepburn Avenue into Walter Padbury Boulevard - under give way control.
- Median seagull treatment to assist with right turn movements - providing storage for vehicles.
- East to west and north to south pedestrian crossings in the form of pedestrian slots within islands plus tactile pavement indicators for visually impaired.
- Cycle lane and road shoulder treatments have been provided on Hepburn Avenue.



To assist the City in accessing the traffic movements and demand to and from Hepburn Heights, the City commissioned new traffic video surveys which were undertaken on Thursday 2 July and Saturday 4 July 2020. Due to the potential impacts of COVID-19 on traffic volumes, the data collection was delayed to ensure that the captured traffic volumes would be better reflective of a typical weekday and weekend day.

Traffic Analysis Findings

The intersection of Walter Padbury Boulevard and Hepburn Avenue experienced higher traffic volumes on the Thursday than the Saturday. The analysis therefore focused on the results from Thursday 2 July 2020 as the representation of turning movement volumes on a typical weekday. The weekday morning peak hour was between 8.00am to 9.00am and the weekday afternoon peak hour was between 2.45pm to 3.45pm.

Morning Peak Hour Results

Figure 1 provided below shows the turning movements at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury for the morning peak hour 8.00am to 9.00am. The data captured light and heavy vehicle movements, pedestrians and cyclists. For simplicity, the analysis of the vehicle movements was on the combined light and heavy vehicles. The data is presented in the following formats; total number of vehicles per movement, movement as a percentage of the approach vehicle numbers and movement as a percentage of the total number of vehicles at the intersection.

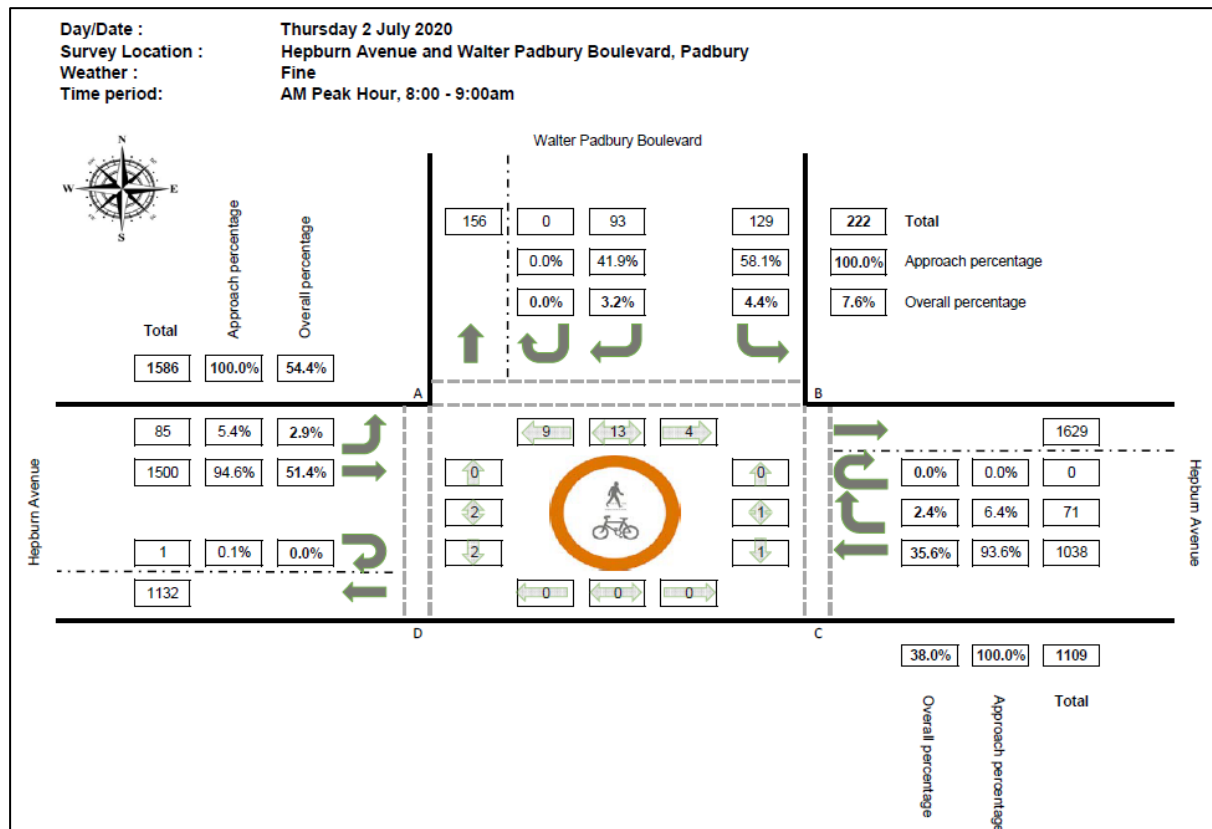


Figure 1: Morning peak hour turning movement results

There were in total 2917 vehicles captured at the intersection of Walter Padbury Boulevard and Hepburn Avenue during the morning peak hour, of which vehicles exiting Walter Padbury Boulevard accounted for 7.6% (222 vehicles). Of the 222 vehicles exiting Walter Padbury during the morning peak hours, 58.1% (129 vehicles) turn left heading eastbound on Hepburn Avenue. The remaining 41.9% (93 vehicles) turn right heading westbound on Hepburn Avenue. The prominent movement out of Walter Padbury Boulevard during the morning peak is the left turn heading towards Mitchell Freeway.

As a percentage of the total vehicles at the intersection, vehicles entering Walter Padbury Boulevard was 5.3% (156 vehicles). Of the 156 vehicles entering Walter Padbury Boulevard during the morning peak hour, 54.5% (85 vehicles) turn left from the Hepburn Avenue and 45.5% (71 vehicles) turn right from Hepburn Avenue. The predominate movement into Walter Padbury Boulevard during the morning peak is the left turn from Hepburn Avenue western approach.

Morning Peak Hour Analysis – Motorised Traffic Movements

The right turn movement out of Walter Padbury Boulevard is the last movement to have right of way, the following assessment is based on this particular movement with a two-stage crossing allowing vehicles to store alongside the median. In stage one of the crossing, right turning vehicles from Walter Padbury Boulevard must give way to eastbound through vehicles on Hepburn Avenue and right turning vehicles from Hepburn Avenue east before moving alongside the median in the intersection. In stage two of the crossing, right turning vehicles in the median storage must give way to westbound vehicles on Hepburn Avenue.

The theoretical maximum rate at which minor traffic stream vehicles can cross or be absorbed into the major traffic stream in a gap acceptance situation. This maximum rate is known as the theoretical absorption capacity and can be calculated in accordance with *Austrroads Guidelines* which takes into account traffic volume, speed and spacing between vehicles amongst other variables. This has been calculated for the right turn movement out of Walter Padbury Boulevard, so that a theoretical 100% baseline can be established. Of course, theory does not fully translate in application, and so industry practice is to discount this maximum from 100% to between 80 to 85%.

Analysis which results in percentages above 80-85% indicate it is operating above capacity and potentially nearing the theoretical capacity, thus leading to congestion and dangerous behaviour as drivers attempt to use the intersection, while those operating under 80-85% have additional capacity. Where results near 100% (the theoretical maximum) there is potential for the movement in question to cease function and flow all together.

Right turn from Walter Padbury onto Hepburn Avenue morning peak information:

	Theoretical Capacity	Practical Capacity	Calculated Capacity
Vehicles / Hr	137	110-117	93
Absorption %	100%	80-85%	68%

The calculation for average delay of the two-stage crossing for the right turn movement is a combination of the average delay at the give way line on Walter Padbury Boulevard (23.13 seconds) and the average delay at the median storage (15.63 seconds). However, it is not simply the sum of the two as the average delay at the give way line is the expected time a vehicle will have to wait once the median storage space is empty.

A simplified assumption can be made that if there is a constant demand for the right turn movement out, 93 veh/h equals 1.55 veh/min, this corresponds to an approximate delay of 38 seconds per vehicle on average.

The morning peak summary table below shows the calculations of average delay and capacity for the non-through movements along Hepburn Avenue, which require turning to and from Walter Padbury Blvd. The analysis of the data reveals that the intersection is operating within acceptable limits.

Table 3: Morning peak analysis for turning movements to and from Walter Padbury Boulevard

Turning Movement	Demand	Percentage of overall vehicles	Average delay*	Theoretical absorption capacity	Practical capacity range	Calculated Capacity
	[veh/h]	[%]	[s/veh]	[veh/h]	[veh/h]	[%]
Right turn out of Walter Padbury Blvd	93	3.2%	38.71*	137	110 - 117	68%
Left turn out of Walter Padbury Blvd	129	4.4%	11.87	261	209 - 222	49%
Right turn into Walter Padbury Blvd	71	2.4%	11.87	261	209 - 222	27%

* simplified calculation for average delay

The left turn out of Walter Padbury Boulevard and the right turn into Walter Padbury Boulevard have the same values for average delay and theoretical absorption capacity as they cross or join the same major eastbound traffic stream and have the same critical gap acceptance values as per Austroads guidelines. Although relatively rudimentary, the analysis is sufficient to determine whether further investigation is warranted. For situations where further investigations were warranted, the City would need to engage consultants utilising specialised software to undertake the traffic modelling.

Morning Peak Analysis – Non-Motorised Traffic Movements

There were 16 pedestrian and cyclist movements at the intersection during the morning peak hour. Of which 75% (12) were cyclists and 25% (four) were pedestrians. The predominate crossing movement was across Walter Padbury Boulevard, east and west on the northern side of the intersection, with 81.2% (13) of the recorded crossing movements. The details of the crossing movements are provided in the table below.

Table 4: Morning peak non-motorised crossing movements

Crossing over	Direction of travel	Pedestrians	Cyclists	Designated crossing provided
Walter Padbury Boulevard	West to East	1	3	Yes
	East to West	1	8	
Hepburn Avenue, west of the intersection	North to South	1	1	Yes
	South to North	0	0	
Hepburn Avenue, east of the intersection	North to South	1	0	No
	South to North	0	0	

The data reveals that there is not a high number of pedestrians and/or cyclists at this location. The predominate crossing is the one across Walter Padbury Boulevard, which is aligned with the shared path. It is noted that one crossing occurred at a location without a designated crossing. There is no crossing provided at this location as the right turn pocket on Hepburn Avenue increases the crossing distance by one lane's width, approximately 3.5 metres, which would increase the crossing time required. Additionally, there is no connecting footpath on the southern verge of Hepburn Avenue, necessitating the provision of a crossing on the eastern side of the intersection. The crossing on the western side of the intersection is provided in accordance with current standards.

Afternoon Peak Hour Results

Figure 2 provided below shows the turning movements at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury for the afternoon peak hour 2.45pm to 3.45pm. The data captured light and heavy vehicle movements, pedestrians and cyclists. For simplicity, the analysis of the vehicle movements was on the combined light and heavy vehicles. The data is presented in the following formats: total number of vehicles per movement, movement as a percentage of the approach vehicle numbers and movement as a percentage of the total number of vehicles at the intersection.

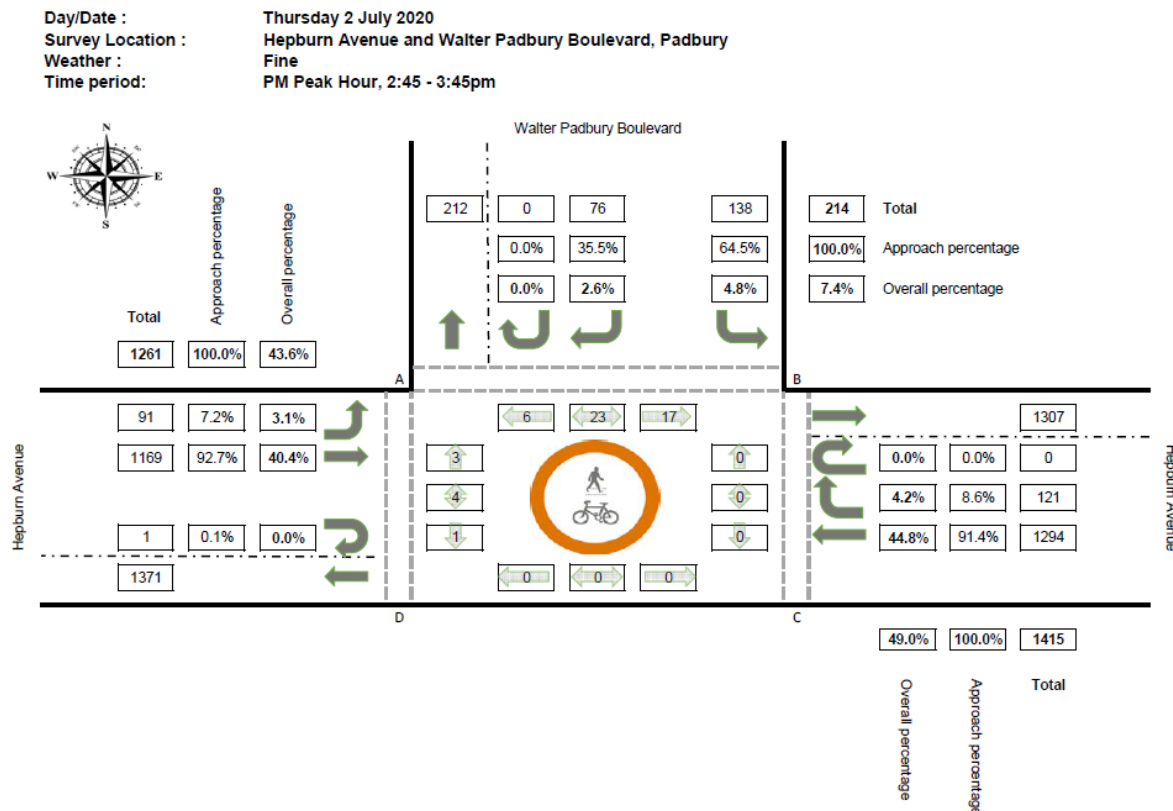


Figure 2: Afternoon peak hour turning movement results

There were 2890 vehicles captured at the intersection of Walter Padbury Boulevard and Hepburn Avenue during the afternoon peak hour, of which vehicles exiting Walter Padbury Boulevard accounted for 7.4% (214 vehicles). Of the 214 vehicles exiting Walter Padbury Boulevard during the afternoon peak hours, 64.5% (138 vehicles) turn left heading eastbound on Hepburn Avenue. The remaining 35.5% (76 vehicles) turn right heading westbound on Hepburn Avenue. The prominent movement out of Walter Padbury Boulevard during the afternoon peak is the left turn heading towards Mitchell Freeway.

As a percentage of the total vehicles at the intersection, vehicles entering Walter Padbury Boulevard was 7.3% (212 vehicles). Of the 212 vehicles entering Walter Padbury Boulevard during the afternoon peak hour, 57.1% (121 vehicles) turn right from Hepburn Avenue and 42.9% (91 vehicles) turn left from Hepburn Avenue. The predominate movement into Walter Padbury Boulevard during the afternoon peak is the right turn from Hepburn Avenue eastern approach.

Afternoon Peak Hour Analysis – Traffic Movements

The theoretical absorption capacity for the right turn out movement at 100% is 104 veh/h. The practical capacity may be estimated as 80 to 85% of this value, that is 83 to 88 veh/h. The turning movement data revealed that in the morning Peak, 76 vehicles turned right from Walter Padbury Boulevard. This value represents a capacity of approximately 73%, which is below the practical capacity.

Right turn from Walter Padbury onto Hepburn Avenue afternoon peak information:

	Theoretical Capacity	Practical Capacity	Calculated Capacity
Vehicles / Hr	104	83-88	76
Absorption %	100%	80-85%	73%

As per the morning peak, the average delay for the two-stage right turn crossing can be estimated. The simplified assumption can be made that there is a constant demand for the right turn movement out, 76 veh/h equals 1.27 veh/min, this corresponds to an approximate delay of 47 seconds per vehicle on average.

Table 5: Afternoon peak analysis for turning movements to and from Walter Padbury Blvd

Turning Movement	Demand	Percentage of overall vehicles	Average delay	Theoretical absorption capacity	Practical capacity range	Calculated Capacity
	[veh/h]	[%]	[s/veh]	[veh/h]	[veh/h]	[%]
Right turn out of Walter Padbury Blvd	76	2.6%	47.37*	104	83 - 88	73%
Left turn out of Walter Padbury Blvd	138	4.8%	7.54	370	296 - 314	37%
Right turn into Walter Padbury Blvd	121	4.2%	7.54	370	296 - 314	33%

*simplified calculation for average delay

Afternoon Peak Analysis – Non-Motorised

There were 27 pedestrian and cyclist movements at the intersection during the afternoon peak hour. Of which 70.4% (19) were cyclists and 29.6% (eight) were pedestrians. The predominate crossing movement was across Walter Padbury Boulevard, with 85.2% (23) of the recorded crossing movements. The details of the crossing movements are provided in the table below.

Table 6: Afternoon peak non-motorised crossing movements

Crossing over	Direction of travel	Pedestrians	Cyclists	Designated crossing provided
Walter Padbury Boulevard	West to East	2	15	Yes
	East to West	3	3	
Hepburn Avenue, west of the intersection	North to South	1	0	Yes
	South to North	2	1	
Hepburn Avenue, east of the intersection	North to South	0	0	No
	South to North	0	0	

The data reveals that there is not a high number of pedestrians and/or cyclists at this location. The predominate crossing is the one across Walter Padbury Boulevard, which is aligned with the shared path.

Summary

As no specific concerns were mentioned in the petition, the assumption was that the request for traffic signal controls was due to concern with delay for right turning vehicles and safety for pedestrian movements. Therefore, the assessment has focused on the capacity for the right turn movement out of Walter Padbury Boulevard in the morning and afternoon peak periods.

While it is acknowledged that the right turn movements out of Walter Padbury Boulevard may experience some delay as this movement is the lowest priority movement at the intersection, this movement only accounts for 3.2% and 2.6% of the total vehicles at the intersection during the morning and afternoon peaks respectively.

The right turn movement is deemed to be below the practical absorption capacity, meaning that there are enough gaps within the flow on Hepburn Avenue to allow the vehicles to allow vehicles to turn.

Should detailed analysis of average delays for individual movements be required these would need to be assessed through further traffic modelling. However, using a simplified assumption for delays the average delay for the right turn out of Walter Padbury Boulevard is 38 seconds in the morning peak hour and 47 seconds in the afternoon peak hour. This assumption is based on a constant demand for the movement and given the movement is below capacity, it is likely that these figures overstate the average delay experienced for each vehicle.

Table 7: Summary of analysis of turning movements to and from Walter Padbury Boulevard

Turning Movement	Peak Period	Demand	Percentage of overall vehicles	Average delay	Theoretical absorption capacity	Practical capacity range	Calculated Capacity
		[veh/h]	[%]	[s/veh]	[veh/h]	[veh/h]	[%]
Right turn out of Walter Padbury Blvd	AM	93	3.2%	38.71*	137	110 - 117	68%
	PM	76	2.6%	47.37*	104	83 - 88	73%
Left turn out of Walter Padbury Blvd	AM	129	4.4%	11.87	261	209 - 222	49%
	PM	138	4.8%	7.54	370	296 - 314	37%
Right turn into Walter Padbury Blvd	AM	71	2.4%	11.87	261	209 - 222	27%
	PM	121	4.2%	7.54	370	296 - 314	33%

The summary of the pedestrian and cyclists crossing movements at the intersection is provided below in Table 7. It is noted that the data revealed not all pedestrians and cyclists use the designated crossing points provided at the intersection. During the combined morning and afternoon peaks, of the 43 recorded pedestrian and cyclist crossing movements, only one crossing occurred where no dedicated facility is provided. The existing facilities have been provided in accordance with *Austrroads Guidelines* to ensure minimal crossing distance to minimise the potential conflict with vehicles.

Table 8: Summary of pedestrian and cyclist crossing movements

Crossing over	Peak Period	Pedestrians	Cyclists	Designated crossing provided
Walter Padbury Boulevard	AM	2	11	Yes
	PM	5	18	
Hepburn Avenue, west of the intersection	AM	1	1	Yes
	PM	3	1	
Hepburn Avenue, east of the intersection	AM	1	0	No
	PM	0	0	

The predominate crossing at the intersection is across Walter Padbury Boulevard, which follows the alignment of the shared path which connects to Greenwood Station. This crossing facility has three traffic islands, which allow pedestrians and/or cyclist storage in each. This means the crossing can be undertaken in four stages and that only one lane of traffic has to be crossed in each stage.

The analysis therefore confirmed that this intersection is operating within an acceptable range and that the installation of traffic signals is not required at this time. Even though the intersection is operating at a satisfactory level, the City has investigated alternate access and egress options to Hepburn Heights as requested by Council. These are separated into two suites of options, one focused on the intersection of Hepburn Avenue and Walter Padbury Boulevard and the other suite on all other options. The following options are detailed below:

Suite 1: Improvements to Hepburn Avenue /Walter Padbury Boulevard intersection:

- A Installation of traffic signals.
- B Modify intersection to a dual lane roundabout.
- C Construct a left turn acceleration lane from Walter Padbury Boulevard.
- D Modify intersection to remove right turn movements from Walter Padbury Boulevard.

A Pursue the installation of traffic signals at the intersection	
<p>As previously stated, it is an option for the City to undertake further analysis into the feasibility of traffic signals. However, MRWA support is required as the sole authority to erect, establish or display, and alter or take down any traffic control signal in Western Australia. All traffic control signal installations must be formally approved by Main Roads' Network Operations Directorate (NOD).</p> <p>In March 2018, MRWA released its <i>Traffic Signal Approval Policy</i> which sets out the circumstances under which Main Roads' NOD will consider approving the provision of new traffic signals on all roads in Western Australia. Based on the current data, the intersection of Walter Padbury Boulevard and Hepburn Avenue does not meet the criteria for traffic signals. Therefore, MRWA is highly unlikely to support the installation of traffic signals at the intersection. MRWA has adopted the position that roundabouts or other treatments would be preferred over traffic signalised as roundabouts has fewer conflict points and would reduce the incidence and severity of crashes. The recent data showing low pedestrian and cyclist use of the intersection would also lend support for a roundabout to be a preferred treatment over signals.</p>	
Advantages	Disadvantages
<ul style="list-style-type: none"> + Protected right turn movements, no filtering permitted for the right turn into Walter Padbury Boulevard. Reduce the likelihood of right-angle crashes occurring at the intersection, of which there have been two in the last five years. + Protected pedestrian movements, a combination of zebra crossings over left turn slips and pedestrian walk phasing. 	<ul style="list-style-type: none"> - Increase delays overall as traffic signals will give priority to Hepburn Avenue. This will be more noticeable outside of peak hours when the lower priority movements currently experience little to no delay. - Delays for the right turn into Walter Padbury Boulevard will increase, as filtering will not be permitted. These vehicles will need to wait for the green arrow and will not be able to take advantage of any gaps available in the opposing traffic flow. This will be more noticeable outside of the peak hours when right turning vehicles currently experience little to no delays.

	- Decrease to the performance of Hepburn Avenue as travel time on the corridor will increase due to delays at the signals.
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B Modify the intersection to a dual lane roundabout

Before the intersection can be modified for traffic signals, MRWA would require justification as to why a roundabout would not be a suitable treatment. Generally, while establishment costs for signals and roundabouts are both significant; the requirement for electrical infrastructure with signals versus the increased civil costs for road geometry modifications, roundabouts over their life have a much lower overall cost when one includes the long term ongoing maintenance when compared to traffic signals, which is not met by Main Roads.

For a roundabout to function efficiently, there needs to be adequate balance of traffic volumes for each of the adjoining roads, owing to the requirement to give way to the right. This problem is more pronounced in three leg roundabouts but unlike the nearby Glengarry Road roundabout, which connects Warwick Road to Hepburn Avenue, Walter Padbury Boulevard is 'land-locked' and only has a limited requiring access which would further unbalance volumes. As such, there is the possibility to cause significant delays for morning traffic leaving the estate, who must give way to the substantial morning east bound traffic, although they will have slightly easier access to the estate in the afternoon.

Further, roundabouts are often perceived to be less favourable for pedestrian use because of their free flowing nature, but they also typically reduce the severity of accidents at intersections, which for this intersection is already very low. In this location, the current uncontrolled intersection would still be a preferred treatment, and further analysis would be required as to whether a roundabout would deliver a level of service better than traffic signals given the aforementioned issues, and as such is not recommended.

Advantages	Disadvantages
<ul style="list-style-type: none"> + Reduces severity of right angle crashes which may occur at the intersection. + Likely to improve afternoon access due to the east west movements on Hepburn being more balanced. 	<ul style="list-style-type: none"> - Possible increase in morning exit delays from Walter Padbury Boulevard due to heavy east bound traffic. - Increase risk to non-vehicle traffic at crossing points.

C Provide left turn acceleration lane from Walter Padbury Boulevard

It is an option for the City to construct an acceleration lane on Hepburn Avenue with a merge point prior to the roundabout with Glengarry Drive. This would provide the left out of Walter Padbury Boulevard with free-flowing movement. While the left turn has a higher demand than the right turn movement, the average delays for this movement is 11.87 and 7.54 seconds in the morning and afternoon peaks respectively. As the current delays are minimal and the movement is well below practical capacity, there would be limited benefit in improving the capacity for the left turn out.

Advantages	Disadvantages
<ul style="list-style-type: none"> + Protected right turn movements, no filtering permitted for the right turn into Walter Padbury Boulevard. Reduce the likelihood of right-angle crashes occurring at the intersection, of which there have been two in the last five years. 	<ul style="list-style-type: none"> - Increase delays overall as traffic signals will give priority to Hepburn Avenue. This will be more noticeable outside of peak hours when the lower priority movements currently experience little to no delay. - Reduced pedestrian and cyclist safety at crossing for the shared path, the predominate crossing over Walter

<p>+ Reduced delays for the left turn majority movement out of Walter Padbury Boulevard.</p>	<p>Padbury Boulevard. Vehicles speeds on free flow slip lanes are higher than for slips under give way control, therefore should conflict between a pedestrian or cyclist and a vehicle occur, the severity of the crash is likely to be higher.</p> <ul style="list-style-type: none"> - Merge point of acceleration lane on Hepburn Avenue may introduce the risk of new sideswipe crash types at this location. - Requires Perth Transport Authority (PTA) approval to relocate the bus stop to construct the acceleration lane.
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D Remove the right turn from Walter Padbury Boulevard

It is an option for the City to convert Walter Padbury Boulevard into a left out only and encourage vehicles to U-turn at the roundabout at Glengarry Drive. The diverted traffic would result in approximately 222 and 214 vehicles in the morning and afternoon peaks respectively. The capacity therefore would be 85% in the morning and 57% in the afternoon peaks. While the movement would be operating at practical capacity for the morning peak, there is the option to combine this with the provision of the left turn acceleration lane as per option two.

Advantages	Disadvantages
<ul style="list-style-type: none"> + Removal of right turn crashes relating to this movement. + Improved sightline for left turning vehicles out of Walter Padbury Boulevard. + Can be combined with the left turn acceleration lane from Walter Padbury Boulevard. + Increase pedestrian and cyclist safety with one less lane to cross and additional storage in the median. 	<ul style="list-style-type: none"> - Vehicles wanting to head westbound on Hepburn Avenue would be required to travel further and U-turn at the Glengarry Drive roundabout. Requires PTA approval to relocate the bus stop to construct the acceleration lane.

Suite 2: Alternative access to the Hepburn Heights estate:

- A Connect Leroux Retreat to Glengarry Drive /Hepburn Avenue roundabout.
- B Provide connection between the Blackwattle Parade /Chadlington Drive Fernwood Square roundabout and Hepburn Avenue.

A Provide alternative exit from Leroux Retreat Roundabout

It is an option for the City to connect Leroux Retreat to the Glengarry roundabout as an exit only from Hepburn Heights. The alignment of Leroux Retreat does not permit for entry into the Hepburn Heights estate from the roundabout. Providing an exit from at this location would likely result in the detour of the majority of the right turning traffic from Walter Padbury Boulevard to Leroux Retreat as the delays would be smaller. Assuming that 80% of the right turning traffic from Walter Padbury Boulevard choose to exit from Leroux Retreat, this would equate to 74 and 60 veh/h in the morning and afternoon peaks respectively. As Leroux Retreat is a cul-de-sac servicing 11 properties, six of which have street frontage, this would have a negative impact on the residential amenity for these properties.

Advantages	Disadvantages
<ul style="list-style-type: none"> + Additional option for egress, will divert traffic away from the main entrance to Hepburn Heights, therefore improving the performance of Walter Padbury Boulevard. + Reduce delay for the right turn movement out of the Hepburn Heights estate, traffic wanting to head westbound on Hepburn Avenue. 	<ul style="list-style-type: none"> - Significantly reduced residential amenity for properties on Leroux Retreat.

B Provide connection between the Blackwattle Parade / Chadlington Drive / Fernwood Square roundabout and Hepburn Avenue

An option was considered to connect the intersection of Chadlington Drive and Blackwattle Parade with Hepburn Avenue. There were two possible scenarios for this to occur being an additional entry and or exit lane to and from Hepburn Avenue, which would serve east bound traffic only, or a more considerable full intersection treatment which would facilitate all turning movements.

These scenarios and options were excluded from further consideration for a number of factors including the proximity of the Chadlington/ Fernwood/Blackwattle intersection to Hepburn Avenue and the nearby Brookmount Ramble and St Stephens School entry and exit.

While a left turn exit was possible, this would push drivers into a left turn slip lane leading to Brookmount Ramble, creating a further safety issue as drivers attempt to change lanes. A full intersection treatment was discounted as it would require an entire large scale intersection treatment to span the width of Hepburn Avenue and realignment of Blackwattle Parade and Fernwood Square.

Advantages	Disadvantages
<ul style="list-style-type: none"> + Provides an alternative full intersection access option for the estate (if full movements were catered for in the option). + Could integrate access with the school (if full movements were catered for in the option). 	<ul style="list-style-type: none"> - Full movement option, whether roundabout or signals, is extremely expensive and will involve large scale works. - Left out slip lane likely to introduce a new vehicle conflict point and only service one direction being eastbound traffic. - Left in slip lane is likely to provide little benefit over existing access at Walter Padbury Boulevard.

Emergency Access

In undertaking the investigation to alternate entry and egress options to Hepburn Heights, the City identified the opportunity to provide an emergency access and egress point for the estate. The south eastern elbow of Fernwood Square is the preferred location for this emergency access point (Attachment 2 refers). It must be noted that this emergency access point will not aid with general access and egress from Hepburn Heights as it will only be accessible during an emergency event.

Issues and options considered

Option One – Make improvements to the Hepburn Avenue / Walter Padbury Boulevard intersection by either:

A The installation of traffic signals

The City can again write to MRWA requesting a reconsideration of their position regarding supporting the installation of traffic signals at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury.

However, MRWA is unlikely to change their formal position as there has not been any notable changes to the traffic volumes, crash data and traffic congestion at the intersection since 2014.

B Modify the intersection to a dual-lane roundabout

Although there will be an improved level of service for drivers to access/egress Walter Padbury Boulevard with a dual-lane roundabout, the modelling, through the MRNR, indicates that the future demand on the Lilburne Road intersection is greater than that for the Walter Padbury Boulevard intersection. Based on this, the Lilburne Road intersection would have a higher priority for a dual-lane roundabout treatment. The proximity of Walter Padbury Boulevard to the adjacent intersections, Lilburne Road and Glengarry Drive does not lend itself well to three dual-lane roundabouts.

C Construct left turn acceleration lane from Walter Padbury Boulevard

This option would provide vehicles turning left out of Waler Padbury Boulevard with a free flowing movement, however, will increase the risk of side-swipe crashes at the merge point. The current delays, however, for left turn movements are very minimal and would therefore provide limited benefit.

D Remove right turn movements from Walter Padbury Boulevard

Vehicles wanting to travel westbound would be required to travel further to the Glengarry roundabout to make a u-turn. As the Walter Padbury Boulevard intersection is operating at an acceptable level, this option is not supported at this time.

Option 2 – Provide alternate access to the Hepburn Heights Estate by either:

A Connecting Leroux Retreat to Glengarry Drive / Hepburn Avenue roundabout

It is not possible to provide entry into Hepburn Heights at this location due to the current alignment of Leroux Retreat and providing an exit from Leroux Retreat would likely result in a detour of the majority of the right turning traffic to this location.

B Connecting Blackwattle Parade / Chadlington Drive / Fernwood Square roundabout to Hepburn Avenue

This option was excluded as detailed in this Report.

Option 3 - Retain the existing T-junction intersection and continue to monitor

The modelling through the MRNR verified that the intersection of Hepburn Avenue and Walter Padbury Boulevard is and will be operating at a satisfactory level of service as a T-junction intersection at both current and foreseeable future years' predicted demands.

Crash analysis undertaken by the City further demonstrated that an upgrade to this intersection is not a priority when compared to other intersections along the Hepburn Avenue corridor.

The existing road reserve and intersection layout has been designed for a T-junction treatment as part of the original structure planning for the area. As an outcome of the subdivision process, appropriate road reserve widths and verge area clearances to surrounding properties have been provided.

The City will continue to monitor the intersection of Hepburn Avenue and Walter Padbury Boulevard for any changes to the traffic volumes and travel behaviours and update the traffic model which may result in future modifications to the intersection when volumes and operation trend toward justifying works.

Emergency access and egress from the Hepburn Heights Estate can be provide at the south eastern elbow of Fernwood Square which will be constructed similarly to a vehicle crossover and will include a lockable bollard in the middle to prohibit unauthorised access. During an emergency event and if evacuation is deemed necessary by Emergency Services the bollard will be removed to enable direct vehicular access from Fernwood Square to Brookmount Ramble onto Hepburn Avenue.

This is the preferred option.

Legislation / Strategic Community Plan / Policy implications

Legislation *Road Traffic Code 2000.*

Strategic Community Plan

Key theme Quality Urban Environment.

Objective Integrated transport planning.

Strategic initiative Understand issues arising from the intersection between current transport modes.

Policy Not applicable.

Risk management considerations

The City commissioned the MRNR to provide a strategic plan for intersection upgrades across the City's road network. This was to ensure that the City allocates available funding for road upgrades to road sections or intersection with either serious road safety issues or significant capacity issues. The risk to the City with not following the prioritisation recommended will be an ad hoc approach to intersection treatments which do not provide the most beneficial outcome for the associated costs. In the case of the intersection of Hepburn Avenue and Walter Padbury Boulevard, the MRNR findings and the most recent five-year crash data confirmed the intersection is operating within acceptable limits.

Financial / budget implications

Option One Make improvements to the Hepburn Avenue / Walter Padbury Boulevard intersection by either:

A	Installation of traffic signals	Approximately \$350,000
B	Modify to a dual-lane roundabout	Approximately \$1million - \$1.5million (depending on services)
C	Construct left turn acceleration lane from Walter Padbury Boulevard	Approximately \$210,000
D	Remove right turn movements from Walter Padbury Boulevard	Approximately \$150,000

Option 2 Provide alternate access to the Hepburn Heights Estate by either:

A	Connecting Leroux Retreat to Glengarry Drive / Hepburn Avenue roundabout	Approximately \$180,000
B	Connecting Blackwattle Parade / Chadlington Drive / Fernwood Square roundabout to Hepburn Avenue	Approximately \$600,000 - \$1million (depending on services)

Option 3 Retain the existing T-junction intersection and continue to monitor

A	Install emergency access and egress point at the south eastern elbow of Fernwood Square	Approximately \$5,000
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Regional significance

Not applicable.

Sustainability implications

Not applicable.

Consultation

No consultation has been undertaken with residents.

COMMENT

The City receives many requests to provide traffic management measures on local roads. The requests are assessed by objective data and prioritised based on a number of factors including traffic volumes, crash history and strategic alignment. The City has invested a significant amount of time into the development of the MRNR. Its findings have already assisted the City in grant funding applications for the 2020-21 funding round to address intersections requiring capacity improvements for current demand and future proofing. While detailed intersection analysis is required for each submission, the findings of the MRNR provides a prioritised schedule of upgrades for the City to program into its budgeting process.

The intersection of Hepburn Avenue and Walter Padbury Boulevard was determined to be performing within acceptable limits and does not require modifications. As the comparative crash analysis data reveals, there are other intersections along Hepburn Avenue that require attention and further assessment from a road safety perspective. Several of these intersections were previously identified and modifications have been made. It is expected that the recorded crash numbers for these intersections will reduce in future years.

Analysis also indicates that the location would not be eligible for government funding such as blackspot or a regional road group improvement grant due to its low accident history and current performance.

It should be noted that the traffic implications for the future development of Lot 12223 Blackwattle Parade as the final development has not been determined. Traffic implications will be considered at the time of application through a Traffic Impact Assessment and relate specifically to the intended use of the site. The difference of traffic impacts between differing uses can be significant with some operations causing obvious 'peak-hours' while the operation of others might be spread throughout the day. In addition to any isolated traffic impact assessments for development, overall impact will also be considered as part of a traffic study into Housing Opportunity Areas which is currently underway. It is uncertain how the development of this site will impact on the pedestrian movements, especially those crossing Hepburn Avenue. The analysis already undertaken may be utilised in these other assessments as they arise, allowing the City to re-visit various options should the need present.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES that the findings of the Major Road Network Review and the additional investigation of turning movements at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury and DOES NOT SUPPORT the installation of traffic lights at this intersection;**
- 2 SUPPORTS retaining the existing T-junction treatment at the intersection of Hepburn Avenue and Walter Padbury Boulevard, Padbury;**
- 3 NOTES that the traffic model underpinning the Major Road Network Review will be reviewed and updated periodically to reflect any changes in traffic volume and or travel behaviours which may result in future modifications to the layout and/or treatment of the Hepburn Avenue and Walter Padbury Boulevard intersection;**
- 4 SUPPORTS the installation of an emergency access and egress point between the south eastern elbow of Fernwood Square and the southern bend of Brookmount Ramble to facilitate emergency access in the event of an emergency;**
- 5 ADVISES the lead petitioner of its decision.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf200908.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

CLOSURE



DECLARATION OF FINANCIAL INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP

Name / Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Proximity Interest* Interest that may affect impartiality* * Delete where not applicable
Extent of Interest	
Signature	
Date	

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

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

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

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CITY OF JOONDALUP**

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