



City of
Joondalup

DRAFT AGENDA FOR BRIEFING SESSION

to be held on
TUESDAY, 14 FEBRUARY 2006
in Conference Room 1,
Joondalup Civic Centre, Boas Avenue, Joondalup
commencing at 6.30 pm

Public Question Time

**Members of the public are requested to lodge questions
in writing by close of business on Monday, 13 February 2006
Answers to those questions received within that timeframe will,
where practicable, be provided in hard copy form
at the Briefing Session.**

**GARRY HUNT
Chief Executive Officer
10 February 2006**

PROTOCOLS FOR BRIEFING SESSIONS

The following protocols for the conduct of Briefing Sessions were adopted at the Council meeting held on 9 August 2005.

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

Protocols for Briefing Sessions

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

- 1 Briefing Sessions will be open to the public except for matters that relate to 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 The Presiding Member at the commencement of each Briefing Session shall:
 - (a) Advise Elected Members that there will be no debate on any matters raised during the Sessions;
 - (b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Session;
 - (c) Encourage all Elected Members present to participate in the sharing and gathering of information;
 - (d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Session; and
 - (e) Ensure the time available for the Session is liberal enough to allow for all matters of relevance to be identified;
- 6 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following should be considered:
 - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct;
 - (b) Persons disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - (c) An exception shall be applied to the disclosing of interests by consultants where the consultant will be providing information only, and will be able to remain in the Session;
 - (d) As matters raised at a Briefing Session are not completely predictable, there is some flexibility in the disclosures of interests. A person may disclose an interest at such time as an issue is raised that is not specifically listed on the agenda for the Session.
- 7 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session by:
 - (a) A request to the Chief Executive Officer; or
 - (b) A request made during the Briefing Session.
- 8 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.

- 9 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 10 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PUBLIC QUESTION TIME

The following protocols for the conduct of Public Question Time were adopted
at the Council meeting held on 11 October 2005

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions.

The Council encourages members of the public, where possible, to submit their questions at the earliest opportunity.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total.

PROCEDURE FOR PUBLIC QUESTION TIME

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business on the working day immediately prior to the scheduled Briefing Session.

Responses to those questions received within the above timeframe will, where practicable, be provided in hard copy at the meeting.
- 9 The Mayor or presiding member shall decide to:
 - Accept or reject the question and his/her decision is final;
 - Nominate a member of the Council and/or City employee to respond to the question;
 - Due to the complexity of the question, require that it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session.
- 10 Questions are to be directed to the presiding member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 11 Where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response.
- 12 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Briefing session, that is not relevant to a matter listed on the draft agenda, or;
 - making a statement during public question time;they may bring it to the attention of the meeting.
- 13 Questions and any response will be summarised and included in the notes of the Briefing Session.
- 14 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

PUBLIC STATEMENT TIME

The following protocols for the conduct of Public Statement Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions of the City.

Public statement time will be limited to a maximum of fifteen (15) minutes. Individual statements are not to exceed two (2) minutes per member of the public.

PROCEDURE FOR PUBLIC STATEMENT TIME

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Public statement time will be limited to two (2) minutes per member of the public.
- 3 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.
- 4 Public statement time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further statements.
- 5 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.
- 6 Where an elected member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the meeting.
- 7 Statements will be summarised and included in the notes of the Briefing Session.
- 8 It is not intended that public statement time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

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

DEPUTATION SESSIONS

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

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

* *Any queries on the agenda, please contact Council Support Services on 9400 4369*

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 14 FEBRUARY 2006** commencing at **6.30 pm**

ORDER OF BUSINESS

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Ms M Moon, Greenwood:

Q1 Re Item 30 – Proposed Amendment to DPS2 to include provisions in regard to the height of developments in non-residential zones adjacent to the coast.

Why is the proposed amendment to the DPS2 only for 300 metres coastal area when no zones besides residential in the City have height controls? The CEO has indicated in answers to my questions and at the AGM that height is being dealt with in this policy yet now it only relates to the coastal area.

A1 It is not believed that the CEO indicated that the policy would reflect the whole of the City. The policy and the Scheme Amendment have been as a result of a letter received from the Minister following the Mullaloo Tavern Section 18 Inquiry, requesting that the City prepare a policy on the coastal view shed for commercially zoned land. Whilst there is no definition of coastal view shed, the City has taken as its lead the call-in powers the Minister has on a 300 metre wide strip of the coast.

Q2 Wouldn't it be more appropriate, expedient and cost effective to deal with all height control under this clause and give assurance to community and developers?

A2 *Response by Cmr Paterson:* Certain areas have different issues that require to be addressed, such as the CBD.

Mr M Caiacob, Mullaloo:

Re Item 4 - Report on the costs awarded to the City in the Matter of the Mullaloo Progress Association and the City of Joondalup and Rennet Pty Ltd

Q1 Since I am named in a report presented tonight, I request urgent clarification of the facts surrounding my involvement as a Councillor in this issue. Accordingly I would like to receive confirmation of both the date of when I was first advised in writing as a Councillor of:

- (i) the Supreme Court action taken by the City;*
- (ii) the engagement of the solicitors by the City and;*
- (iii) the engagement of a Queen's Counsel by the City and also the dates of when I was supplied with any written updates regarding any of the above issues.*

Q2 Similarly I also require urgent clarification of the date when I was first briefed both verbally and/or in writing on any of these three issues as a Councillor since the report presented tonight implies that I was in some way in breach of my Council responsibilities during this item, ie:

- (i) the Supreme Court action taken by the City;*
- (ii) the engagement of the solicitors by the City and;*
- (iii) the engagement of a Queen's Counsel by the City.*

I would also appreciate being supplied with copies of the written records referred to in the above answers before the next meeting since all of these documents should be simple to find in the records and motions of Council.

Finally if I do not receive answers to these two simple questions before the next meeting, and copies of the written records referred to in them, I formally request that either my name be removed from this report or that the report be deferred until the relevant records of formal Council business be provided, since there are no such references attached to the report presented tonight.

A1 It is not believed that the report mentions Mr Caiacob in any way other than as named in court documents, or that the report makes any mention of his role as Councillor, however the report will be reviewed.

Mr S Kobelke, Sorrento:

Q1 No reports have yet been made available in relation to Item 33 Proposed Works Depot or Item 34 Review of Ward Names, Boundaries and Elected Member representation. Can notification be provided when the website is updated, to avoid the need to keep looking?

A1 These reports are being prepared for presentation to Council. Email notification can be provided to Mr Kobelke when the reports are finalised.

Q2 When will Item 34 – Review of Ward Names, Boundaries and Elected Member representation, be available?

- A2 It is anticipated that the report will be available within the next few days, to be considered by Council at its meeting on 13 December 2005.

Mr S Magyar, Heathridge:

- Q1 *Re Item 5 – Minutes of the Policy Committee meeting. With reference to Page 5 of the Minutes shown on stamped page 118 of the agenda, under the heading “Regional Reservations”.*

What has changed to DPS2 or planning law since May 1999 when a structure plan was prepared for Hillarys Boat Harbour

- A1 The structure plan was developed by the WA Planning Commission, who are the custodians of the site.

4 PUBLIC STATEMENT TIME

The following statements were made verbally at the meeting; a summary of each statement is shown below:

Ms M Moon, Greenwood:

Item 30 – Proposed Amendment to DPS2 to include provisions in regard to the height of developments in non-residential zones adjacent to the coast.

Ms Moon spoke on the issue of building height within the City and the need to implement control measures.

Mr S Kobelke, Sorrento:

Item 30 – Proposed Amendment to DPS2 to include provisions in regard to the height of developments in non-residential zones adjacent to the coast.

Mr Kobelke offered his congratulations for this matter, which he considered to be a ground-breaking decision for Western Australia.

Item 34 – Review of Ward Names, Boundaries and Elected Member Representation.

Mr Kobelke spoke on the review being undertaken and stated that whilst he understood that local government wanted to down-size he did not believe it appropriate that Joondalup should be down-sized.

Mr M Sideris, Mullaloo:

Re Item 4 - Report on the costs awarded to the City in the Matter of the Mullaloo Progress Association and the City of Joondalup and Rennet Pty Ltd

Mr Sideris addressed various statements made within this report and outlined omissions he believed had occurred.

5 APOLOGIES AND LEAVE OF ABSENCE

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosure of Financial Interests

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

Name/Position	<i>Mr Garry Hunt – Chief Executive Officer</i>
Item No/Subject	<i>Item 29 Request for Annual Leave – Chief Executive Officer</i>
Nature of interest	<i>Financial</i>
Extent of Interest	<i>This item relates to Mr Hunt's contract of employment.</i>

Disclosure of interest affecting impartiality

Commissioners and staff are required under the Code of Conduct, in addition to declaring any financial interest, 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 Commissioner/employee is also encouraged to disclose the nature of the interest.

Nil.

7 REPORTS

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8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

9 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

10 REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 140206.pdf](#)

ITEM 1 ANNUAL PLAN 2005/06 QUARTERLY PROGRESS REPORT OCTOBER TO DECEMBER 2005 – [20560]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

PURPOSE

To provide the Council with the quarterly progress report against the 2005/06 Annual Plan for the period 1 October to 31 December 2005.

EXECUTIVE SUMMARY

At the meeting of 14 December 2004, Council endorsed the new '*Corporate Reporting Framework*' and also the recommendation that quarterly progress reports against the Annual Plan be provided to Council and the community. (*Item CJ307-12/04 refers*). Accordingly, regular progress reports have been provided to Council (*Refer items CJ029 - 03/05, CJ085-03/05 and CJ171 - 08/05 and CJ252-11/05*).

The *Quarterly Progress Report – October to December 2005* is shown as Attachment 1 to this Report.

The progress report is a valuable tool for Council to measure the performance of the City particularly in relation to its achievement of pre-determined milestones as set out in the Annual Plan. It is also a mechanism to provide information to the community thus meeting the City's commitment to be open and transparent in its activities.

It is recommended that Council ACCEPTS the quarterly Progress Report against the Annual Plan 2005/06 for the period 1 October 2005 to 31 December 2005 shown as Attachment 1 to this Report.

BACKGROUND

On 14 December 2004, following a review of the City's Corporate Planning and Reporting System, Council endorsed the recommendations contained within report *CJ307-12/04* proposing a new *Corporate Reporting Framework*. It was proposed that the new *Corporate Reporting Framework* would include:

- The development of key performance indicators for the Strategic Plan 2003-2008 and that these indicators would be reported to both Council and the community on an annual basis; and
- The development of an Annual Plan which would document the Organisation's annual priorities for the achievement of the Strategic Plan, and that quarterly progress reports against the milestones included within the Annual Plan would be provided to both Council and the community;

Accordingly regular progress reports against the Annual Plan have been provided to Council (*refer items CJ029-03/05, CJ085-03/05 and CJ171-08/05 and CJ252-11/05*).

DETAILS

Issues and options considered:

The Strategic Plan 2003 to 2008 provides direction to the organisation. It is Council's key strategic document containing strategies and objectives for achievement of the City's Vision:

"To be a sustainable City and community that are recognised as innovative, unique and diverse"

The Annual Plan 2005/06 highlights the annual priorities for the organisation to achieve the Strategic Plan 2003 - 2008 and is structured around the four Key Focus Areas of:

- Community Wellbeing
- Caring for the Environment
- City Development
- Organisational Development

The Annual Plan 2005/06 contains a brief description of the key project/ programs and services that the City will deliver in the 2005/06 financial year and also includes pre-determined quarterly milestones.

Regular quarterly reports are provided to Council and the community at the end of each quarter and contain

- Updates against some of the key projects
- Progress against milestones due to be completed in each quarter
- Revised milestones for the next quarter where a target has not been achieved

The *Quarterly Progress Report – October to December 2005* forms Attachment 1 to this report.

Link to Strategic Plan:

This item links to the Strategic Plan through Key Focus Area 4- Organisational Development.

<i>Outcome</i>	<i>The City of Joondalup is a sustainable and accountable business</i>
<i>Objective 4.1</i>	<i>To manage the business in a responsible and accountable manner</i>
<i>Strategy 4.1.2</i>	<i>Develop a corporate reporting framework based on sustainable indicators</i>

Legislation – Statutory Provisions:

The Local Government Act 1995 provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

"This Act is intended to result in-

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

Risk Management considerations:

If the City did not provide regular reports on its performance to the Council and community, it would not meet its obligation to be open and accountable. The provision of ongoing reports ensures that the Council is informed on progress against major projects and programs and the community receives regular progress reports on the City's activities.

Regular reporting ensures that the City is measuring and analysing current performance, feeding the results of that measurement into planning processes, using this to inform future planning in order to improve service delivery, and to predict and manage any risks associated with service delivery.

Financial/Budget Implications:

Not Applicable

Policy implications:

Policy 8.6 – Communications.

To achieve quality and consistent communications with all the City's stakeholders

Regional Significance:

Not Applicable

Sustainability implications:

The Annual Plan 2005/06 aligns with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be '*A sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance. Reports against the Annual Plan provide regular assessments against the progress of the City's key projects, programs and services and, therefore, the City's achievement of the Strategic Plan.

Consultation:

Not Applicable

COMMENT

The highlights for this quarter, as detailed within Attachment 1 to this report, include:

- "Scorcha" Youth Festival, which attracted over 2000 people
- Provision of \$28,175.40 to the community under the Community Funding Program
- Organisation of a workshop for the Yellagonga Regional Park Environment Centre feasibility study
- Review of the Waste Management Strategy
- Completion of the Craigie Leisure Centre refurbishment
- Appointment of consultants to undertake a feasibility study for the Ocean Reef Marina
- Council adoption of the use of the Australian Business Excellence Framework.

Attachment 1 also contains details of progress against milestones set for this quarter, including information on the milestones that have not been met relating to the following projects:

- Cultural Facility
- Community Development Plan
- Integrated Catchment Management Plan
- Feasibility Study for Yellagonga Environmental Centre
- Craigie Leisure Centre
- Commercial Centres Policy Review
- Strategic Asset Plan
- Implement 5-Year Capital Works Program
- Tourism Development Plan
- Economic Development Strategy
- Risk Management Strategy & Business Continuity Plan
- Development of 20-Year Strategic Plan
- Strategic Financial Plan
- Public Participation Strategy
- Strategic Marketing Plan
- Employer of Choice

The progress reports are a valuable tool for Council to:

- Measure the performance of the City– particularly in relation to its achievement of pre-determined milestones, and
- Capture the results of performance measurement and feed them back into the planning processes that then guide the organisation to make the necessary changes to its activities and operations and (if necessary) make changes to its strategic outcomes and objectives.

The reports are also a mechanism to provide information to the community thus meeting the City's commitment to be open and transparent in its activities.

ATTACHMENTS

Attachment 1 Annual Plan Progress Report – October to December 2005 quarter

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the quarterly Progress Report against the Annual Plan 2005/06 for the period 1 October 2005 to 31 December 2005 shown as Attachment 1 to this Report.

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1brf140206.pdf](#)

ITEM 2 ANNUAL GENERAL MEETING OF ELECTORS HELD ON 28 NOVEMBER 2005 - [65578]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

For the Council to give consideration to the motions moved at the Annual General Meeting of Electors held on 28 November 2005.

EXECUTIVE SUMMARY

The City's Annual General Meeting of Electors was held on 28 November 2005 in accordance with Section 5.27 of the Local Government Act 1995, and the minutes of that meeting were submitted to the Council meeting on 13 December 2005.

As required by Section 5.33 of the Local Government Act 1995, this report gives consideration to the motions moved at the Annual General Meeting of Electors and recommends a suggested course of action as to how each matter should be dealt with.

BACKGROUND

The City's Annual General Meeting of Electors was held on 28 November 2005 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by 24 members of the public, with a total of 14 motions passed at the meeting. The minutes of that meeting were submitted to the Council meeting on 13 December 2005.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Council committee meetings, they are not binding on the Council, however the Council must consider them.

At its meeting on 13 December 2005 (Item C71-12/05 refers) Council resolved to:

- 1 *NOTE the Minutes of the Annual General Meeting of Electors held on 28 November 2005 forming Attachment 1 to Report C71-12/05;*
- 2 *REQUEST that a report be submitted to the Council meeting scheduled for 21 February 2006 giving consideration to the motions raised at the Annual General Meeting of Electors.*

DETAILS

Issues and options considered:

The fourteen motions passed at the Annual General Meeting of Electors are set out below in *italics*, followed by a comment and suggested course of action as to how each matter should be dealt with.

MOTION NO 1 – BUSHCARE

MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Mr S Magyar, 31 Drummer Way, Heathridge that the proposed two-man bushcare team for on-ground work in natural areas be set up immediately with a realistic budget, as a matter of urgency, and that it not be postponed until well into 2006, pending the purchase of a vehicle.

The Motion was Put and **CARRIED**

Officer's Comment

Installation of the natural areas maintenance crew is progressing and will commence following adoption of the mid year Budget review.

Recommended Response

It is recommended that Council NOTES that the installation of the natural areas maintenance crew will commence in approximately March 2006, following consideration of the mid year budget review.

MOTION NO 2 – EMPLOYMENT OF BUSH CONTRACTORS

MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Mr S Magyar, 31 Drummer Way, Heathridge that the City of Joondalup employ other bush contractors at peak weeding season, in addition to Bennet Brook, when that company cannot supply all the time and services that are needed.

The Motion was Put and **CARRIED**

Officer's Comment

The City has a contract with Bennet Brook to supply labour for natural areas maintenance as required. Should they be unable to meet the City's requirements, other contractors can be engaged.

Recommended Response

It is recommended that Council NOTES that the capacity exists to engage additional contractors to supply labour for the maintenance of natural areas where the current contractor is unable.

MOTION NO 3 – PROPOSED COASTAL DUAL USE PATH

MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Ms S Hart, 32 Pullan Place, Greenwood that the proposed route of the coastal dual-use path be referred to the Conservation Advisory Committee and the Joondalup Community Coastcare Forum for recommendations before the route is finalised.

The Motion was Put and **CARRIED**

Officer's Comment

If the dual use path in question is the proposed extension associated with the Burns Beach subdivision development, the Conservation Advisory Committee and Joondalup Community Coastcare Forum have had input on the Foreshore Management Plan from the very genesis of its development, including the route of the dual use path, and this level of interaction will continue.

Recommended Response

It is recommended that Council NOTES that the Conservation Advisory Committee and the Joondalup Community Coastcare Forum have been involved in the Foreshore Management Plan from its inception, including the route of the proposed dual use path extension in Burns Beach subdivision and the crown land south of the subdivision, and this level of interaction will continue.

MOTION NO 4 – ISSUES RELATING TO THE FORMER CHIEF EXECUTIVE OFFICER

MOVED Mr Noal Gannon, 79 Clontarf Street, Sorrento SECONDED Ms S Hart, 32 Pullan Place, Greenwood That at the first ordinary meeting of Council in February 2006, a report be presented which includes the following information on what has become known as the 'Denis Smith affair':

- 1 copies of all information given to all applicants, including Smith, when they expressed interest in the position of CEO, City of Joondalup;*
- 2 copies of Smith's application for employment together with the Curriculum Vitae (CV) submitted. Personal information such as address, age and personal relationships are not relevant;*
- 3 copy of Smith's Contract of Employment;*
- 4 copies of all correspondence between the City and their legal advisors pertaining to Smith and actions taken by Councillors during his term of employment;*
- 5 copies of all motions presented to Council during Smith's tenure which referred directly to him or actions taken by Councillors in respect of Smith, include the result of the votes;*
- 6 a table showing the list of legal expenses incurred by the City over this affair broken up into the following categories:*
 - (a) amounts claimed and paid to legal advisors;*
 - (b) amounts claimed and paid to ex CEO, Smith;*
 - (c) amounts claimed and paid to Councillors;*
 - (d) amounts claimed and paid to staff;*
 - (e) amounts claimed but payment refused (give details);*
 - (f) any amounts expected to be claimed but not yet received or in dispute;*
 - (g) any other amounts relative to this affair;*

- 7 *copy of the Termination Agreement between the City of Joondalup and Denis Smith;*
- 8 *the decisions reached by the Minister for Local Government resulting from the report of the McIntyre Inquiry. Should that not be available, it can be added to the report at a later date as soon as it is available.*

The Motion was Put and

CARRIED

Officer's Comment

In relation to Points 1 – 4 of the Motion, the City is not able to release this information to members of the public. An individual may make an application under the Freedom of Information Act, and that application will be determined in accordance with that legislation. The City is aware that a number of the documents were submitted into evidence at the Inquiry and that these documents are contained in the Inquiry Report. The Inquiry Report into the City of Joondalup is available publicly at www.joondalupinquiry.wa.gov.au.

Regarding Point 5 of the Motion, these documents are publicly available on the City's website. Alternatively, Appendix 2 of the Report into the Inquiry into the City of Joondalup lists the motions in respect of Mr Smith.

With reference to Point 6 of the Motion, this information is being collated and a report will be submitted to Council in early 2006.

In relation to Point 7 of the Motion, the City signed a confidentiality clause as part of the Deed of Release and is unable to release the document that is requested.

Regarding Point 8 of the Motion, the decisions reached by the Minister for Local Government and Regional Development resulting from the McIntyre Inquiry may be obtained from the Department's website.

To research and provide such information as requested would divert considerable time and resource from the day-to-day operations of the City. Given the amount of expenditure already incurred by the City of Joondalup during the McIntyre Inquiry and that the documents are available to the public, it is recommended that the City not adhere to this request.

Recommended Response

It is recommended that Council:

- 1 in view of the considerable expenditure incurred relating to the issue of the employment of the former CEO and that the information requested is available publicly, DOES NOT AGREE to providing the information requested;**
- 2 NOTES that a report will be presented to an ordinary meeting of Council in early 2006 covering the various issues raised in relation to the former CEO.**

MOTION NO 5 – DECEMBER 2005 MEETING OF COUNCIL

MOVED Ms S Hart, 32 Pullan Place, Greenwood SECONDED Mr S Magyar, 31 Drummer Way, Heathridge that the City of Joondalup stop this load-up in the December meeting of each year and stop overloading the community and start to be a little bit fair.

The Motion was Put and

CARRIED

Officer's Comment

The list of outstanding business items is reviewed on a regular basis, with reports being prepared and presented to Council within the shortest possible timeframe. The Council is traditionally in recess during January each year and this may on occasions require a number of items to be considered during December. Throughout the year every endeavour is made to deal with matters that require a decision of the Council as expeditiously as possible.

Recommended Response

It is recommended that Council ACKNOWLEDGES that every endeavour is made to deal with matters as expeditiously as possible.

MOTION NO 6 – ESTABLISHMENT OF COMMITTEE

MOVED Mrs M Macdonald, 5 Mair Place, Mullaloo SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that in accordance with the McIntyre Inquiry the City sets up a committee which meets monthly to look at the way in which ratepayers' questions have been answered or ignored so that this Administration is made open and accountable for its actions.

The Motion was Put and

CARRIED

Officer's Comment

A recommendation of the Panel Inquiry was that:

“A committee of the Council of the City of Joondalup should be established to supervise the answering of public questions and report on and recommend action relating to the answers to questions to the Council.”

At the Special Meeting of Council held on 14 November 2005, the Council gave consideration to the City's response to the Minister in regard to the Report of the Inquiry into the City of Joondalup and in relation to the above recommendation, resolved that:

“This recommendation may be able to be dealt with via policy and guidelines from the Council rather than through a committee structure having regard to practical problems with turnaround times etc.”

Following a public consultation process, the Council adopted protocols for public question time and public statement time at its meeting on 11 October 2005 (Item CJ207-10/05) and the City has procedures in place to ensure that due regard is given to responding to public questions in an accurate and timely manner.

Recommended Response

It is recommended that Council REITERATES its decision of 14 November 2005 (Item JSC5-11/05 refers) and does not establish a committee to supervise the answering of public questions.

MOTION NO 7 – MULLALOO DUNES PROTECTION AND REVEGETATION PROJECT

MOVED Mrs m zakrevsky, 49 korella street, Mullaloo SECONDED mr m sideris, 12 page drive, mullaloo that the Joondalup Coast Care Forum's Mullaloo dunes protection and revegetation project be supported by the City of Joondalup with funding for fencing as detailed in the submission to meet the contractual requirements for this project.

The Motion was Put and

CARRIED

Officer's Comment

The City is party to this tripartite agreement between Coastcare/Coastwest, the Joondalup Community Coastcare Forum and the City of Joondalup and the City will meet all fencing obligations as detailed in the agreement.

Recommended Response

It is recommended that Council NOTES that the City is party to the tripartite agreement between Coastcare/Coastwest, the Joondalup Community Coastcare Forum and the City of Joondalup and the City will meet all fencing obligations as detailed in the agreement.

MOTION NO 8 – REFERRAL OF ITEMS TO THE CONSERVATION ADVISORY COMMITTEE

MOVED Mrs M Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr M Caiacob, 7 Rowan Place, Mullaloo that the:

- 1 chemical weed control in Bush Forever sites, including the Bush Forever site 325 that extends from Hillarys Marina north to Burns Beach be referred to the Conservation Advisory Committee;*
- 2 terms of the contract with Turf Masters be referred to the next meeting of the Conservation Advisory Committee to clarify the account source and cost.*

The Motion was Put and

CARRIED

Officer's Comment

Items 1 and 2 were subsequently raised by Mrs M Zakrevsky at the Conservation Advisory Committee Meeting held on 7 December 2005 following the Annual General Meeting of Electors and both issues were discussed in detail by Committee members, as requested in items 1 and 2.

Recommended Response

It is recommended that Council NOTES that the issues of herbicide use and application within the City and the contract with Turf Masters were discussed at the Conservation Advisory Committee Meeting held on 7 December 2005.

MOTION NO 9 – REVIEW OF WARD BOUNDARIES

MOVED Mr M Caiacob, 7 Rowan Place, Mullaloo SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that the Council ADVISES the Minister and the Local Government Advisory Board that the electors of the district have instructed the Council of the City of Joondalup:

- 1 NOT to proceed with or progress any current ward boundary review;*
- 2 NOT to proceed with or progress any ward boundary review until a maximum legislative time frame of the formal review is due to expire in 2007;*
- 3 that the Council retain the existing ward boundary structure and Councillor elector representation until the next review due in 2007.*

The Motion was Put and

CARRIED

Officer's Comment

At its meeting held on 13 December 2005, Council gave consideration to the review of ward names, boundaries and elected member representation (Item C73-12/05 refers) and resolved as follows:

“That Council:

- 1 NOTES that the Local Government Advisory Board, in June 2005, requested the City of Joondalup to undertake a review of its ward boundaries and elected member representation and submit a report to the Local Government Advisory Board by no later than 30 June 2006;*
- 2 NOTES that the Local Government Advisory Board has also requested the City of Wanneroo to undertake a review of its ward boundaries and elected member representation by 30 June 2006;*
- 3 NOTES that the current ward boundaries and Councillor representation of the City of Joondalup does not meet all the determining factors as detailed by the Local Government Act 1995, and the Local Government Advisory Board, being:
 - Community of interests;*
 - Physical and topographic features;*
 - Demographic trends;*
 - Economic factors; and*
 - The ratio of councillors to electors in the various wards.**
- 4 NOTES it has not been able to identify a seven (7) ward, two (2) Councillor per ward model that meets the determining factors as detailed in three (3) above;*

- 5 *NOTES that the following options as outlined in Attachment 3 to Report C73-12/05 meet all the determining factors as prescribed by the Local Government Act 1995 and the Local Government Advisory Board as detailed in (3) above:*
- *Option 3;*
 - *Option 10;*
 - *Option 11;*
 - *Option 12;*
 - *Option 13;*
- 6 *ADOPTS, option 12 as outlined in Attachment 3 to Report C73-12/05 with the following amendments:*
- *The suburb of Edgewater being relocated from ward 3 to ward 2; and*
 - *The suburb of Kallaroo being relocated from ward 2 to ward 3.*
- 7 *in accordance with schedule 2.2 (9) of the Local Government Act, 1995, recommends to the Local Government Advisory Board that:*
- (a) *An order be made under section 2.2(1) of the Local Government Act, 1995, to abolish the existing ward boundaries for the City of Joondalup and divide the district into six (6) new wards with boundaries as detailed in the map – option 12 attached and as amended in 6 above;*
- (b) *An order be made under section 2.3 of the Local Government Act, 1995, to name the six (6) wards as detailed in option 12 and as amended in 6 above, as follows:*
- *Ward 1 – North Ward;*
 - *Ward 2 – North Central Ward;*
 - *Ward 3 – Central Ward;*
 - *Ward 4 – South-West Ward;*
 - *Ward 5 – South-East Ward; and*
 - *Ward 6 – South Ward.*
- (c) *An order be made under section 2.18 of the Local Government Act 1995 to designate the following number of offices of Councillor for each ward as detailed on option 12 as amended in 6 above:*
- *Ward 1 – North Ward – two (2) Councillors;*
 - *Ward 2 – North Central Ward – two (2) Councillors;*
 - *Ward 3 – Central Ward – two (2) Councillors;*
 - *Ward 4 – South-West Ward – two (2) Councillors;*
 - *Ward 5 – South-East Ward – two (2) Councillors; and*
 - *Ward 6 – South Ward – two (2) Councillors.*
- (d) *The changes to the ward names, boundaries and councillor representation for the district of the City of Joondalup as detailed in (a), (b) and (c) above are in place for the election scheduled to be held 6 May 2006;*
- 8 **REQUESTS** the Western Australian Local Government Association to request the Minister for Local Government and Regional Development to amend the

Local Government Act 1995 to allow for any review of ward boundaries and councillor representation to be undertaken by the Western Australian Electoral Commission;

- 9 *NOTES that there will be 13 elected members under this proposal and that the Mayor would continue to be elected at large.”*

Recommended Response

It is recommended that Council NOTES that following its decision of 13 December 2005 (Item C73-12/05 refers) it has recommended to the Local Government Advisory Board to abolish the existing ward boundaries for the City of Joondalup and divide the district into six (6) new wards with the following names and representation, with the Mayor to continue to be elected at large:

- Ward 1 – North Ward – two (2) Councillors;**
- Ward 2 – North Central Ward – two (2) Councillors;**
- Ward 3 – Central Ward – two (2) Councillors;**
- Ward 4 – South-West Ward – two (2) Councillors;**
- Ward 5 – South-East Ward – two (2) Councillors; and**
- Ward 6 – South Ward – two (2) Councillors.**

MOTION NO 10 - IMPLEMENTATION OF NOISE POLICY

MOVED Mr K Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr M Sideris, 12 Page Drive, Mullaloo that a Noise Policy is long overdue and should be implemented as quickly as possible.

The Motion was Put and

CARRIED

Officer's Comment

The control of noise is governed by the Environmental protection Noise Regulations 1997, which provide clear methods for noise assessment and control, providing certainty to industry and the community as to what standard is expected. This clear guidance makes for effective enforcement where noise emissions are excessive. As such it is considered that a “noise policy” is not required.

As a further measure of the thoroughness of applying standards, the CEO of the Department of Environmental Protection appoints “Authorised Officers” and “Inspectors” to investigate noise problems; this is only granted to officers who have undertaken specialist training and have a full understanding of the Environmental Protection Act and Environmental Protection Noise Regulations.

Department of Environment guidance notes and internal processes and procedures on investigation of complaints, enforcement tools and actions, after hours call out referrals and prosecution are currently in place. These ensure the application of the Noise regulations in a fair, equitable and consistent manner.

Recommended Response

It is recommended that Council DOES NOT develop a noise policy, as there are sufficient regulations in place through legislation and are complemented by established training protocols to ensure equitable and consistent application of the standards.

MOTION NO 11 - AMENDMENTS TO THE STANDING ORDERS LOCAL LAW

MOVED Mr S Magyar, 31 Drummer Way, Heathridge SECONDED Mr A Bryant, 6b Stocker Court, Craigie that we the electors of the City of Joondalup:

- 1 *BELIEVE the governance framework for the City of Joondalup is lacking in effective mechanisms to ensure that the Council sets policy and that the Council acts as a watchdog against unresponsiveness, incompetence and corruption;*
- 2 *REQUEST the Commissioners to change the City's processes and procedures to ensure that the Council can act as watch-dog against possible unresponsiveness, incompetence and corruption by:*
 - (a) *including in the Order of Business at all Council meetings and Briefing Sessions questions with and without notice from elected members;*
 - (b) *including in the Order of Business at all Council meetings and Briefing Sessions a second public question time and statement time;*
 - (c) *establishing the reporting framework within the Standing Orders for petitions received by the Council.*

The Motion was Put and

CARRIED

Officer's Comment

The Governance Framework has been developed to:

- Improve organisational performance
- Strengthen community confidence in the City,
- Ensure that legislative responsibilities are met, and
- To highlight Council's accountability to the community it serves.

The Framework provides a mechanism for the Council to establish and maintain an ethical culture through a self-regulatory approach, and puts significant emphasis on working relationships between, and within, the Council and Senior Management.

The Framework provides a clear statement of the Council's commitment to good and effective governance and covers all major elements underlying good governance including the role of the Council in policy development as determined by the Local Government Act 1995. The Council, in order to support the role of the Council in Policy development has established the Policy Committee that has responsibility for overseeing the new Policy Framework.

At its meeting held on 22 November 2005 the Council adopted the City of Joondalup Standing Orders Local Law 2005. During the legislated public submission period for this local law, submissions were received in relation to:

- Inclusion of questions with and without notice in the order of business;
- Inclusion of a second public question time and second public statement time in the order of business;
- Establishing a reporting framework for petitions.

The inclusion of these items within the Standing Orders Local Law 2005 was not supported for the following reasons:

- (a) Elected Members are able to ask questions during debate on a particular item in order to clarify a matter. The inclusion of questions with and without notice from elected members in the Order of Business at Council and Briefing Sessions is not supported by the 'Best Practice Guide' developed by the Department of Local Government and Regional Development.
- (b) Regulation 7(2) of the Local Government (Administration) Regulations 1996 makes it clear that the allocation of time for members of the public to ask questions during a Council meeting must precede any matter that requires the Council to make a decision. The inclusion of a second public question time would follow a decision.
- (c) The Standing Orders Local Law provides a reporting framework for petitions received by the Council and details the required format that is to be followed when presenting petitions to the Council.

Recommended Response

It is recommended that Council NOTES that the Standing Orders Local Law 2005 was significantly amended recently, which will establish protocols for the control of Council meetings and DOES NOT support the inclusion of the following items within its Standing Orders Local Law 2005:

- (a) **including in the Order of Business at all Council meetings and Briefing Sessions questions with and without notice from elected members;**
- (b) **including in the Order of Business at all Council meetings and Briefing Sessions a second public question time and statement time;**
- (c) **establishing the reporting framework within the Standing Orders for petitions received by the Council.**

MOTION NO 12 - RECOVERY OF COSTS – FORMER CHIEF EXECUTIVE OFFICER

MOVED Mr M Sideris, 12 Page Drive, Mullaloo SECONDED Mr S Magyar, 31 Drummer Way, Heathridge that this Council immediately initiate action to recover the \$500,000 paid out to Denis Smith.

The Motion was Put and

CARRIED

Officer's Comment

The City is currently seeking advice as to any action that may be commenced against third parties as a result of the findings of the McIntyre Inquiry.

Recommended Response

It is recommended that Council NOTES AND ENDORSES the Chief Executive Officer's action to obtain legal advice in relation to avenues that may be available to recoup the amount of \$500,000 paid out to the former CEO.

MOTION NO 13 - TAX LIABILITIES ISSUES – FORMER CHIEF EXECUTIVE OFFICER

MOVED Mr M Sideris, 12 Page Drive, Mullaloo SECONDED Ms S Hart, 32 Pullan Place, Greenwood that this Council forwards all advice, all information pertaining to Mr Denis Smith's tax liabilities, be they Fringe Benefits Tax (FBT) or Goods and Services Tax (GST) to the Commissioner for Taxation for a ruling and that this ruling be published by the City of Joondalup.

The Motion was Put and

CARRIED

Officer's Comment

The City has previously investigated the tax liabilities in relation to the FBT element. The City's auditor, Deloitte Touche Tohmatsu via their tax division investigated the FBT implications. A response was provided to Mr Sideris at the Council Meeting held in February 2004 on this matter. These taxation matters were raised in the Report of the Inquiry into the City of Joondalup and will be the subject of a separate report on inquiry findings by the CEO.

Recommended Response

It is recommended that Council NOTES that the conclusions of the inquiry will be dealt with by the CEO in a separate report to Council.

MOTION 14 - RECORDS MANAGEMENT

MOVED Mr M Sideris, 12 Page Drive, Mullaloo SECONDED Mrs M Macdonald, 5 Mair Place, Mullaloo that this Council calls the State Records Board to conduct a full audit of all the records contained within the City of Joondalup and looks at the McIntyre Inquiry to look at the lack of document control within this City.

The Motion was Put and

CARRIED

Officer's Comment

The Director of State Records may report to the State Records Commission on any breach or suspected breach of the State Records Act 2000 by any person or State organisation. To enable the City to request 'a full audit of all the records contained within the City' details of any alleged breaches would be required.

Several sections of the Act allow for reviews of record keeping plans or reports about record keeping plans to be made, either initiated by the City, the State Records Commission or the relevant Minister.

None of the recommendations of the final Report of the Inquiry into the City of Joondalup refer to the record keeping or document control of the City.

Recommended Response

It is recommended that Council NOTES the request to conduct a full audit of the City of Joondalup's records and TAKES no further action.

Link to Strategic Plan:

Outcomes:

The City of Joondalup is an interactive community.

Objectives:

4.3 To ensure the City respond to and communicate with the community.

Strategies:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.33 of the Local Government Act 1995 states:

Decisions made at Electors' Meetings

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

Risk Management considerations:

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The motions carried at the Annual General Meeting of Electors held on 28 November 2005 are presented to the Council in accordance with the requirements of the legislation. It is recommended that the Council gives consideration to the matters raised.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 In relation to Motion No 1 of the Annual General Meeting of Electors held on 28 November 2005, NOTES that the installation of the natural areas maintenance crew will commence in approximately March 2006, following consideration of the mid year budget review;**
- 2 In relation to Motion No 2 of the Annual General Meeting of Electors held on 28 November 2005, NOTES that the capacity exists to engage additional contractors to supply labour for the maintenance of natural areas where the current contractor is unable;**
- 3 In relation to Motion No 3 of the Annual General Meeting of Electors held on 28 November 2005, NOTES that the Conservation Advisory Committee and the Joondalup Community Coastcare Forum have been involved in the Foreshore Management Plan from its inception, including the route of the proposed dual use path extension in Burns Beach subdivision and the crown land south of the subdivision, and this level of interaction will continue;**
- 4 In relation to Motion No 4 of the Annual General Meeting of Electors held on 28 November 2005:**
 - (a) in view of the considerable expenditure incurred relating to the issue of the employment of the former CEO and that the information requested is available publicly, DOES NOT AGREE to providing the information requested;**
 - (b) NOTES that a report will be presented to an ordinary meeting of Council in early 2006 covering the various issues raised in relation to the former CEO;**

- 5** In relation to Motion No 5 of the Annual General Meeting of Electors held on 28 November 2005, **ACKNOWLEDGES** that every endeavour is made to deal with matters as expeditiously as possible;
- 6** In relation to Motion No 6 of the Annual General Meeting of Electors held on 28 November 2005, **REITERATES** its decision of 14 November 2005 (Item JSC5-11/05 refers) and does not establish a committee to supervise the answering of public questions;
- 7** In relation to Motion No 7 of the Annual General Meeting of Electors held on 28 November 2005, **NOTES** that the City is party to the tripartite agreement between Coastcare/Coastwest, the Joondalup Community Coastcare Forum and the City of Joondalup and the City will meet all fencing obligations as detailed in the agreement;
- 8** In relation to Motion No 8 of the Annual General Meeting of Electors held on 28 November 2005, **NOTES** that the issues of herbicide use and application within the City and the contract with Turf Masters were discussed at the Conservation Advisory Committee Meeting held on 7 December 2005;
- 9** In relation to Motion No 9 of the Annual General Meeting of Electors held on 28 November 2005, **NOTES** that following its decision of 13 December 2005 (Item C73-12/05 refers) it has recommended to the Local Government Advisory Board to abolish the existing ward boundaries for the City of Joondalup and divide the district into six (6) new wards with the following names and representation, with the Mayor to continue to be elected at large:

 - Ward 1 – North Ward – two (2) Councillors;
 - Ward 2 – North Central Ward – two (2) Councillors;
 - Ward 3 – Central Ward – two (2) Councillors;
 - Ward 4 – South-West Ward – two (2) Councillors;
 - Ward 5 – South-East Ward – two (2) Councillors; and
 - Ward 6 – South Ward – two (2) Councillors.
- 10** In relation to Motion No 10 of the Annual General Meeting of Electors held on 28 November 2005, **DOES NOT** develop a noise policy as there are sufficient regulations in place through legislation and are complemented by established training protocols to ensure equitable and consistent application of the standards;
- 11** In relation to Motion No 11 of the Annual General Meeting of Electors held on 28 November 2005, **NOTES** that the Standing Orders Local Law 2005 was significantly amended recently, which will establish protocols for the control of Council meetings and **DOES NOT** support the inclusion of the following items within its Standing Orders Local Law 2005:

 - (a) including in the Order of Business at all Council meetings and Briefing Sessions questions with and without notice from elected members;
 - (b) including in the Order of Business at all Council meetings and Briefing Sessions a second public question time and statement time;
 - (c) establishing the reporting framework within the Standing Orders for petitions received by the Council.
- 12** In relation to Motion No 12 of the Annual General Meeting of Electors held on 28 November 2005, **NOTES AND ENDORSES** the Chief Executive Officer's action

to obtain legal advice in relation to avenues that may be available to recoup the amount of \$500,000 paid out to the former CEO;

- 13 It is recommended that Council NOTES that the conclusions of the inquiry will be dealt with by the CEO in a separate report to Council;**
- 14 In relation to Motion No 14 of the Annual General Meeting of Electors held on 28 November 2005, NOTES the request to conduct a full audit of the City of Joondalup's records and TAKES no further action.**

ITEM 3 FORMER ELECTED MEMBERS OF THE CITY OF JOONDALUP – [22459]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

For the Council to give consideration to acknowledging the service of the former elected members of the City of Joondalup, in accordance with City Policy 8-3.

EXECUTIVE SUMMARY

City policy 8-3 provides for a memento to be presented to retiring elected members acknowledging their service to the community.

Consideration is required to determine if those members service is to be acknowledged in accordance with the policy.

BACKGROUND

The Council of the former City of Joondalup was dismissed on the 3 December 2005, with elections to be held on 6 May 2006. City Policy 8-3 allows the opportunity for the Council to formally acknowledging the efforts of the former elected members of the City of Joondalup.

The service of those elected members who retired following the May 2003 election were acknowledged by presentation of a memento.

At the Council meeting held on 11 October 2005, the policy manual of the Council was substantially revised, with Policy 8-3 being implemented, which states as follows: -

Acknowledgement of Service – Elected Members

On retirement, Council will acknowledge the service of elected members through the provision of an appropriate memento, which will take the form of an engraved plate commemorating the member's service.

DETAILS

Issues and options considered:

The options for the Council are as follows:

- 1 agree to acknowledge the service of those elected members that served on the Council prior to its dismissal on 3 December 2005, in accordance with policy 8-3;
- 2 agree not to acknowledge the service of those elected members that served on the Council prior to its dismissal on 3 December 2005, in accordance with policy 8-3.

Link to Strategic Plan:

Not Applicable

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

The risk associated with acknowledging the service of former elected members who were associated with the City of Joondalup that lead to the McIntyre Inquiry may draw various levels of public reaction.

Financial/Budget Implications:

The cost of producing the commemorative plaques would be minimal.

Policy implications:

Policy 8-3 of the City policies applies.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Not Applicable

COMMENT

A majority of the work undertaken by elected members is voluntary with little financial reward for the commitment each member makes for the community.

The elected Council of the day was dismissed following the McIntyre Inquiry, primarily as a result of the appointment of the former CEO. Whilst the elected Council was dismissed in December 2005, prior to the dismissal order, the terms of office of seven (7) elected members had expired on 7 May 2005.

Policies of the Council act as a guide to assist the decision making process. The policy allows for the Council to acknowledge the service of elected members upon retirement from office.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council GIVES CONSIDERATION to acknowledging the service of elected members who served on the Council prior to the dismissal of the Council on 3 December 2005.

ITEM 4 ALTERATION TO COUNCIL'S 2006 SCHEDULE OF MEETING DATES – [08122]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To alter Council's 2006 schedule of meeting dates to assist with the induction of newly elected members.

EXECUTIVE SUMMARY

The Council's 2006 schedule of meeting dates was set at its meeting on 1 November 2005.

To enable sufficient time to be devoted to the induction of newly members following the elections on 6 May 2006, an alteration is suggested to the schedule of meeting dates.

It is recommended that Council:

- 1 *ALTERS its 2006 schedule of meeting dates by CANCELLING the following meetings to be held in the Joondalup Civic Centre, Boas Avenue, Joondalup:*

Strategy Session scheduled for 2 May 2006;
Briefing Session scheduled for 9 May 2006;
Council meeting scheduled for 16 May 2006;
- 2 *in accordance with Regulation 12 Local Government (Administration) Regulations 1996, GIVES local public notice of the change to the meeting dates detailed in (1) above.*

BACKGROUND

At its meeting held on 1 November 2005 (Item CJ223-11/05 refers) Council resolved to:

- "1 *MAINTAIN its current 'rolling' three weekly meeting cycle, being:*

Week 1 Strategy Session (closed to the public);
Week 2 Briefing Session;
Week 3 ordinary Council meeting;
- 2 *AGREE to hold informal deputation sessions in conjunction with the Briefing Session;*
- 3 *SET the following meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:*

<i>Strategy Sessions - to be held at 6.30 pm in Conference Room 1</i>	<i>Briefing Sessions - to be held at 6.30 pm in Conference Room 1</i>	<i>Council meetings - to be held at 7.00 pm in the Council Chamber.</i>
<i>Tuesday 7 February 2006</i>	<i>Tuesday 14 February 2006</i>	<i>Tuesday 21 February 2006</i>
<i>Tuesday 28 February 2006</i>	<i>Tuesday 7 March 2006</i>	<i>Tuesday 14 March 2006</i>
<i>Tuesday 21 March 2006</i>	<i>Tuesday 28 March 2006</i>	<i>Tuesday 4 April 2006</i>
<i>Tuesday 11 April 2006</i>	<i>Wednesday 19 April 2006</i>	<i>Wednesday 26 April 2006</i>
<i>Tuesday 2 May 2006</i>	<i>Tuesday 9 May 2006</i>	<i>Tuesday 16 May 2006</i>
<i>Tuesday 23 May 2006</i>	<i>Tuesday 30 May 2006</i>	<i>Tuesday 6 June 2006</i>
<i>Tuesday 13 June 2006</i>	<i>Tuesday 20 June 2006</i>	<i>Tuesday 27 June 2006</i>
<i>Tuesday 4 July 2006</i>	<i>Tuesday 11 July 2006</i>	<i>Tuesday 18 July 2006</i>
<i>Tuesday 25 July 2006</i>	<i>Tuesday 1 August 2006</i>	<i>Tuesday 8 August 2006</i>
<i>Tuesday 15 August 2006</i>	<i>Tuesday 22 August 2006</i>	<i>Tuesday 29 August 2006</i>
<i>Tuesday 5 September 2006</i>	<i>Tuesday 12 September 2006</i>	<i>Tuesday 19 September 2006</i>
<i>Tuesday 26 September 2006</i>	<i>Tuesday 3 October 2006</i>	<i>Tuesday 10 October 2006</i>
<i>Tuesday 17 October 2006</i>	<i>Tuesday 24 October 2006</i>	<i>Tuesday 31 October 2006</i>
<i>Tuesday 7 November 2006</i>	<i>Tuesday 14 November 2006</i>	<i>Tuesday 21 November 2006</i>
<i>Tuesday 28 November 2006</i>	<i>Tuesday 5 December 2006</i>	<i>Tuesday 12 December 2006</i>
<i>January 2007 - Recess</i>		

- 4 *in accordance with Regulation 12 Local Government (Administration) Regulations 1996, GIVE local public notice of the meeting dates detailed in (3) above."*

The report presented to Council on 1 November 2005 (Item CJ223-11/05 refers) noted that at such time as an election is called following the outcome of the McIntyre Inquiry, there may be a need to submit a further report to Council to alter the already agreed Council meeting dates to assist with the induction of newly elected members.

DETAILS

On Friday 2 December 2005 the Council of the City of Joondalup was dismissed and the date of 6 May 2006 was fixed for the election of a new Council.

It is proposed that an extensive induction programme and training and development programme will be conducted for the newly elected Council and to enable this to occur it is

necessary to alter the 2006 schedule of meeting dates. It is recommended that the following three-weekly cycle is cancelled:

- Strategy Session scheduled for 2 May 2006;
- Briefing Session scheduled for 9 May 2006;
- Council meeting scheduled for 16 May 2006.

Issues and options considered:

Recommendation 34 of the *Governance Review – Final Report* recommended:

“Recommendation 34

Council develop an Elected Member training plan. Elected Members be asked to give a commitment that they will take a full training suite related to their responsibilities during their time in office. An essential part of the training plan must be a high quality induction program that includes a tour of the administration area including all the departments/service areas and a detailed update on current and committed projects.”

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.3 of the Local Government Act 1995 states:

Ordinary and Special Council meetings:

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

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

Public Notice of Council or Committee meetings

- 12 (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
 - (a) *the ordinary Council meetings; and*
 - (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

are to be held in the next 12 months;
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1);*

Risk Management considerations:

A risk associated with the alteration of the meeting dates is that no meetings of Council will be held during the six week period from 26 April 2006 until 6 June 2006, however a special meeting of Council may be held should urgent business arise during that period.

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

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

An Induction programme for elected members has been drafted, which covers all relevant topics and includes information on potential training that the elected members should consider undertaking to enhance their knowledge in specific areas of their responsibilities.

An alteration to the Council's meeting schedule will enable sufficient time to be devoted to the Induction Programme.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION**That Council:**

- 1** **ALTERS its 2006 schedule of meeting dates by CANCELLING the following meetings to be held in the Joondalup Civic Centre, Boas Avenue, Joondalup:**

Strategy Session scheduled for 2 May 2006;
Briefing Session scheduled for 9 May 2006;
Council meeting scheduled for 16 May 2006;
- 2** **in accordance with Regulation 12 Local Government (Administration) Regulations 1996, GIVES local public notice of the change to the meeting dates detailed in (1) above.**

ITEM 5 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING, 19 JANUARY 2006 – [00906]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
 Chief Executive Officer

PURPOSE

To submit to Council the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 19 January 2006.

EXECUTIVE SUMMARY

The Sustainability Advisory Committee met on 19 January 2006. Items of Business included:

Item 1

Order of business for meetings of the committee - The Sustainability Advisory Committee adopted all the recommendations as outlined in the officers report and furthermore made amendments to recommendation 1 as outlined in this report.

Item 2

Best practice considerations for a sustainable vehicle fleet at the City of Joondalup - the Sustainability Advisory Committee endorsed the proposal to support the key recommendation of the report namely, that Council endorses the incorporation of the 'AFMA Greener Motoring – The How to Guide'; and requested Council to thank the people involved in compiling the report.

Furthermore the Sustainability Advisory Committee has recommended that Council endorse their request to have a report on the progress of two of the City's current operational project activities namely:

- 1 The Cities for Climate Protection Plan
- 2 Green Transport Plan

Item 3

Sustainability Policies - The Sustainability Advisory Committee has recommended that Council adopts a revised version of the draft Council Sustainability policy as shown as Attachment 2 to this report and further that Council give consideration to reviewing and changing the title of the two types of policies as follows;

- 1 Change from Council Policy to Council Strategic Policy, and;
- 2 Change From City Policy to City Operational Policy.

The Committee, due to lack of time, deferred dealing with item 3 (2) City Sustainability Policy 5-4 until its next meeting.

The Committee made several requests for reports to be provided to a future meeting of the committee and these are as follows:

- 1 The outcome of the Waste Management Strategy Survey;
- 2 The outcome of the Bike Plan;
- 3 Update on the Sustainability Advisory Committee Workplan October 2004 and what is achievable through integrating the recent Federal Sustainable Cities report.

Some of the above-mentioned recommendations have been actioned to Council in the recommendations of this report, whilst others that are considered to be essentially operational in nature, or need to be referred to another Committee of Council (i.e. Policy Committee), have been noted for Council and will be managed administratively between the City and the respective committees of Council.

This report recommends that Council:

- 1 *NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 19 January 2006 forming Attachment 1 to this Report;*
- 2 *ENDORSES the proposal to incorporate the Australian Fleet Managers Association 'Greener Motoring – The How to Guide' to be utilised in conjunction with City vehicle management procedures;*
- 3 *THANKS all staff and Sustainability Advisory Committee members involved in preparing the report on Best Practice Considerations for a Sustainable Vehicle Fleet at the City of Joondalup;*
- 4 *NOTES that the Sustainability Advisory Committee has requested to be briefed on the progress to date of the Cities for Climate Protection Project and the Green Transport Plan and that these matters will be progressed administratively;*
- 5 *NOTES the comments and amendments made to the Council Sustainability Policy and REFERS these comments and amendments to the next meeting of the Policy Committee;*
- 6 *NOTES that the Sustainability Advisory Committee will receive the following reports:*
 - (a) *Results of the outcome of the Waste Management Strategy Survey;*
 - (b) *The outcome of the Bike Plan;*
 - (c) *Update on the Sustainability Advisory Committee Workplan October 2004 and what is achievable through integrating the recent Federal Sustainable Cities report.*

BACKGROUND

The Sustainability Advisory Committee is a Council Committee that advises and makes recommendations to Council on policy and appropriate courses of action, which promote sustainability. Committee membership comprises members from the community and a representative from Edith Cowan University.

The objectives of the Committee in accordance with their terms of reference are:

- To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is (1) environmentally responsible, (2) socially sound and (3) economically viable.

- To provide advice to Council on items referred to the Committee from the City of Joondalup Council or administration.

DETAILS

Issues and options considered:

The Sustainability Advisory Committee presided over a number of matters as outlined in Attachment 1 to this report.

The matters are outlined as follows:

The Sustainability Advisory Committee accepted the minutes of its previous meeting held on 16 June 2005.

The Sustainability Advisory Committee presided over three item of business as follows:

- Item 1 Order of Business for meetings of the Committee
- Item 2 Best practice considerations for a sustainable vehicle fleet at the City of Joondalup,
- Item 3 Sustainability policies.

Item 1

Order of Business for meetings of the committee

The Sustainability Advisory Committee adopted the recommendations as outlined in the officers report subject to the amendment to recommendation 1 that:

“such an order of business allows this committee to function as effectively with broad discussion as it has in the past”;

Item 2

Best practice considerations for a sustainable vehicle fleet at the City of Joondalup.

The Sustainability Advisory Committee endorsed the proposal to support the key recommendation of the report namely, that Council endorses the incorporation of the AFMA Greener motoring – The How to Guide; and requested Council to thank the people involved in compiling the report.

Furthermore the Sustainability Advisory Committee recommended that Council endorse their request to have a report on the progress of two of the City’s current operational project activities namely:

- The Cities for Climate Protection Plan
- Green Transport Plan

Item 3

Sustainability Policies

The Sustainability Advisory Committee has recommended that Council adopts a revised version of the draft Council Sustainability policy as shown as Attachment 2 to this report, and

further, that Council give consideration to reviewing and changing the title of the two types of policies as follows;

- 1 Change from Council Policy to Council Strategic Policy, and
- 2 Change From City Policy to City Operational Policy.

The Committee, due to lack of time, deferred dealing with item 3 (2) City Sustainability Policy 5-4 until its next meeting.

Attachment 1 to this report outlines the details of the discussion and recommendations made for each of these items of business.

The Committee made several requests for future reports to be provided to a future meeting of the committee and these are as follows:

- 1 The outcome of the Waste Management Strategy Survey;
- 2 The outcome of the Bike Plan;
- 3 Update on the Sustainability Advisory Committee Workplan October 2004 and what is achievable through integrating the recent Federal Sustainable Cities report.

Link to Strategic Plan:

The Sustainability Advisory Committee has a general link across all Key Focus Areas of the Strategic Plan.

Legislation – Statutory Provisions:

A new clause has been added to the content and intent part of the Local Government Amendment Act 2004 to make it clear that local governments need to consider sustainability outcomes. The amendment is as follows:

S.1.3 Content and Intent

“(3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity (sustainability).”

Risk Management considerations:

Sustainability is a core issue for local government and the Sustainability Advisory Committee enables the Council to have access to expert advice across social, environmental and economic issues, which assist the Council in risk mitigation through a broad, reliable and sound knowledge base that is provided from the Sustainability Advisory Committee.

The items under consideration by the Committee at its 19 January meeting have risk clearly outlined in the associated reports shown in Attachment 1, with the exception of Item 1 – Order of business for meetings.

Financial/Budget Implications

Not applicable.

Policy implications

This report has a direct connection to draft Council Policy – Sustainability and to City Sustainability Policy 5-4.

Regional Significance

Sustainability on many counts needs to be considered in a regional context. The Sustainability Advisory Committee provides the Council with expert advice across social, environmental and economic issues affecting the City from a regional perspective.

The items under consideration by the Committee on the 19 January all have regional implications as outlined in the respective reports shown in Attachment 1 with the exception of Item 1 – Order of business for meetings of the Sustainability Advisory Committee.

Sustainability implications

The Sustainability Advisory Committee has set terms of reference to advise the Council on matters affecting sustainability. By nature of the Committee sustainability is its core function.

The items of business under consideration by the Committee on 19 January 2006 have sustainability implications outlined in the respective reports shown in Attachment 1 with the exception of Item 1 – Order of business for meetings of the Sustainability Advisory Committee.

Consultation

The Sustainability Advisory Committee has an advisory role to the Council and is a key proponent for the City's Public Participation Strategy and a key committee for improving community consultation matters.

COMMENT

The Sustainability Advisory Committee has referred a number of items to the Council for action, which have been outlined in this report.

Some of these recommendations have been actioned to Council in the recommendations of this report whilst others that are considered to be essentially operational in nature, or need to be referred to another Committee of Council (i.e. The Policy Committee), have been noted for Council and will be managed administratively between the City and the respective committees of Council.

It should be noted that the following recommendations are being made by the officers, which will amend recommendations 4, 5 and 6 as resolved by the Sustainability Advisory Committee. The amended recommendations for this report are as follows:

- 4 *NOTES that the Sustainability Advisory Committee has requested to be briefed on the progress to date of the Cities for Climate Protection Project and the Green Transport Plan and that these matters will be progressed administratively;*
- 5 *NOTES the comments and amendments made to the Council Sustainability Policy and REFER these comments and amendments to the next meeting of the Council Policy Committee;*

6 *NOTES that the Sustainability Advisory Committee will receive the following reports:*

- (a) *Results of the outcome of the Waste Management Strategy Survey;*
- (b) *The outcome of the Bike Plan;*
- (c) *Update on the Sustainability Advisory Committee Workplan October 2004 and what is achievable through integrating the recent Federal Sustainable Cities report.*

And; that the reports will be progressed administratively to the Committee.

It is considered that by Council noting those recommendations that are essentially operational in nature, or require the attention of another Committee of Council, will enable the Chief Executive Officer to review and allocate the resourcing requirements and timing of the requests made by the Sustainability Advisory Committee, to ensure the requests do not impinge on any more urgent operational priorities. Furthermore the City will be in a stronger position to consider the resourcing capability required to undertake these requests.

This approach ensures the Sustainability Advisory Committee will be advised of the status of their requests at their next meeting and when they will be able to receive them, in a framework that enables transparency and can build effective communication channels and working relationships between the City and the Sustainability Advisory Committee.

ATTACHMENTS

- Attachment 1 Unconfirmed minutes of the Sustainability Advisory Committee meeting, 19 January 2006.
- Attachment 2 Amended Version of draft Council Sustainability policy.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 19 January 2006 forming Attachment 1 to this Report;**
- 2 ENDORSES the proposal to incorporate the Australian Fleet Managers Association 'Greener Motoring – The How to Guide' to be utilised in conjunction with City vehicle management procedures;**
- 3 THANKS all staff and Sustainability Advisory Committee members involved in preparing the report on Best Practice Considerations for a Sustainable Vehicle Fleet at the City of Joondalup;**
- 4 NOTES that the Sustainability Advisory Committee has requested to be briefed on the progress to date of the Cities for Climate Protection Project and the Green Transport Plan and that these matters will be progressed administratively;**
- 5 NOTES the comments and amendments made to the Council Sustainability Policy and REFERS these comments and amendments to the next meeting of the Policy Committee;**

- 6 NOTES that the Sustainability Advisory Committee will receive the following reports:**
- (a) Results of the outcome of the Waste Management Strategy Survey;**
 - (b) The outcome of the Bike Plan;**
 - (c) Update on the Sustainability Advisory Committee Workplan October 2004 and what is achievable through integrating the recent Federal Sustainable Cities report.**

Appendix 2 refers.

To access this attachment on electronic document, click here: [Attach2brf140205.pdf](#)

ITEM 6 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2005 – [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of November 2005 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2005, totalling \$7,107,432.52.

It is recommended that Council NOTES the CEO's list of accounts for NOVEMBER 2005 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to this Report, totalling \$7,107,432.52.

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 November 2005. A list detailing the payments made is appended as Attachment A. The vouchers for the month are appended at Attachment B.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 73386 - 73718	\$7,107,432.52
	EFT 4409 - 4695	
	Vouchers 108A – 114A	
Trust Account		Nil
		\$7,107,432.52

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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 2005/06 Annual Budget, or approved in advance by Council.

Policy Implications:

All expenditure included in the list of payments is drawn from the City's accounting records.

Sustainability Implications:

Expenditure has been incurred in accordance with 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 2005/06-2008/09 which was advertised for a 30 day period with an invitation for submissions in relation to the plan.

COMMENT

All expenditure included in the list of payments is in accordance with the 2005/06 Annual Budget, or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A	CEO's Delegated Payment List for the month of November 2005
Attachment B	Municipal Fund Vouchers for the month of November 2005

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for November 2005 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 at Attachments A and B to this Report, totalling \$7,107,432.52.

Appendix 3 refers.

To access this attachment on electronic document, click here: [Attach3brf140206.pdf](#)

ITEM 7 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2005 – [09882]

WARD: All

RESPONSIBLE DIRECTOR Mr Kevin Robinson (Acting)
Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of December 2005 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2005, totalling \$8,728,145.78.

It is recommended that Council NOTES the CEO's list of accounts for DECEMBER 2005 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to this Report, totalling \$8,728,145.78.

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 December 2005. A list detailing the payments made is appended as Attachment A. The vouchers for the month are appended at Attachment B.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 73719 - 74107 & EFT 4696 - 4985 Vouchers 115A - 120A	6,845,941.74 1,882,204.04
Trust Account		Nil
		\$ 8,728,145.78

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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 2005/06 Annual Budget, or approved in advance by Council.

Policy Implications:

All expenditure included in the list of payments is drawn from the City's accounting records.

Sustainability Implications:

Expenditure has been incurred in accordance with 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 2005/06-2008/09 which was advertised for a 30 day period with an invitation for submissions in relation to the plan.

COMMENT

All expenditure included in the list of payments is in accordance with the 2005/06 Annual Budget, or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A	CEO's Delegated Payment List for the month of December 2005
Attachment B	Municipal Fund Vouchers for the month of December 2005

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the CEO's List of Accounts for December 2005 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 at Attachments A and B to this Report, totalling \$8,728,145.78.

Appendix 4 refers.

To access this attachment on electronic document, click here: [Attach4brf140206.pdf](#)

ITEM 8 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2005 – [07882]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Peter Schneider Corporate Services

PURPOSE

The November 2005 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The November 2005 year to date report shows an overall variance (under spend) of \$8.3m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07-05).

This variance can be analysed as follows:

- The **Operating** Surplus is \$38.8m compared to a budgeted surplus of \$36.4m at the end of November 2005. The \$2.4m variance is primarily due to greater than budgeted rates and interest income and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from fees and charges.
- **Capital Expenditure** is \$10m against the year to date budget of \$16m. The \$6m under spend is due to delays in purchasing heavy and light vehicles and in the construction of Infrastructure assets.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2005 forming Attachment A to this Report.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

The financial activity statement for the period ended 30 November 2005 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

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:

Refer attachment A.

Policy implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

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:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 21 May to 20 June 2005.

COMMENT

All expenditure included in the Financial Activity Statement has been incurred in accordance with the approved 2005/06 Annual Budget or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 30 November 2005.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2005 forming Attachment A to this Report.

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5brf140206.pdf](#)

ITEM 9 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2005 – [07882]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Peter Schneider Director Corporate Services

PURPOSE

The December 2005 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The December 2005 year to date report shows an overall variance (under spend) of \$10.2m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07-05).

This variance can be analysed as follows:

- The **Operating Surplus** is \$33.2m compared to a budgeted surplus of \$30.6m at the end of December 2005. The \$2.6m variance is primarily due to greater than budgeted rates and interest income and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from fees and charges and government grants and subsidies.
- **Capital Expenditure** is \$11.2m against the year to date budget of \$18.7m. The \$7.5m under spend is due to delays in purchasing heavy and light vehicles and in the construction of Infrastructure assets.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2005 forming Attachment A to this Report.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

The financial activity statement for the period ended 31 December 2005 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

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:

Refer attachment A.

Policy implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

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:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 21 May to 20 June 2005.

COMMENT

All expenditure included in the Financial Activity Statement has been incurred in accordance with the approved 2005/06 Annual Budget or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 December 2005.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 December 2005 forming Attachment A to this Report.

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6brf140206.pdf](#)

ITEM 10 TENDER 006-05/06 PROVISION OF CONSULTANCY SERVICES FOR BUILDING MAINTENANCE – [89572]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

PURPOSE

This report is to seek the approval of Council to choose GHD Pty Ltd as the successful tenderer for the Provision of Consultancy Services for Building Maintenance (Tender 006–05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 26 November 2005 through statewide public notice for the Provision of Consultancy Services for Building Maintenance. Tenders closed on 12 December 2005. Three submissions were received from:

- GHD Pty Ltd
- Lincolne Scott
- Norman Disney & Young

It is recommended, in relation to Tender Number 006–05/06 that Council:

- 1 *CHOOSES GHD Pty Ltd as the successful tenderer for the Provision of Consultancy Services for Building Maintenance (Tender No 006-05/06) in accordance with the Schedule of Rates as outlined in attachment 1 to this Report;*
- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with GHD Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and GHD Pty Ltd;*
- 3 *DETERMINES that the contract is to be for an initial period of two (2) years with an option to extend, subject to satisfactory performance reviews, for a further maximum period of three (3) years, in one (1) year increments, with the total term of the contract not to exceed five (5) years.*

BACKGROUND

The City requires specialist consultation with regard to the ongoing maintenance and management of its buildings to meet current operational standards and regulations. Additionally these professional services provide assistance to the City as to where operational and maintenance cost savings can be realised within its facilities and to enhance these facilities to contribute to environmental sustainability.

The scope of requirements consist of but are not limited to the following categories:

- Operational Overview Services
- Operational Management Services
- Maintenance Contracts and Equipment Schedules
- Energy Management
- Architectural Services

DETAILS

Tenders were advertised on 26 November 2005 for a five (5) year contract through statewide public notice for the Provision of Consultancy Services for Building Maintenance. The tender closed on 12 December 2005. The following three submissions were received:

- GHD Pty Ltd
- Lincolne Scott
- Norman Disney & Young

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

The tenders submitted by GHD Pty Ltd, Lincolne Scott and Norman Disney & Young met all the essential requirements and were carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then discussed their assessments, leading to a ranking of each submission in order of merit.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 006–05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- *Appreciation of the requirements*
- *Outline of the proposed methodology*

Capacity

- *A brief history of the company*
- *The structure of the business*
- *Details of specialised equipment*
- *Details of safety policy and procedures*
- *Details of safety records*

Local Infrastructure

- *After hours contacts for emergency requirements*
- *The ability to provide additional personnel and resources if required*

Demonstrated Experience in Completing Similar Projects

- *Scope of work*
- *Similarities between those Contracts and this requirement*

Social and Economic Effects on the Local Community

- *Maintain or increase opportunities for local employment;*
- *Maintain or increase arrangements with local service providers*
- *Provide value added services to the City*

The evaluation panel carried out the evaluation of the above Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value for money to the City is that submitted by GHD Pty Ltd.

Issues and options considered:

The City requires expert knowledge across the entire spectrum of issues in relation to identifying the appropriate level of maintenance to the ageing buildings managed by the City. This knowledge is not available in-house and is critical to ensure the buildings are maintained and operated in a safe condition for the public in accordance with appropriate legislative and Occupational Health and Safety requirements.

The City works in conjunction with the Contractor on matters that need to be addressed to progressively build up a database of maintenance data and other matters to ensure the effective management of the City buildings in line with the Strategic Plan.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

3 City Development

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.1 Plan the timely design, development, upgrades and maintenance of the City's infrastructure.

Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City.

Strategy 3.1.3 Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

Legislation - Statutory Provision:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The expected consideration for this contract is estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management Considerations:

Contract risks are considered very low as GHD Pty Ltd is recognised within the industry as being very professional and all work is undertaken and completed in a professional and timely manner. GHD Pty Ltd has key personnel who are highly skilled and qualified for the management of such properties as those owned by the City.

This Contract will have input into ensuring that the City's facilities are maintained in full working order for public use, while taking into consideration any matters that may impact on changing legislative requirements.

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's Maintenance Budget, as authorised by Council annually and reviewed periodically. The budget amount for this requirement is \$90,000 per annum, and based on current demand and requirements the expenditure is not expected to exceed this amount for the initial contract period of one (1) year. The total contract cumulative value over the five (5) year period of the contract is approximately \$450,000 (excluding GST). This expenditure is identified as Consultancy costs within the Maintenance Budget.

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy Implications:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria. The successful respondent, GHD Pty Ltd is located in the Perth Central Business District.

Regional Significance:

Not Applicable.

Sustainability Implications:

This contract is essential to protect and ensure the existing buildings are maintained in accordance with the appropriate building codes and standards, while progressively improving the energy efficiency of the City's building.

Consultation:

Not Applicable.

COMMENT

It was considered by the City that there would be a benefit in seeking a five (5) year contract as apposed to the normal three (3) year period, so that the Contractor could amortise its costs over an extended period, thereby reducing its costs to the City. In addition, due to the diverse requirements and large number of buildings associated with this contract, changing Occupational Health and Safety legislative requirements, Energy Conservation and other such areas, the Contractor would require a minimum of two years to establish an accurate database to effectively manage those buildings appertaining to this Contract.

The Evaluation Panel considered that GHD Pty Ltd have more experienced personnel of the calibre required to manage a diverse contract of this nature, has the capability and expertise in associated systems and resources to carry out the work on a value for money basis and therefore recommend them as the preferred tenderer.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council in relation to Tender Number 006–05/06:

- 1 CHOOSES GHD Pty Ltd as the successful tenderer for the Provision of Consultancy Services for Building Maintenance (Tender NO 006-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to this Report;**
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with GHD Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and GHD Pty Ltd;**
- 3 DETERMINES that the contract is to be for an initial period of two (2) years with an option to extend, subject to satisfactory performance reviews, for a further maximum period of three (3) years, in one (1) year increments, with the total term of the contract not to exceed five (5) years.**

Appendix 7 refers.

To access this attachment on electronic document, click here: [Attach7brf140205.pdf](#)

ITEM 11 TENDER 009-05/06 PROVISION OF CLEANING SERVICES – BUILDINGS – [14573]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

PURPOSE

This report is to seek the approval of Council to choose Reekie Property Services as the successful tenderer for the Provision of Cleaning Services – Buildings (Tender 009-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 7 September 2005 through statewide public notice for the Provision of Cleaning Services – Buildings. Tenders closed on 29 September 2005. Nine submissions were received from:

- Academy Services WA Pty Ltd
- Advanced National Services
- Du Clene Pty Ltd
- Golden West Corporate Total Management Pty Ltd
- OCS Services Pty Ltd
- OCE Corporate
- Reekie Property Services
- Prestige Property Services trading as Tempo
- The Total Group

It is recommended, in relation to Tender Number 009-05/06 that Council:

- 1 *CHOOSES Reekie Property Services as the successful tenderer for the Provision of Cleaning Services – Buildings (Tender No 009-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to this Report;*
- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Reekie Property Services in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Reekie Property Services;*
- 3 *DETERMINES that the contract is to be for an initial period of one (1) year with an option to extend, subject to satisfactory performance reviews, for a further maximum period of two (2) years, in one (1) year increments, with the total term of the contract not to exceed three (3) years.*

BACKGROUND

The City requires the cleaning of its Leisure Centres, Administration and other buildings in accordance with specified health and safety requirements and applicable standards to ensure and maintain a safe and clean working environment for its employees and general members of the community. Scheduled cleaning of the City buildings contributes towards the reduction of ongoing maintenance and assists in meeting current operational standards

and regulations. Additionally the cleaning service provider assists the City in identifying where operational and maintenance cost savings can be realised within its facilities.

DETAILS

Tenders were advertised on 7 September 2005 through statewide public notice for the Provision of Cleaning Services – Buildings. Tenders closed on 29 September 2005. Nine submissions were received from:

- Academy Services WA Pty Ltd
- Advanced National Services
- Du Clene Pty Ltd
- Golden West Corporate Total Management Pty Ltd
- OCS Services Pty Ltd
- OCE Corporate
- Reekie Property Services
- Prestige Property Services trading as Tempo
- The Total Group

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

The tenders submitted by all Respondents met all the essential requirements and were carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then discussed their assessments, leading to a ranking of each submission in order of merit.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number RFT 009–05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company
- The structure of the business
- Details of specialised equipment
- Details of safety policy and procedures
- Details of safety records

Local Infrastructure

- After hours contacts for emergency requirements
- The ability to provide additional personnel and resources if required

Demonstrated Experience in Completing Similar Projects

- Scope of work
- Similarities between those Contracts and this requirement

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment;
- Maintain or increase arrangements with local service providers
- Provide value added services to the City

Safety Management Policy and Quality Assurance

- The safety procedures to be used for the Contract
- Details of their safety record for the past two years.

The evaluation panel carried out the evaluation of each of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value for money to the City is that submitted by Reekie Property Services.

Issues and options considered:

This Contract involves cleaning maintenance of the City's major buildings and selected public facilities. The remaining smaller facilities and public toilets are maintained by in-house employees.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

3 City Development

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment

Strategy 3.1.1 Plan the timely design, development, upgrades and maintenance of the City's infrastructure

Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City

Legislation - Statutory Provision:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The expected consideration for this contract is estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

The evaluation panel consider there is minimal risk associated with awarding the contract to Reekie Property Services due to their high standard of quality assurance in accordance with their Safety Management Policy and Quality Assurance certification to AS/NZS ISO 9001:2000 as provided by Bureau Veritas Quality International.

Financial/Budget Implications:

Outgoing expenditure will be in accordance with the City's annual Building Cleaning Maintenance Budgets as authorised by Council. The budget amount allocated for this requirement is \$296,910.00 per annum. Based on current demand and requirements the expenditure is not expected to exceed this amount for the initial one-year period of the Contract.

The total cumulative value over the three-year period of the Contract is approximately \$891,000 excluding GST.

The City of Joondalup is a registered business entity for GST purposes. The net effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy implications:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria. The successful Respondent, Reekie Property Services are located in Mt Lawley, WA.

Regional Significance:

Not Applicable.

Sustainability implications:

This contract will ensure the existing buildings are cleaned to assist in maintaining the City buildings in accordance with the appropriate building codes, standards and the requirements of the community.

Consultation:

Not Applicable.

COMMENT

Reekie Property Services has the capability, expertise and associated resources to carry out the work on a best value for money basis, and therefore recommend them as the preferred tenderer.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council, in relation to Tender Number 009-05/06:

- 1 CHOOSES Reekie Property Services as the successful tenderer for the Provision of Cleaning Services – Buildings (Tender No 009-05/06) in accordance with the Schedule of Rates as outlined in attachment 1 to this Report;**
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Reekie Property Services in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Reekie Property Services;**
- 3 DETERMINES that the contract is to be for an initial period of one (1) year with an option to extend, subject to satisfactory performance reviews, for a further maximum period of two (2) years, in one (1) year increments, with the total term of the contract not to exceed three (3) years.**

Appendix 8 refers.

To access this attachment on electronic document, click here: [Attach8brf140205.pdf](#)

ITEM 12 TENDER 032-05/06 DRILLING, DEVELOPMENT & TESTING OF BORES – [25577]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

PURPOSE

This report is to seek the approval of Council to choose Western Irrigation Pty Ltd as the successful tenderer for the provision of Drilling, Development & Testing of Bores (Tender 032-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 30 November 2005 through statewide public notice for Drilling, Development & Testing of Bores. Tenders closed on 19 December 2005. Three submissions were received from:

- RBM Drilling;
- Wintergreene Drilling Contractors;
- Western Irrigation Pty Ltd.

It is recommended, in relation to Tender Number 032-05/06 that Council:

- 1 *CHOOSES Western Irrigation Pty Ltd as the successful Tenderer for Drilling, Development & Testing of Bores (Tender 032-05/06) in accordance with the Schedule of Rates as outlined in attachment 1 to this Report;*
- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a Contract with Western Irrigation Pty Ltd in accordance with its submitted tender, subject to minor variations that may be agreed between the CEO and Western Irrigation Pty Ltd;*
- 3 *DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the Contract not to exceed three (3) years.*

BACKGROUND

The scope of Services is for the drilling, developing and testing of bores at various locations within the City of Joondalup. The City operates and maintains new and existing bores used to irrigate parklands, sporting facilities for recreation activities of the community. Currently the City maintains 196 ground water irrigation bores and establishes 4 new bores annually in accordance with the Dry Parks Development program. Bore holes are serviced on a 3-5 year rotational program to maintain supply volumes. There are a number of old bores that are listed for replacement annually as they have a life expectancy of approximately 26 –30 years.

DETAILS

Tenders were advertised on 30 November 2005 in the West Australian newspaper with the tenders closing on 19 December 2005. Three submissions were received from:

- RBM Drilling;
- Wintergreene Drilling Contractors;
- Western Irrigation Pty Ltd.

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

The tenders submitted by RBM Drilling and Wintergreene Drilling Contractors were for rotary drilling only and not in accordance with the specification, which stated “ Drilling can be by cable tool or rotary method. However, once static water level is reached, drilling may continue only by means of cable tool”. Being non-compliant the submissions were not considered further.

The submission from Western Irrigation Pty Ltd met all the essential requirements for both rotary and cable tool drilling and was therefore carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then discussed their assessments, leading to their recommendation to award the tender.

Under the City’s Contract Management Framework, the tender was assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 ‘Code of Tendering’, ensuring compliance with *Regulation 18(4) of the Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 032-05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- *Appreciation of the requirements*
- *Outline of the proposed methodology*

Capacity

- A brief history of the company
- The structure of the business
- Specialised equipment used
- Safety policy and procedures

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment
- Maintain or increase arrangements with local service providers
- Provide value added services to the City

Demonstrated Experience in Completing Similar Projects

- Scope of work
- Similarities between those Contracts and this requirement

The evaluation panel carried out the evaluation of the above Submission in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer submitted by Western Irrigation Pty Ltd represented value for money to the City.

Issues and options considered:

The City has a requirement for both Rotary and Cable Drilling methods to cater for the various sub-soil conditions that are encountered within the City boundaries. The Rotary method is normally used where a bore does not encounter any limestone. However, where limestone is encountered, the Cable Drilling method is used, as this is more accurate to obtain a vertical bore. Western Irrigation Pty Ltd has both rotary drilling and cable tool rigs in its fleet and can cater for all the City's requirements.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

City Development

- | | |
|----------------|---|
| Objective 3.1 | To develop and maintain the City of Joondalup's assets and built environment. |
| Strategy 3.1.1 | Plan the timely design, development, upgrade and maintenance of the City's infrastructure. |
| Strategy 3.1.2 | Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup. |
| Strategy 3.1.3 | Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors. |

Legislation Statutory Provision:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The expected consideration for this contract is estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000. However, if there is a requirement for an additional bore or other such work, then this Contract will exceed the delegated authority of the CEO, hence the approval of Council is sought.

Risk Management considerations:

Contract risks are considered low as the successful Tenderer is a very well established local company, which began operations in 1969 servicing the Perth metropolitan irrigation market and all its key personnel have 10 to 20 years experience in the industry.

The company operates with documented Occupational Safety and Health procedures. It has QA certification to ISO 9002.

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's Maintenance budgets (code 4620 External Services), as authorised by Council annually and reviewed periodically. The budget amount allocated for this requirement is \$83,000 per annum.

The total cumulative Contract value over the three (3) years of the Contract is approximately \$250,000 (excluding GST) based on previous requirements.

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful Tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy implications:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria. The successful Tenderer, Western Irrigation is located at Booragoon, WA.

Regional Significance:

Not Applicable.

Sustainability implications:

There are stringent requirements in the use of commercial water bores which are carefully managed by the City in conjunction with the Water and Rivers Commission to ensure the valuable resource is used effectively in a sustainable manner.

Consultation:

Not Applicable.

COMMENT

The combined methods of rotary and cable tool drilling are required by the City to meet its operational requirements in an effective and efficient manner, and Western Irrigation Pty Ltd were the only tenderer to submit a conforming tender for both types of drilling. Western Irrigation Pty Ltd demonstrated a clear appreciation and understanding of the requirements of this Contract and has the capacity and experience to provide the Services on a value for money basis and therefore is recommended as the preferred Tenderer.

As there was only one conforming tender the City has made its value for money assessment by confirming the rates as charged by Western Irrigation Pty Ltd are in line with those as charged to other Councils such as Stirling, Cambridge, Melville, Fremantle and Cockburn as well as the Department of Housing and Works.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council, in relation to Tender 032-05/06:

- 1 **CHOOSES** Western Irrigation Pty Ltd as the successful Tenderer for Drilling, Development & Testing of Bores (Tender 032-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to this Report;
- 2 **AUTHORISES** the Chief Executive Officer (CEO), on behalf of the City, to enter into a Contract with Western Irrigation Pty Ltd in accordance with its submitted tender, subject to minor variations that may be agreed between the CEO and Western Irrigation Pty Ltd;
- 3 **DETERMINES** that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the Contract not to exceed three (3) years.

Appendix 9 refers.

To access this attachment on electronic document, click here: [Attach9brf140206.pdf](#)

ITEM 13 TENDER 040-05/06 SUPPLY AND DELIVERY OF MOBILE GARBAGE BINS – [73578]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

PURPOSE

This report is to seek the approval of Council to choose David Gray & Co Pty Ltd as the successful tenderer for the Supply and Delivery of Mobile Garbage Bins (MGB) (Tender 040-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 26 November 2005 through statewide public notice for the Supply and Delivery of Mobile Garbage Bins (MGB). Tenders closed on 12 December 2005. One submission was received from:

- David Gray & Co Pty Ltd

It is recommended, in relation to Tender Number 040-05/06 that Council:

- 1 CHOOSES David Gray & Co Pty Ltd as the successful tenderer for the Supply and Delivery of Mobile Garbage Bins (Tender 040-05/06) in accordance with Schedule of Rates included as Attachment 1 to this Report;*
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with David Gray & Co Pty Ltd in accordance with its submitted tender, subject to minor variations that may be agreed between the CEO and David Gray & Co Pty Ltd;*
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years.*

BACKGROUND

The City of Joondalup provides a contracted waste and recycling service to approximately 55,500 ratepayers. The service includes a weekly domestic rubbish service and an optional cart recycling service, which consists of 240 litre mobile garbage bins with yellow lids serviced by automated one-arm waste removal trucks.

A Request for Tender 040-05/06 was issued for the Supply and Delivery of approximately 2,500 per annum unassembled Mobile Garbage Bins and associated spare parts.

DETAILS

Tenders were advertised on 26 November 2005 through statewide public notice for the Supply and Delivery of Mobile Garbage Bins (MGB). Tender closed on 12 December 2005. One only submission was received from:

- David Gray & Co Pty Ltd

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

The tender submitted by David Gray & Co Pty Ltd met all the essential requirements and was carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then discussed their assessments, leading to the recommendation to award the tender.

Under the City's Contract Management Framework, the tender was assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 040-05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company
- The structure of the business
- Details of specialised equipment
- Details of safety policy and procedures
- Details of safety records

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment
- Maintain or increase arrangements with local service providers
- Provide value added services to the City

Demonstrated Experience in Completing Similar Projects

- Scope of work
- Similarities between those Contracts and this requirement

The evaluation panel carried out the evaluation of the above Submission in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer represented value for money to the City.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

2 Caring for the Environment.

Objective 2.2 To manage waste effectively and efficiently in alignment with environmentally sustainable principles.

Strategy 2.2.1 Further develop and implement recycling strategies.

Strategy 2.2.2 Plan for the development of waste management.

Legislation - Statutory Provision:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The expected consideration for this contract is estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

Contract risks are considered low as the successful tenderer is a very well established local supplier and has been a distributor of mobile garbage bins for the past twenty years. In addition, its manufacturer Sulo MGB Australia Pty Ltd is a QA certified company to ISO 9001.

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's Waste Management Budget 06/07, as authorised by Council annually and reviewed periodically. The budget amount allocated for this requirement is \$104,915.00 per annum.

The total cumulative Contract value over the three (3) years of the Contract based on historical usage is approximately \$314,745,000 (excluding GST).

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy implications:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria. The successful respondent, David Gray & Co Pty Ltd is located in O'Connor, WA.

Regional Significance:

Not Applicable.

Sustainability implications:

This contract is essential for the City to maintain the bin replacement program and rubbish collection service to a high standard for reasons of public health.

Consultation:

Not Applicable.

COMMENT

David Gray & Co Pty Ltd being the current contractor has demonstrated that it has the capacity and experience to provide the goods and the Evaluation Panel considered that the City is getting value for money and therefore recommend David Gray & Co Pty Ltd as the preferred tenderer.

The tendered offer submitted by David Gray & Co Pty provides a five percent (5%) reduction in the cost of the Mobile Garbage Bin and a five percent (5%) increase in the cost of spare parts when compared to the previous Contract. However, the Mobile Garbage Bin represents approximately seventy five percent (75%) of the Contract value, therefore in real terms; the offer submitted by David Gray & Co Pty represents a price reduction from the previous contract.

ATTACHMENTS

Attachment 1 Schedule of Rates.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council, in relation to Tender 040-05/06:

- 1 CHOOSES David Gray & Co Pty Ltd as the successful tenderer for the Supply and Delivery of Mobile Garbage Bins (Tender 040-05/06) in accordance with Schedule of Rates included as Attachment 1 to this Report;**
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with David Gray & Co Pty Ltd in accordance with its submitted tender, subject to minor variations that may be agreed between the CEO and David Gray & Co Pty Ltd;**
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years.**

Appendix 10 refers.

To access this attachment on electronic document, click here: [Attach10brf140206.pdf](#)

ITEM 14 TENDER 012-05/06 SUPPLY AND INSTALLATION OF FENCING – [17569]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

PURPOSE

This report is to seek the approval of Council to choose Peter Wood Fencing Contractors Pty Ltd as the successful tenderer for the Supply and Installation of Track Pathway Fencing and Bush Land Reserve Fencing and that Treacy Fencing be awarded a Contract for the Supply and Installation of Sump Security Fencing in accordance with Tender 012-05/06.

EXECUTIVE SUMMARY

Tenders were advertised on 31 August 2005 through statewide public notice for the Supply and Installation of Fencing. Tenders closed on 15 September 2005. Three submissions were received from:

- Peter Wood Fencing Contractors Pty Ltd
- Treacy Fencing Co
- Southern Wire

It is recommended, in relation to Tender Number 012–05/06 that Council:

- 1 *CHOOSES Peter Wood Fencing Contractors Pty Ltd as the successful tenderer for the Supply and Installation of Track Pathway and Bush Land Reserve Fencing and Treacy Fencing Co for the Supply and Installation of Sump Security Fencing (Tender 012-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to this Report;*
- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Peter Wood Fencing Contractors Pty Ltd and Treacy Fencing Co in accordance with their submitted tenders, subject to any minor variations that may be agreed between the CEO and Peter Wood Fencing Contractors Pty Ltd and Treacy Fencing Co;*
- 3 *DETERMINES that the contracts are to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years.*

BACKGROUND

The City utilises service providers to supply, install and maintain various types of fencing for many purposes to ensure the effective management of community facilities like track pathways, bush land fencing and the like. In addition, these service providers also provide an important role in ensuring that the floodwater sumps are fenced in a secure manner for the safety of the community.

DETAILS

Tenders were advertised on 31 August 2005 through statewide public notice for the Supply and Installation of Fencing. Tenders closed on 15 September 2005. Three submissions were received from:

- Peter Wood Fencing Contractors Pty Ltd
- Treacy Fencing Co
- Southern Wire

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

The tenders submitted by Peter Wood Fencing Contractors Pty Ltd, Treacy Fencing Co and Southern Wire met all the essential requirements and were carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then discussed their assessments, leading to a ranking of each submission in order of merit.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 012–05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company
- The structure of the business
- Specialised equipment used
- Safety policy and procedures

Local Infrastructure

- After hours contacts for emergency requirements;
- The ability to provide additional personnel and resources if required.

Demonstrated Experience in Completing Similar Projects

- Scope of work
- Similarities between those Contracts and this requirement

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment;
- Maintain or increase arrangements with local service providers
- Provide value added services to the City

Safety Management Policy

- The safety procedures to be used for the Contract.
- Details of their safety records for the past two (2) years.

Issues and options considered:

The level of service offered by all tenderers and the quality of their submissions were of a similar standard and the evaluation panel considered for the City to obtain best value for money, the tender is awarded to two tenderers, namely:

Peter Wood Fencing Contractors Pty Ltd for Track Pathway and Bush Land Reserve Fencing and Treacy Fencing Co for Sump Security Fencing and 'Extra over for Gate at'.

Both tenderers have advised that they are willing to enter into a panel type arrangement for the requirements as stated in the tender document.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

2 Caring for the Environment.

Objective 2.1 To plan and manage our natural resources to ensure environmental sustainability.

Strategy 2.1.1 Maintain and protect natural assets to retain biodiversity.

Legislation - Statutory Provision:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The expected consideration for this contract is estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

Contract risks are considered very low as both tenderers have effective safety management procedures and both organisations are recognised within the industry as being very professional and all work is undertaken and completed prior to any payment made by the City.

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's annual Maintenance and Capital Works budgets, as authorised by Council annually and reviewed periodically. The budget amount for this requirement is \$200,000 per annum. Based on current demand and requirements the expenditure is not expected to exceed this amount for the initial contract

period of one (1) year. The total cumulative contract value over the three (3) years of the contract is approximately \$600,000 (excluding GST).

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy implications:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria. The successful respondents, Peter Wood Fencing Contractors Pty Ltd and Treacy Fencing Co are located in Ocean Reef and Balcatta respectively.

Regional Significance:

Not Applicable.

Sustainability implications:

This contract is essential to protect and ensure the environment of the City is presented and maintained at a high standard.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel considered that Peter Wood Fencing Pty Ltd and Treacy Fencing Co have the capability, expertise and associated resources to carry out the work on a best value for money basis and therefore recommend them as the preferred tenderers.

ATTACHMENTS

Attachment 1 Schedule of Rates.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council, in relation to Tender Number 012–05/06:

- 1 **CHOOSES** Peter Wood Fencing Contractors Pty Ltd as the successful tenderer for the Supply and Installation of Track Pathway and Bush Land Reserve Fencing and Treacy Fencing Co for the Supply and Installation of Sump Security Fencing (Tender 012-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to this Report;
- 2 **AUTHORISES** the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Peter Wood Fencing Pty Ltd and Treacy Fencing Co in accordance with their submitted tenders, subject to any minor variations that may be agreed between the CEO and Peter Wood Fencing Pty Ltd and Treacy Fencing Co;
- 3 **DETERMINES** that the contracts are to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years.

Appendix 11 refers.

To access this attachment on electronic document, click here: [Attach11brf140206.pdf](#)

ITEM 15 MINUTES OF 7 DECEMBER 2005 MEETING OF THE CONSERVATION ADVISORY COMMITTEE – [12168]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic
 Infrastructure Services

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee Meeting held on 7 December 2005 for endorsement by Council.

EXECUTIVE SUMMARY

The intention of this report is to inform Council of the proceedings of the meeting of the Conservation Advisory Committee that was held on 7 December 2005.

There was one item of business on the agenda, the Conservation Advisory Committee's Draft Strategic Plan.

The Conservation Advisory Committee has developed the Plan with input from City officers, senior staff and Commissioners. The document focuses on the strategic direction that the Conservation Advisory Committee wishes to take over the next five years in relation to the City's management of its natural areas.

At the December 2005 Conservation Advisory Committee meeting members reviewed the Conservation Advisory Committee's Draft Strategic Plan.

The Committee resolved the following recommendation:

- 1 *That the Conservation Advisory Committee endorses the Draft Strategic Plan as outlined in Attachment 1 to the Conservation Advisory Committee Agenda (Attachment 2 to this report).*

The Committee reviewed the Draft Manual for Bushland Friends Groups that had been prepared by officers and CAC members. The Handbook contains information for those wishing to form and those already members of bushland friends groups.

The Committee resolved the following recommendation:

- 2 *That a vote of thanks be put forward to staff at the City who developed the Manual and the community members who have provided input.*

Two members, Karen Clarke and Robyn McElroy, resigned from the Conservation Advisory Committee for personal reasons and a presentation was made to them on behalf of the City.

The Committee resolved the following recommendations:

- 3 *That the Conservation Advisory Committee regretfully accepts the resignation of Karen Clarke and Robyn McElroy.*
- 4 *That the Conservation Advisory Committee thanks Karen Clarke and Robyn McElroy for their contribution on both the Conservation Advisory Committee and their*

dedicated work with the Friends of Warwick Conservation area and the Friends of Warwick Senior High School Bushland groups.

The Committee discussed the use of ground water to water parks within the City, and referred to a recent article in The West Australian Newspaper on the diminishing water stocks contained within the Gngara Mound.

The Committee resolved the following recommendation:

- 5 *The Conservation Advisory Committee refer the article on page 15 of Tuesday December 6 West Australian Newspaper entitled 'Water Mound Overuse' to the City's Sustainability Advisory Committee for its consideration and action (Attachment 1 – Conservation Advisory Committee Minutes).*

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 7 December 2005 as shown in Attachment 1 to this Report;*
- 2 *ENDORSES the Conservation Advisory Committee's Draft Strategic Plan as shown in Attachment 2 to this Report;*
- 3 *ACKNOWLEDGES the vote of thanks put forward by the Conservation Advisory Committee to staff at the City of Joondalup who developed the Draft Manual for Bushland Friends Groups and the community members who have also provided input;*
- 4 *ACCEPTS the resignation of Karen Clarke and Robyn McElroy from the Conservation Advisory Committee and thanks them for the time and effort they have dedicated to conservation within the City;*
- 5 *NOTES the article on page 15 of 6 December 2005 edition of the West Australian titled 'Water Mound Overuse' as shown in Attachment 3 to this Report.*

BACKGROUND

The Conservation Advisory Committee is a Council Committee that advises Council on issues relating to biodiversity and the management of natural areas within the City of Joondalup. The Committee meets on a monthly basis.

Conservation Advisory Committee's Draft Strategic Plan

Committee membership comprises of a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues. The Conservation Advisory Committee assists Council in developing a Draft Strategic Plan that deals with natural resource issues falls within the terms of reference of that Committee.

The goals, strategies and actions outlined in the plan are the culmination from a series of workshops, the first being held in September 2004. Commissioners, Officers and members of the Conservation Advisory Committee and the Sustainability Advisory Committee attended these workshops.

The Conservation Advisory Committees Draft Strategic Plan encompasses natural resource management, community education programmes and community participation that are associated with natural area management issues within the City.

The Plan has also been reviewed by the Strategic and Sustainable Development Business Unit to ensure that it fits within and is compliant with the City's Strategic Plan.

Draft Manual for Bushland Friends Groups

The City has eleven active bushland friends groups and one coast care group operating within its natural area reserves. A number of these groups have been in existence for nearly ten years. Typical bushcare activities undertaken by these groups include monitoring and recording flora and fauna, seed collection, weed control, planting and guided nature walks.

Work undertaken in the City's reserves by friend's group volunteers contribute towards saving the City many thousands of dollars in bushland maintenance costs each year, and promotes the ideal of natural area conservation amongst the community.

The protection of the City's natural areas has become an important issue for the City's residents and this is reflected in the growth in the number of friend's groups in recent years.

A draft manual for bushland friends groups has been prepared and will be trialled among friends groups for a period, changes can be made to the draft if required, to reflect needs of the friends groups and the City as the land managers.

DETAILS

Issues and Options:

The Conservation Advisory Committee has been in existence for ten years and in recent years the Committee has moved away from advising purely on operational issues that affect natural resource management and is focusing more on strategic issues.

It was also recognised that the direction the Conservation Advisory Committee (CAC) takes should be guided by a plan, the CAC Draft Strategic Plan was developed to fill this role. The vision of the CAC in developing the Plan was as follows:

- Ensuring that the natural environment is recognised and preserved for future generations, to enhance Joondalup's sense of place and community.

The strategies and actions outlined in the Plan conform closely to recognised best practice in terms of natural resource management. A number of the strategies and actions as detailed in the Plan are currently being investigated by Council, an example being the addition of a number of bushland reserves being added to Schedule 5 of the District Planning Scheme Number 2.

Link to Strategic Plan:

Key Focus Area

Caring for the Environment

Outcomes

The City is environmentally responsible in its activities.

Objectives

To plan and manage the City's natural resources to ensure environmental sustainability.

Strategies

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

Legislation – Statutory Provisions:

The Local Government Act 1995 allows a council to establish committees to assist a Council to exercise the powers and discharge duties that can be delegated to a committee.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability Implications:

Conservation Advisory Committee objective - "To make recommendations to Council for the Conservation of the City's natural biodiversity".

To promote partnerships between Council and the Community to protect the City's natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

Consultation:

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

COMMENT

The Conservation Advisory Committee has been working with senior City and staff and officers for some time to produce a strategic plan to give direction to the CAC for the future. The Conservation Advisory Committees Draft Strategic Plan was designed to fill this role. Its content has been designed to tie in with the City's Strategic Plan.

It is recommended that Council endorses the Conservation Advisory Committee's Draft Strategic plan.

ATTACHMENTS

Attachment 1	Minutes of 7 December 2005 meeting of the Conservation Advisory Committee.
Attachment 2	Draft Strategic Plan
Attachment 3	Copy of article on page 15 of 6 December 2005 edition of the West Australian titled 'Water Mound Overuse'

VOTING REQUIREMENTS

Absolute majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 7 December 2005 forming Attachment 1 to this Report;**
- 2 ENDORSES the Conservation Advisory Committee's Draft Strategic Plan forming Attachment 2 to this Report;**
- 3 ACKNOWLEDGES the vote of thanks put forward by the Conservation Advisory Committee to staff at the City of Joondalup who developed the Draft Manual for Bushland Friends Groups and the community members who have also provided input;**
- 4 BY AN ABSOLUTE MAJORITY, ACCEPTS the resignation of Karen Clarke and Robyn McElroy from the Conservation Advisory Committee and thanks them for the time and effort they have dedicated to conservation within the City;**
- 5 NOTES the article on page 15 of 6 December 2005 edition of the West Australian titled 'Water Mound Overuse' as shown in Attachment 3 to this Report.**

Appendix 12 refers.

To access this attachment on electronic document, click here: [Attach12brf140206.pdf](#)

ITEM 16 CONSIDERATION OF FINAL ADOPTION OF THE CURRAMBINE DISTRICT CENTRE STRUCTURE PLAN (STRUCTURE PLAN NO 6) - LOTS 9505, 929 AND 1574 DELAMERE AVENUE, HOBSONS GATE, CURRAMBINE – [47351] 39557]

WARD: North Coastal

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider submissions received as a result of public advertising of the proposed Currambine District Centre Structure Plan No 6, and the resulting minor modifications proposed.

EXECUTIVE SUMMARY

Council considered the proposed Currambine District Centre Structure Plan No 6 at its meeting on 20 September 2005 (CJ194 – 09/05 refers), where it resolved to adopt the structure plan and to make it available for the purposes of public advertising once a flora and fauna study of the site was received.

The draft structure plan was advertised for a period of 28 days from 24 November to 22 December 2005. A total of twenty seven (27) submissions were received, seventeen (17) of which either supported (or supported the proposal in principle subject to certain specific matters and/or concerns being addressed) or did not object to the proposal and eight (8) which objected to the proposal. Two (2) submissions were received from service authorities, which had no objection to the proposal.

A summary of all submissions and responses is provided with this report for consideration by Council (see Attachment 4). The main issues raised related to future land use permissibility (particularly a tavern), traffic, noise, car parking and building design and height. Issues raised in public submissions and assessment of the proposal have been addressed by both the applicant and the City through proposed modifications to the structure plan.

In particular, modifications are proposed with respect to the key recommendation from the flora and fauna study of the site that proposes the creation of a conservation area over the northwest corner of the Civic and Cultural zoned lot owned by the City. This area contains remnant vegetation identified within the flora and fauna study as having conservation significance. Other issues raised within submissions received can be ameliorated through detailed consideration of future land subdivision and development applications.

The planning assessment of the proposal has identified that the draft structure plan, including proposed modifications, together with the provisions of DPS2 will create a planning framework to guide the development of the centre to achieve its 'Small Town Centre' status in the City's commercial centre hierarchy.

It is recommended that Council:

- 1 Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that the Currambine District Centre Structure Plan No 6 shown in Attachment 3 to this report be adopted and submitted to the Western Australian Planning Commission for final adoption and certification.
- 2 Subject to certification by the Western Australian Planning Commission, ADOPTS the Currambine District Centre Structure Plan No 6 and proposed modifications listed in resolution 4 below as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the structure plan document.
- 3 Advises the developer to involve the City during all stages of development of the site with respect to the retention of remnant vegetation within proposed road reserves and future landscaping areas associated with proposed buildings and streetscapes.
- 4 Council AGREES and subsequently AMENDS Attachment 3 to this Report (the Currambine District Centre Structure Plan No 6) as follows:
 - (a) Include the following sentence within subclause 8.1.2 X;

'The structure plan indicates that the existing car park entry from Shenton Avenue into the centre could be relocated to create an intersection of the proposed main street with Shenton Avenue. However, this proposal is subject to further investigation between the proponents, City and MRWA (Main Roads WA)';
 - (b) As a result of the above, the following annotation being provided on the Indicative main streets and links plan contained within Appendix 2 as follows;

'New Mainstreet Link (to be investigated)'
 - (c) Delete the existing wording of Clause 8.2.2 part III and replace it with the following;

III All buildings within the Business zone that front Delamere Avenue are to be designed to present a maximum two storey façade to Delamere Avenue and must be sympathetic in both scale and built form to minimize any impact on the amenity of adjacent residential dwellings. This can be achieved by utilizing a range of methods, such as, but not limited to;

*Wall recesses
Articulation of panels
Non obscured glazing
Awnings
Range of colours and textures*
 - (d) As a result of the key recommendation of the flora and fauna study of the site, the following wording be added to clause 8.3.1 and 8.3.2, together with the Plant communities over structure plan map being included within Appendix 2 of the structure plan document;

8.3.1 VI

To create a conservation area as recommended by the flora and fauna study of the site prepared by ENV Australia dated November 2005.

8.3.2 IV

A conservation area is to be created within the northwest portion of the land in the area that corresponds with the location of a viable population of J. sericea and other plant communities. The area that corresponds with the area of J. sericea shown in appendix 2 must be left undisturbed and this conservation area shall be protected by a small exclusion fence consisting of 'gelding' type fencing at a height of 1.3 metres. This Conservation area shall also be made the focal point of the landscaping design for the Civic and Cultural zone and all development adjacent to it proposed under the structure plan.

The plant communities over structure plan map shown in Attachment 2, page 3 of this Report being added to Appendix 2 of the structure plan document.

BACKGROUND

Suburb/Location:	Currambine District Centre
Applicant:	The Planning Group & Roberts Day
Owner:	Davidson Pty Ltd, Roman Catholic Archbishop and City of Joondalup (Community purpose site)
Zoning:	DPS: Commercial, Business, Residential & Civic and Cultural
	MRS: Urban
Site Area:	Lot 9503 - 8.85 hectares (vacant land) Lot 929 - 7.5 hectares (existing shopping centre and cinema) Lot 1574 – 2 hectares (vacant land owned by the City) Total = 18.35 hectares
Structure Plan:	Currambine District Centre Structure Plan No 6

At its meeting on 20 September 2005, Council considered the draft Currambine District Centre Structure Plan for the purpose of initiation of public advertising, where it was resolved:

- 1 PRIOR to advertising, the applicant be requested to submit a Flora and Fauna study of the site;*
- 2 Council, pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Currambine District Centre Structure Plan (Structure Plan No 6) as per Attachment 3 to Report CJ194-09/05 - for the purpose of public advertising and make it available for public comment for 28 days;*
- 3 Council NOTES that the City is not contributing to the costs associated with the preparation of the Currambine District Centre Structure Plan.*

The area encompassed by the Currambine District structure plan comprises 18.35 hectares and is bound by Shenton and Delamere Avenues, Chesapeake Way, Hobson Gates and Marmion Avenue (refer Attachment 1).

The subject land is zoned 'Commercial', 'Business', 'Civic and Cultural' and 'Residential – R40' under District Planning Scheme No 2 (DPS2). These zonings were initially allocated to the land via Amendment Number 662 and 747 to the City's Town Planning Scheme No 1 and were gazetted in August 1995 and August 1996 respectively. Amendment 662 to the City of Wanneroo Town Planning Scheme No 1 rezoned the land from 'Rural' and 'Residential Development' to 'Commercial', 'Mixed Business', 'Service Station' and 'Civic'.

The City of Joondalup owns the 2 hectare site zoned 'Civic and Cultural'. Of this 2 hectare land parcel, 0.5 hectares is intended to be used for community purposes, with the remaining

1.5 hectares for recreation purposes. The entire 2 hectares was to be credited towards the landowners 10% Public Open Space (POS) subdivisional commitment.

DETAILS

Issues and options considered:

The proposed structure plan seeks to facilitate additional development of the Currambine Market Place Shopping Centre, surrounding vacant land, and existing fragmented development into a main street “Small Town Centre”.

The structure plan is shown within the indicative concept plan (refer Attachments 2 & 3). The main components of the proposed structure plan are:

- A new North/South orientated ‘Main-street’ that will run through the site between Marmion and Delamere Avenues, providing both a vehicular and pedestrian link to commercial, business and residential areas.
- The possible site for the future community centre being located on a prominent corner on the above proposed ‘Main-street’ with improved street exposure and views of the parklands.
- Highly visible plaza and town square, blending shopping, entertainment and dining with cultural activities to encourage night use.
- Car parking will be provided on street, in undercroft areas of proposed future buildings and in parking cells behind buildings with ‘Main-street’ frontage.

The following details are provided with respect to the structure plan relating to vehicular & pedestrian access, residential density and development height, the City’s Centres Strategy (Policy 3-3) and DPS2.

Vehicular & Pedestrian Access

The draft structure plan seeks to create a new ‘Main-street’ by extending Chesapeake Way south to ultimately intersect with Shenton Avenue. This initiates a road environment where the outcome is intended to be more pedestrian focused, with dual use paths proposed to run along each side of the ‘Main-street’.

The structure plan seeks to utilise and enhance existing vehicular access points currently available to the centre from the surrounding road network and to utilise and enhance pedestrian pathways and linkages both internally and externally.

A traffic report has been prepared by the applicant to analyse the site, the surrounding and internal road network, existing traffic associated with the site, traffic generation and distribution and pedestrians, cyclists and public transport and forms an appendix to the structure plan. A summary of the analysis undertaken in the traffic report is as follows;

- Traffic generated by land uses identified in the structure plan area can be accommodated by the surrounding road network.
- Marmion Avenue has spare capacity to cater for projected traffic increases and future extensions to the Mitchell Freeway will generally reduce daily traffic movements providing greater spare capacity.
- Internal road reservations require road reservations ranging from 16.5 metre access streets fronting residential lots to 21 metres for Chesapeake Way ‘main street’.
- Parking has not been reviewed in the report as the end users for the allocated land uses are unknown and providing specific advice on the parking requirements is not appropriate at this time. Recommend DPS2 car parking requirements be used, however cross-visitation and reciprocal car parking use be considered when

applications for development are received and a reduction of DPS parking requirements could be allowed. This will avoid creating huge unsightly car parks that are under utilised and which could potentially cause a security issue.

- Pedestrian and cycle access is provided to and through the structure plan area. All streets are recommended to be provided with a footpath adjacent to residential and commercial land uses.
- Traffic flows on internal streets are low and cycling on-street is considered to be safe and acceptable.
- Public transport provision is currently good and is not expected to change.

Residential Density and Development Height

A residential density of R40 is proposed for land zoned 'Business' and 'Residential' within the structure plan. The R40 density code facilitates grouped dwelling development where the minimum and average lot size requirement for each dwelling is 200m² and 220m² respectively.

A residential density of R100 is proposed for land zoned 'Commercial' within the structure plan. The R100 density code facilitates multiple dwelling (apartment) development where a minimum lot size requirement of 100m² is required for each dwelling.

The structure plan proposes 'shop top' housing (dwellings above commercial development) to be considered and developed within both the 'Commercial' and 'Business' zones. The Residential Zone is to be developed solely for housing and could be developed as single or grouped dwellings at the R40 density.

A two-storey height limit is proposed for future development within the structure plan area. Building height is defined within DPS2 and the draft structure plan includes the definition of a 'storey'.

City of Joondalup Centres Strategy (Policy 3-3)

The Currambine District Centre is classified as a small town centre within the City's Centres Strategy. The recommendations for Currambine under the Strategy are as follows:

No expansion over 10,000m² be permitted until it can be demonstrated that the planned commercial structure of the centres in the north of the City has been substantially developed to their planned sizes and trading patterns have settled.

Nothing in the recommendation above shall preclude the incremental expansion of Currambine along 'main street principles' as envisaged under Section 5.2.6 of the Metropolitan Centres Policy contained in Statement of Planning Policy No 9 (17/10/00).

Clause 1.4.7 of the Council's Centres Strategy relates to Mixed Business Areas/Community Business Parks, whereby it is recommended that mixed business areas be provided within the Currambine Small Town Centre.

District Planning Scheme No 2 (DPS2)

The provisions of DPS2 apply to the area subject to the proposed draft structure plan and the structure plan provisions seek to further complement those in DPS2. Land uses that may be considered under DPS2 within the 'Commercial', 'Business', 'Civic and Cultural' and 'Residential' Zones will be wholly applied to the structure plan and no additional land uses outside of these are proposed.

Flora, Vegetation and Fauna Assessment Survey

As required by Council, the applicant submitted an independent flora and fauna study of the site on 18 November 2005. The survey was advertised along with the structure plan documents. The survey document has been placed in the Commissioners reading room for information. The primary study outcomes are as follows:

*“The major conservation issue relating to the development of Lots 9503 & 929 is the presence of *Jacksonia sericea*. Consideration should be given to the appropriate management of this population.*

*The Currambine District Centre Structure Plan identifies an area of ‘Civic and Cultural’ zoned land that is to be developed as part of the plan. Approximately 30 – 40% of the population of *Jacksonia sericea* occurs within this area (refer Attachment 2, page 3). Moreover, the largest grouping of individuals occurs within this same area. In addition, *Petrophile serruriae* ssp. ‘rosea’ was found in the same area. It is very likely that representatives of this species have the potential to be preserved.*

*Hence, there is potential to conserve a viable population of *Jacksonia sericea* without compromising the objectives of the Currambine District Centre Structure Plan. Rather than clearing the proposed Civic and Cultural land and creating manicured parks this area that corresponds with the area of *Jacksonia sericea* should be left undisturbed. This remnant vegetation (proposed Conservation Area) can then be protected by a small exclusion fence. This Conservation Area can then be made the focal point of the landscaping design for the Civic and Cultural land.*

*The *Acacia pulchella* ssp. *Glaberrima*, *Hakea lissocarpha*, *Dryandra sessilis* var. *sessilis*, *Jacksonia sericea*, *Hibbertia hypericoides*, *Calothamnus quadrilidus* low heath plant community that would comprise the Conservation Area is a hardy plant community that would require little ongoing management and should be relatively tolerant to weed invasion. Provided that human interference is abated, the population of *Jacksonia sericea* within the native plant community should persist and provide aesthetic appeal to residents and the community alike.”*

The City has reviewed the flora and fauna study and its comments are as follows:

- 1 *The conservation value of existing vegetation found on the land subject to the structure plan was found to contain priority and other significant flora that provide habitat for fauna, some of which are endangered;*
- 2 *The conservation value of the vegetation is derived from the fact that existing flora persisted on the subject site in a context where the original extent of plants populations have been vastly cleared, threatened by bush fires, coped with isolation and yet maintained a huge diversity in excellent condition. Therefore the vegetation is considered to be well established, strong, robust, resilient and ideal for conservation;*
- 4 *Although the flora has been recognised in the survey as in excellent condition, the conservation value has been described as “low to moderate with a local significance” due to its small size. This statement in the document is not supported;*
- 5 *Many other fauna species were observed during a site inspection on 14 September 2005 including a pair of Little Eagles hunting, several Bobtail Skinks and a wide variety of insects;*
- 6 *Parrot Bush – *Dryandra sessilis* that is recovering from fire will provide a significant habitat for the Carnaby’s Cockatoo, an endangered species;*

- 7 *The Natural Area within this proposal is located only 500m of Beaumaris Park, Naturaliste Park & McCusker Park, therefore it should be treated as an essential stepping stone in a locally significant ecological link: a landing, nesting and feeding grounds;*
- 8 *Another species Stenanthemum tridentatum (which was omitted in the survey) was found on the subject site during a site inspection on 14 September 2005.*

Proposed Modifications to Structure Plan

Three text modifications and two mapping modifications are proposed to the structure plan. These modifications seek to improve clarity, to address issues raised within public submissions and to address the key recommendation of the flora and fauna study that a conservation area be created within the north west portion of the Civic and Cultural zoned land.

The modifications proposed are as follows;

- (a) Include the following sentence within subclause 8.1.2 X;
- 'The structure plan indicates that the existing car park entry from Shenton Avenue into the centre could be relocated to create an intersection of the proposed main street with Shenton Avenue. However, this proposal is subject to further investigation between the proponents, City and MRWA (Main Roads WA).'*
- (b) As a result of the above, the following annotation being provided on the Indicative main streets and links plan contained within Appendix 2 as follows;
- 'New Mainstreet Link (to be investigated).'*
- (c) Delete the existing wording of Clause 8.2.2 part III and replace it with the following;
- III All buildings within the Business zone that front Delamere Avenue are to be designed to present a maximum two storey façade to Delamere Avenue and must be sympathetic in both scale and built form to minimise any impact on the amenity of adjacent residential dwellings. This can be achieved by utilizing a range of methods, such as, but not limited to;*
- Wall recesses
Articulation of panels
Non obscured glazing
Awnings
Range of colours and textures*
- (d) As a result of the key recommendation of the flora and fauna study of the site, the following wording be added to clause 8.3.1 and 8.3.2, together with the Plant communities over structure plan map being included within Appendix 2 of the structure plan document;
- 8.3.1 VI*
- To create a conservation area as recommended by the flora and fauna study of the site prepared by ENV Australia dated November 2005.*

8.3.2 IV

A conservation area is to be created within the northwest portion of the land in the area that corresponds with the location of a viable population of J. sericea and other plant communities. The area that corresponds with the area of J. sericea shown in appendix 2 must be left undisturbed and this conservation area shall be protected by a small exclusion fence consisting of 'gelding' type fencing at a height of 1.3 metres. This Conservation area shall also be made the focal point of the landscaping design for the Civic and Cultural zone and all development adjacent to it proposed under the structure plan.

The plant communities over structure plan map shown in Attachment 2, page 3 of this Report being added to Appendix 2 of the structure plan document.

Options

The Council has the following options when considering the draft structure plan:

- Determine that the structure plan, without modification(s), is satisfactory and adopt it as final.
- Determine that the structure plan, with minor modification(s), is satisfactory and adopt it as final.
- Determine that the structure plan should not be agreed to for stated reasons.

Link to Strategic Plan:

Objective 3.3	To continue to meet changing demographic needs
Strategies 3.3.1	Provide residential living choices
Objective 3.5	To provide and maintain sustainable economic development
Strategies 3.5.2	Assist the facilitation of local employment opportunities

Legislation – Statutory Provisions:

Upon completion of public advertising, Council is required to review all submissions within sixty (60) days and then proceed to either refuse or adopt the structure plan, with or without further modifications.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Lot 1574 is owned by the City whereby future opportunities exist to develop the land for public open space, a community purpose building and to create a small conservation area containing remnant flora identified in the flora and fauna study of the site as being of high conservation value. It is unlikely that the establishment and maintenance of the proposed conservation area will be at a significantly greater cost than a typical suburban park.

Policy implications:

Not applicable.

Regional Significance:

This structure plan proposal has marginal regional significance, however is locally significant as it caters for retailing, business and housing related needs of both existing and future residents residing either within or nearby the centre.

Sustainability implications:

The proposed structure plan would enable the City to consider future subdivision and development on the site that will provide 'Main-street' development promoting both economic and social sustainability.

The creation of a potential conservation area over a portion of Lot 1574 that is owned by the City will assist in providing a habitat for native wildlife and therefore promotes environmental sustainability.

Consultation:

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Advertising was undertaken for a period of twenty eight (28) days from 24 November to 22 December 2005. All adjoining landowners were notified in writing, three signs were erected on the site and a notice was placed in the local newspaper on 24 November 2005. All documentation associated with the structure plan was available for public viewing.

A total of twenty seven (27) submissions were received, seventeen (17) of which either totally supported (or supported the proposal in principle subject to certain specific matters and/or concerns being addressed) or did not object to the proposal and eight (8) which objected to the proposal. Two (2) submissions were received from service authorities, which had no objection to the proposal. Copies of all submissions have been placed in the Commissioners reading room for perusal.

Under clause 9.6 of DPS2, Council is to consider all submissions received during the advertising period (Refer attachment 4). After consideration of all submissions, the Council is to either resolve to adopt the structure plan, with or without modification, or refuse to adopt the structure plan. Three copies of the structure plan are then submitted to the Western Australian Planning Commission (WAPC) for final adoption and endorsement.

Key issues arising from Public Advertising

Support/Requests to the draft structure plan include the following major issues;

- Provision of retirement village
- Provision of Tavern
- Provision of a fitness centre
- Development timetable
- Development of the Civic & Cultural land to include reticulated parkland and improved landscaping/presentation of the centre

Objection/Concerns to the draft structure plan include the following major issues;

- Proposed business development and the design of buildings (particularly those opposite existing residential dwellings on Delamere Avenue)
- Land use restrictions
- Building height

- Centre parking and access
- Roads (including speeding vehicles and verge parking) and increased traffic
- Noise, odours and overlooking/privacy/amenity reduction related issues

These issues will be discussed further within the comments section of this report.

COMMENT

The town planning assessment of the draft structure plan, together with the concerns/requests raised in submissions with respect to discrete components of the structure plan, are discussed below;

Development Along Delamere Avenue Opposite Existing Residential Areas

A total of six (6) submissions representing twelve (12) properties in Delamere Avenue and Bainbridge Mews, being immediately adjacent to the centre, raised concerns with respect to future proposed buildings and land uses which will be opposite/close to their property.

With respect to land uses, the purpose of the structure plan is to guide development within the existing zoning framework. This framework sets out what types of land uses can be considered by the Council on the four various zonings within the City's DPS2. It should be noted that the zonings of the site were established in 1995 and further refined in 1996, and no change to those zonings are proposed under the structure plan.

With respect to the design of buildings, the structure plan is proposed to be modified to include an additional clause to ensure that all buildings within the Business zone which front Delamere Avenue are to be designed to present a maximum two storey façade to Delamere Avenue and must be sympathetic in both scale and built form so as to minimise any impact on the amenity of adjacent residential dwellings.

The structure plan provisions, including the above proposed modification, relating to this issue is appropriate as it ensures that amenity impact is minimised for existing residential areas, particularly existing dwellings directly fronting onto the structure plan area. Further detailed consideration and assessment of amenity impacts will be undertaken as part of the assessment of applications for development approval.

Land Use Restrictions

Submissions were received objecting to the possibility of a tavern within the structure plan area. A tavern is a Discretionary ("D") land use within the 'Commercial' and 'Business' zones. Any proposal would require a development application to be submitted to the City, together with justification for the proposal. Any application is likely to be advertised for public comment. Given that the site is classified as a Small Town Centre, it is not considered appropriate to exclude the possibility of a tavern or any other similar landuses, without the full details and assessment of a proposal.

It should also be noted that the structure plan area has been earmarked to be developed for commercial purposes for some considerable time and historical land sales documents have informed prospective purchasers of this, including the possibility of a tavern being provided within the centre.

The DPS2 and structure plan provisions relating to land uses are appropriate as they allow a range of land uses to be accommodated within the Centre. This facilitates a range of businesses accessed by the local community and also strengthens its role as a Small Town Centre in the City's commercial centre hierarchy.

Building Height

Submissions were received raising concerns with respect to building height. However, a two storey height limit has been applied to all development within the structure plan area. This is to ensure that future development is sympathetic and relative in scale with both existing buildings within the centre and residential dwellings surrounding the centre.

The DPS2 and structure plan provisions relating to building height are considered appropriate as a two storey height limit will ensure compatibility with existing development both within and surrounding the structure plan area.

Access and Traffic Related Issues

Submissions were received raising concerns with respect to access, traffic, parking and speeding vehicle related issues. However, the submissions related to speeding and other driver behavioural issues are policing matters and not related to structure plan assessment.

All car parking associated with future development within the structure plan area is to be provided onsite in accordance with the requirements of DPS2 and verge parking is not encouraged.

It should be noted that parking has not been reviewed in the traffic report as the end users for the allocated land uses are unknown. It is therefore agreed that specific advice on parking requirements for specific developments cannot be provided until such time as development applications are received where specific land uses to be carried out within those developments are identified.

It is recommended in the traffic report that consideration of cross-visitation and reciprocal car parking options be undertaken when applications for development are received and a reduction of DPS2 car parking requirements could therefore be allowed. The creation of large under utilised car parking areas should be avoided in order to minimise security issues and achieve appropriate urban design outcomes.

Several submissions received raised concerns with respect to traffic increases along Delamere Avenue. Delamere Avenue is a local distributor road and as such is capable of accommodating traffic associated with the centre. The traffic report advised that traffic generated by land uses identified in the structure plan area can be accommodated by the surrounding road network, which includes Delamere Avenue.

The traffic report and recommendations contained therein are supported, however the proposed 'Main street' intersection with Shenton Avenue is not supported at this time and requires further consideration and assessment by the proponent, the City and Main Roads WA and the structure plan has been modified accordingly.

Flora and Fauna Survey

The survey suggests the potential to conserve a viable population of *Jacksonia sericea* without compromising the objectives of the structure plan. It is estimated that 30-40% of this species is located upon the City's 'Civic and Cultural' zoned land and therefore could be conserved. The remainder of the plant community containing both *Jacksonia sericea* and *Sarcozona bicarinata*, whilst in excellent condition, is fragmented (thus having limited conservation value) and is located on privately owned land that has been previously zoned to facilitate development and therefore is unable to be retained unless purchased by the City.

It is recommended that the structure plan be amended to reflect the outcomes of the flora and fauna study of the site to ensure that the north west corner of the 'Civic and Cultural'

zoned land (which is owned by the City) is set aside as a conservation area to protect the valuable remnant vegetation contained within the site.

It should be noted that the developer is proposing new landscaping within the structure plan area to compensate for the loss of vegetation as a result of clearing for future development. This proposal is supported and the City will inform the landowner that landscape plans prepared within the structure plan area, including adjacent road verges, will be assessed at the future subdivision stage. The most appropriate landscaping for this purpose therefore includes local provenance species (grown from the plant material currently existing on the site).

Furthermore, the landscape design should be advanced at the earliest possible opportunity and plants should be ordered and grown well ahead of the actual implementation of approved landscape plans, particularly where advanced shade trees are required to shade car parking areas and other areas where shade is required, such as the town square.

Noise, odours and overlooking/privacy/amenity reduction and other related issues

All other issues, comments and concerns raised within submissions received during the advertising period are generally matters that need to be addressed by the Police, Transperth and other service authorities.

Comments were received that were not related to the draft structure plan as they raised issues concerning existing development outside of the area covered by the structure plan.

Comments, issues and concerns which relate to future subdivision and development issues will be further considered, assessed and controlled once more specific and detailed information is provided at those stages.

Conclusion

The draft structure plan, including proposed modifications, together with the provisions of DPS2 will create a planning framework to guide the development of the centre to achieve its 'Small Town Centre' status in the City's commercial centre hierarchy. It is recommended that the Council resolve to support the Currambine District Centre Structure Plan No. 6 as final, subject to proposed minor modifications.

ATTACHMENTS

Attachment 1	Aerial site plan & Lot details
Attachment 2	Indicative Concept plan & plant communities over Indicative Concept Plan map
Attachment 3	Advertised version of Currambine District Structure Plan
Attachment 4	Schedule of submissions

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No 2 **RESOLVES** that the Currambine District Centre Structure Plan No 6 as shown in Attachment 3 to this Report and proposed modifications listed in Resolution 4 below to this Report be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;
- 2 Subject to certification by the Western Australian Planning Commission, **ADOPTS** the Currambine District Centre Structure Plan No 6 and proposed modifications listed in Resolution 4 below as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the structure plan document;
- 3 Advises the developer to involve the City during all stages of development of the site with respect to the retention of remnant vegetation within proposed road reserves and future landscaping areas associated with proposed buildings and streetscapes;
- 4 Council **AGREES** and subsequently **AMENDS** Attachment 3 to this Report (the Currambine District Centre Structure Plan No. 6) as follows:
 - (a) Include the following sentence within subclause 8.1.2 X:

'The structure plan indicates that the existing car park entry from Shenton Avenue into the centre could be relocated to create an intersection of the proposed main street with Shenton Avenue. However, this proposal is subject to further investigation between the proponents, City and MRWA (Main Roads WA)';
 - (b) As a result of the above, the following annotation being provided on the Indicative main streets and links plan contained within Appendix 2 as follows:

'New Mainstreet Link (to be investigated)';
 - (c) Delete the existing wording of Clause 8.2.2 part III and replace it with the following:

III All buildings within the Business zone that front Delamere Avenue are to be designed to present a maximum two storey façade to Delamere Avenue and must be sympathetic in both scale and built form to minimise any impact on the amenity of adjacent residential dwellings. This can be achieved by utilizing a range of methods, such as, but not limited to:

 - Wall recesses
 - Articulation of panels
 - Non obscured glazing
 - Awnings
 - Range of colours and textures

- (d) **As a result of the key recommendation of the flora and fauna study of the site, the following wording be added to clause 8.3.1 and 8.3.2, together with the Plant communities over structure plan map being included within Appendix 2 of the structure plan document;**

8.3.1 VI

To create a conservation area as recommended by the flora and fauna study of the site prepared by ENV Australia dated November 2005;

8.3.2 IV

A conservation area is to be created within the northwest portion of the land in the area that corresponds with the location of a viable population of *J. sericea* and other plant communities. The area that corresponds with the area of *J. sericea* as shown in Appendix 2 to this Report must be left undisturbed and this conservation area shall be protected by a small exclusion fence consisting of 'gelding' type fencing at a height of 1.3 metres. This Conservation area shall also be made the focal point of the landscaping design for the Civic and Cultural zone and all development adjacent to it proposed under the structure plan;

The plant communities over structure plan map as shown in Attachment 2, page 3 of this Report being added to Appendix 2 of the structure plan document.

Appendix 13 refers.

To access this attachment on electronic document, click here: [Attach13brf140206.pdf](#)

BACKGROUND

Suburb/Location:	Lot 9000 (40) Collier Pass, Joondalup
Applicant:	Hames Sharley
Owner:	Edith Cowan University
Zoning:	DPS: City Centre
	MRS: Central City Area
Site Area:	7.89 hectares
Structure Plan:	Joondalup City Centre Plan and Manual

Location

Lot 9000 (40) Collier Pass, Joondalup is located on the west side of Grand Boulevard, bounded by Barron Parade, Joondalup Drive and Collier Pass (see Attachment 1). The Transperth line runs north-south immediately adjacent to the site and the Joondalup train station is located on the north side of Collier Road approximately 160 metres north of the site. The main part of the ECU is located opposite the subject site on the east side of Grand Boulevard.

The site is very prominent at the southern end of Grand Boulevard near the junction of Grand Boulevard and Joondalup Drive. The undulating nature of the site affords it high visibility from Grand Boulevard and the railway line.

History

After the original preparation of the JCCDPM, the subject site was acquired by ECU following a land swap with Landcorp. In exchange, Landcorp obtained a portion of land on Lakeside Drive, adjoining the main ECU campus. That site has now been developed into residential housing.

A Masterplan to guide future development of ECU's land was developed by ECU, however this Masterplan has not been formally endorsed by Council.

The applicant states that, in order to ensure the long-term viability of the campus by retaining land tenure flexibility, it is intended that Lot 9000 will remain in the ownership of ECU and not be subdivided at a later stage.

A car park of 610 bays accessed from Grand Boulevard is currently being constructed on the western portion of Lot 9000, in the area shown within the structure plan amendments for parking purposes. This car park supplements the existing carparking for the main campus and will provide parking for the impending transfer of nursing facilities to the Joondalup campus in the near future. The intersection of the entry to the car park, Grand Boulevard and Kendrew Crescent is controlled by traffic signals as a result of this development.

DETAILS

The JCCDPM is an Agreed Structure Plan under the City's District Planning Scheme No 2 (DPS2). The subject site is located within the Central Business District of the JCCDPM (see Attachment 2). There are currently provisions in the JCCDPM that apply to the site, however these do not facilitate the education functions of ECU.

Proposed Amendments to Joondalup City Centre Plan and Manual

The proposed amendments to the JCCDPM (see Attachment 3) are intended to provide the framework for the future ECU Joondalup City Campus development with its focus on educational land uses.

Part 1 of the structure plan sets out the statutory provisions, which will guide the development of the site in the following manner:

- Residential densities R100, with the possibility of up to R160.
- Building heights of 3-5 stories, with the higher buildings located to the north of the site.
- Buildings spaced from each other to provide solar orientation and sustainability opportunities. Open space would be provided between buildings.
- Buildings would be built to the street boundary.
- Internal car parking areas.
- A range of city centre type land uses permitted, including educational uses.

Figure 1 in Part 1 shows the proposed Structure Plan area while Figure 2 shows an Indicative Development Plan for the site. A potential train station is shown on Figures 1 & 2 of the amendments near Joondalup Drive adjacent to the south-west corner of the site, as well as a pedestrian underpass linking Lot 9000 to the main campus. Part 2 Background Report provides background and supporting documentation for Part 1 and includes the ECU Masterplan.

Applicant's Justification

The applicant has provided the following explanation for the proposal:

“The City Campus Precinct will contain a range of land uses with Education as the preferred land use throughout the Precinct. It is not intended that the Precinct be further subdivided as it is important for the university's long term viability that land tenure remains as flexible as possible. The Precinct will remain as one lot with one ownership. Building heights will be between 3 and 5 storeys and the street pattern will provide essential linkages to integrate with the Joondalup City Centre.”

The Structure Plan is consistent with, and adopts the objectives of, the current ECU Masterplan which recognises the City Centre Campus as being different in character to the main campus. The Structure Plan adopts the environmental building design guidelines of the Masterplan and further acknowledges the need for a parking strategy for the whole campus.”

The objectives for the structure plan provisions over this land, as provided by the applicant, are to:

- *Ensure maximum and “best” use of a significant and prominent land asset;*
- *Increase the profile and physical presence of the University within the City Centre through carefully planned north-westerly growth;*
- *Promote a campus design which is contemplative, interactive and above all stimulating;*
- *Encourage University buildings and open space to positively respond to non-university interfaces, providing integration with the fabric of the city; and*
- *Provide the University and the City of Joondalup with a long-term and yet flexible vision for the development of Lot 9000.*

Issues and options considered:

The current development provisions in the JCCDPM for the Central Business District do not guide the future development of educational uses and, therefore, do not adequately recognise the significant landholdings, to be utilised for this purpose. Subsequently, the importance of educational uses in the context of facilitating the development of a vital City Centre intended to function as a second CBD is not fully appreciated.

The issues associated with the proposed amendments to the JCCDPM in relation to Lot 9000 include:

- The suitability of the proposed Education/Mixed Use precinct and the land uses as part of the future ECU Joondalup City Campus.
- The suitability of the proposed associated development provisions to facilitate the appropriate built form outcomes for the allowable land uses, and in relation to the City Centre location.

Options:

Council may undertake either of the following courses of action:

- Support the initiation of the proposed amendments to the JCCDPM for the purposes of public advertising;
- Determine that the proposed amendments to the JCCDPM should not be advertised until specified matters have been included or addressed; or
- Not support the initiation of advertising of the proposed amendments to the JCCDPM for stated reasons.

Link to Strategic Plan:

Objective 1.1	To develop, provide and promote a diverse range of lifelong learning opportunities.
Strategies 1.1.1	Continue the development of the City of Joondalup as a Learning City – plan for student growth
Strategies 1.1.2	Continue the development of learning precincts and relationships with local stakeholders and service providers.
Strategies 1.1.3	Support whole-of-life learning and creation of knowledge opportunities.
Objective 3.3	To continue to meet changing demographic needs
Strategies 3.3.1	Provide residential living choices
Objective 3.5	To provide and maintain sustainable economic development.
Strategies 3.5.2	Assist the facilitation of local employment opportunities

Legislation – Statutory Provisions:

Clause 9.7 of DPS2 enables Council to amend an Agreed Structure Plan subject to approval of the Western Australian Planning Commission (WAPC). Should council determine the amendment to the Structure Plan is satisfactory, advertising of the proposal is required in accordance with clause 9.5 of DPS2.

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

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

The proposed amendments to the JCCDPM are regionally significant as they seek to facilitate further development of existing prominent educational opportunities that support the overarching intent of the City being the largest sub-regional centre (satellite CBD) outside of the Perth CBD.

Sustainability implications:

The proposed amendments to the JCCDPM will facilitate the future economic and social sustainability of the City Centre by enabling an increasing student population to better utilise existing services, and to enhance the vitality of the City Centre out of business hours.

Consultation:

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. In view of the significance of the site, an advertising period of 28 days is recommended.

Advertising would consist of written notification of all adjoining landowners, a sign or signs erected in a prominent location/s on the site, an advertisement being placed in the local newspaper and a notice being placed on the Council website.

COMMENT**Built Form and Pedestrian Shelter**

The CBD extends from Shenton Avenue in the north to the southern end of Lot 9000, east to the railway line and the northern section extends to Lake Joondalup and, as such, is the centre of the Joondalup City Centre. The current land uses permitted under the JCCDPM within this District are focused on retail, commercial, civic and cultural/leisure activities. Educational land uses are important in the context of facilitating the development of a vital City Centre, however, such uses are currently not identified. The proposed amendments to the JCCDPM include such land uses on the subject site.

Lot 9000 is the southern-most part of the District, separated from the existing City Centre activities by Collier Pass. According to the applicant, the future development of the site is envisaged as *“a lively and visually exciting place where the activities of the University and the City come together”*. This portion of the CBD will be different in character and predominant function from most of District due to the predominant existing and future educational functions in this locality. Buildings in the main part of the CBD are required to be built up to street frontages (nil setbacks) to create an “urban wall” with a “pedestrian-dominant” environment where street level retail and entertainment activities predominate. To support the pedestrian environment of the main part of the CBD, shelter is required along street frontages.

Since retail uses may not be the predominant land uses associated with the future ECU Joondalup City Centre precinct, and therefore buildings may also be accessed from the rear and sides, shelter along street frontages is not essential for an appropriate development outcome.

Likewise, a continuous “urban wall” along street frontages is not considered essential in the future ECU Joondalup City Centre precinct. Correspondingly, the Indicative Development Plan in the structure plan documents show buildings separated by landscaped and pedestrian spaces that will provide recreational and pedestrian movement opportunities.

Moreover, in view of Grand Boulevard’s north-south direction, the frontages of buildings will be east-west facing which is not a desirable orientation in terms of solar efficiency. The provision of spaces between buildings provides a range of building options in terms of heights, such as “stepping” the buildings from single storey at ground level to a greater distance for upper levels, which will facilitate sun penetration into buildings located on the south side. In addition, the spaces between the buildings can receive various degrees of sun and be developed in different ways to add variety and purpose as passive recreational areas.

Density and Plot Ratio

The proposed amendments include a maximum density of R100 or up to R160 where Council considers that a development has an appropriate landmark quality. It is noted that the City is currently preparing a policy relating to landmark buildings in the City Centre. These densities are consistent with the allowable densities within the General City precinct of the CBD and are considered appropriate.

Plot ratio in the CBD is graded from the centre to the periphery with the maximum plot ratio at the centre, with “other” plot ratio governing the Lakeside Shopping Centre site. However, as Lot 9000 is intended to be developed as one lot under one ownership, plot ratio calculations would be difficult, as separate lot boundaries would not be created. It is therefore proposed that no plot ratio apply to the Education/Mixed Use precinct on the basis that the maximum density and development criteria will direct the appropriate built form outcome for the site. This approach is considered acceptable in this instance.

Building Height

Building heights of three to five storeys is proposed within the Education/Mixed Use precinct. Given the nature of the proposed land uses and the form of educational buildings, such as lecture theatres and laboratories, sizeable buildings are likely to be constructed. Combined with possible non-educational land uses at ground level to provide active street frontages, the proposed building heights are considered appropriate for intended development on Lot 9000.

Car Parking and Traffic

Car parking is proposed to be 1 car bay per 30m² net lettable area. This provision is consistent with requirements for residential/mixed use and commercial uses in the CBD and is therefore considered acceptable.

The ECU’s Masterplan that is the basis for future development of the ECU campuses does not detail the likely traffic impacts of development of the campuses. In view of the existing level of traffic, particularly along Grand Boulevard, and the expected increase in traffic with the expansion of the main campus, it is considered appropriate that a traffic study/management report should be sought. This document is normally required at structure plan stage and this could be submitted prior to further consideration of the proposed modifications to the JCCDPM.

It is noted that the potential train station shown within the structure plan diagrams is outside of the subject area and, therefore, its development or otherwise is separate to the proposal before Council.

Other

The east side of Grand Boulevard within the main campus site that falls within this District is not included in the proposed ECU Joondalup City Centre precinct, however, ECU have not advised of any plans that have been formulated for the development of this land at this stage. It will be necessary in time for ECU to consider plans for future development of this land in a similar manner to the proposed amendments relating to Lot 9000.

It is considered that the draft amendments to the JCCDPM will provide an appropriate framework for the future development of a mix of educational and other uses within the precinct. It is recommended that proposal to amend the JCCDPM to facilitate the development of the ECU Joondalup City Centre Campus by including the appropriate land uses and associated proposed development provisions be advertised for public advertising for a period of 28 days.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	JCCDPM Districts Plan
Attachment 3	Draft amendments to JCCDPM

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No 2, ADOPTS the proposed amendments to the Joondalup City Centre Plan and Manual to include an additional Land Use of Education/Mixed Use in the Central Business District and associated development provisions as per Attachment 3 to this Report and make these available for public comment for a period of 42 days;**
- 2 REQUIRES the submission of a traffic study/traffic management report relating to the future development of Lot 9000 (40) Collier Pass, Joondalup prior to the completion of public advertising and further consideration of the proposed modifications by Council, to the satisfaction of the City of Joondalup.**

Appendix 14 refers.

To access this attachment on electronic document, click here: [Attach14brf140206.pdf](#)

**ITEM 18 PROPOSED AMENDMENT NO 33 TO DISTRICT
PLANNING SCHEME NO 2 AND CORRESPONDING
STRUCTURE PLAN NO 7 TO FACILITATE
PROPOSED RESIDENTIAL AND MIXED USE
DEVELOPMENT AT LOT 4 & 1 (23-25) SHEPPARD
WAY, MARMION – [18577] [88575**

WARD: South Coastal

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning and Community Development

PURPOSE

The purpose of this report is to seek Council's consent to initiate Amendment No 33 to District Planning Scheme No 2 (DPS2) and the corresponding Structure Plan No 7 for the purposes of public advertising.

EXECUTIVE SUMMARY

The proposed scheme amendment and structure plan relate to Lot 4 (25) Sheppard Way, Marmion, which contains an old service station building that has been converted for use as a dry cleaning business. The proposed scheme amendment and structure plan also relate to an adjoining Western Power transformer site (Lot 1), which is intended to be relocated at the applicant's expense to a small parcel of open space at Reserve 34962 (26) Cliverton Court, Marmion.

The intent of this scheme amendment and structure plan is to guide the future subdivision and redevelopment of the land in a coordinated and integrated manner to create a medium density mixed use residential development.

The proposed scheme amendment seeks to rezone the site from 'Commercial' to 'Mixed Use' and to increase the residential density code applicable to the land from R20 to R50. The proposed structure plan seeks to facilitate the redevelopment of the site and includes an indicative building footprint plan showing six (6) two storey residential dwellings and two (2) 'mixed use' buildings.

The proposed amendment to rezone the site to R50 will allow for a medium density development and provide for variety and choice in housing in that locality. The structure plan provides guidelines to ensure that the development will have an active frontage to the street with buildings that are of a scale that is in keeping with the size and scale of existing surrounding dwellings in the locality.

The applicant states that consultation with adjoining landowners occurred prior to lodging both applications with the City. Should both scheme amendment and structure plan proposals be considered satisfactory, they are required to be formally advertised for public comment prior to further consideration by the Council.

Both the draft structure plan and scheme amendment are considered to be in a form suitable for the purposes of public advertising in accordance with the provisions of DPS2.

It is therefore recommended that Council:

- 1 *Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Sheppard Way Structure Plan (Structure Plan No 7) as per attachment 2 to this report for the purpose of public advertising and make it available for public comment for 42 days, subject to clause 1.5.2 vii being modified to read “Residential parking shall be provided in accordance with the Residential Design Codes. Parking for other uses shall be assessed in accordance with the Scheme, and subject to landowner agreement, reciprocal parking with the adjoining shopping centre may be considered.”;*
- 2 *Pursuant to Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purposes of rezoning Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion from ‘Commercial’ with a density code of R20 to ‘Mixed Use’, with a density code of R50 for the purposes of advertising for a period of 42 days;*
- 3 *NOTES that the advertising of the scheme amendment and structure plan proposals are to occur concurrently;*
- 4 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required;*
- 5 *ADVISES the applicant that all necessary approvals relating to the proposed relocation of the Western Power transformer infrastructure to Reserve 34962 (26) Cliverton Court (Cliverton Park), Marmion must be effected prior to Council further considering the draft structure plan and scheme amendment upon completion of the public advertising period.*

BACKGROUND

Suburb/Location:	Lot 4 Sheppard Way and Lot 1 Whiley Road, Marmion
Applicant:	UrbanPlan
Owner:	L Beardmore & E Marra
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	Lot 4 - 2000m ² . Lot 1 - 17.5m ²
Structure Plan:	Draft Sheppard Way Structure Plan No 7.

The subject site is 2000 sqm in area and is located adjoining the Marmion Shopping Centre, with residential development opposite the site. Refer to Attachment 1 for a locality plan and aerial map of the site. The site was previously occupied by a service station which closed and the underground tanks removed in 2002. The buildings on the site are currently occupied by a dry cleaning premises.

DETAILS

Issues and options considered:

The scheme amendment application proposes to rezone Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion from ‘Commercial’ R20 to ‘Mixed Use’ R50. Refer Attachment 2 for the Scheme Amendment plans. The R50 density would allow the development of a maximum of eleven (11) dwellings, while the current R20 density would allow the development of four (4) dwellings.

The indicative building footprint plan submitted by the applicant and which forms part of the structure plan application shows six (6) two storey dwellings, and two (2) 'Mixed Use' buildings with commercial tenancies on the ground floor and a residential dwelling above. Attachment 3 contains the draft structure plan document and Attachment 4 contains the indicative building footprint provided by the applicant.

The proposed development will front both Sheppard Way and Whiley Road with a common driveway from Sheppard Way servicing four (4) dwellings, including the two (2) Mixed Use buildings. Four separate driveways would service the other 4 residential dwellings (one on Sheppard Way and the remaining three (3) on Whiley Road). While the plan is indicative only, it demonstrates the potential development of the lot.

It is noted that a Western Power transformer pad is located abutting the subject site on Whiley Road. The applicant proposes to relocate the site to Reserve 34962 (26) Cliverton Court (Cliverton Park), Marmion. The relocation is dependant on a separate statutory process. This process would require that a planning application be signed by DPI (as the proposed relocation site is a reserve) and lodged with the City. The City would undertake an assessment of the proposal and advertise, if deemed necessary, and then forward the application to the Western Australian Planning Commission for determination (as this would be a public work).

Applicants' Submission

In their submission, the applicants have raised the following comments to support the amendment and structure plan:

"[The structure plan] provides medium density residential housing in an urban infill site within a residential area. This helps reduce further urban expansion over greenfields sites and makes efficient use of the existing infrastructure and services in the neighbourhood.

[The subject land] is within cycling distance of the coast and has a full array of shopping and most community facilities next door.

Locating medium density households adjacent to the shopping centre and the bus routes servicing this area increases people's accessibility and mobility to services. The fact that the bus route links up to the railway line servicing Perth and also provides an alternative option for commuters working in Perth who may choose to use public transport to get to work over the private car.

The location of the development close to facilities also makes walking and cycling a viable option for short trips."

Options

The issues associated with the proposed amendment and structure plan on the subject lot include:

- Suitability of proposed residential and mixed land use and residential density code increase.
- Suitability of draft structure plan provisions to create appropriate built forms that integrate with the adjoining shopping centre and surrounding residential dwellings.

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

- Non-support of the initiation of the amendment to the DPS2, or
- Support the adoption of the amendment for the purpose of public advertising.

The options available to Council in considering the structure plan proposal are:

- Support the initiation of the draft structure plan for the purposes of public advertising,
- Determine that the structure plan should not be advertised until specified matters have been included or have otherwise been attended to by the proponent, or
- Not support the initiation of the structure plan for advertising purposes for stated reasons.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective 3.3	To continue to meet changing demographic needs.
Strategy 3.3.1	Provide residential living choices.

Legislation – Statutory Provisions:

Scheme Amendment Proposals

Section 7 of the Town Planning and Development Act 1928 (TPD ACT 1928) together with Section 25 of the Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and set out the process to be followed (Attachment 5 refers).

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

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

Structure Plan Proposals

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

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

Should Council determine that the structure plan is satisfactory, the proposal is to be advertised for public comment in accordance with clause 9.5 and 6.7 of DPS2.

Upon completion of the public advertising, Council is required to review all submissions within sixty (60) days and proceed to either refuse or adopt the structure plan, with or without further modifications.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Both proposals have significance to the local neighbourhood as it is intended to facilitate the redevelopment of a site that immediately adjoins the Marmion Shopping Centre. The proposal is unlikely to have any regional significance.

Sustainability implications:

The proposed structure plan and scheme amendment would enable the City to consider future subdivision and development on the site that will provide residential dwellings and mixed use buildings at a medium density promoting both economic and social sustainability.

The development of the medium density housing is considered appropriate given the location of the subject site to a number of services that includes a bus route on Sheppard Way, a nearby local park, a primary school and a local neighbourhood centre. This accords with strategy 3.3.1 "Provide Residential Living Choices" of the City's Strategic Plan and the State Government policy – 'Liveable Neighbourhoods Community Design Code'.

Consultation:

Scheme Amendment Proposals

The Town Planning Regulations 1967 require that, should Council adopt the amendment, it be advertised for a period of forty-two (42) days. All adjoining landowners would be notified in writing, a notice placed in the local and state newspapers and a sign placed on the site. The proposed amendment would also be displayed on the notice board at the Council administration building and on the City's website.

Structure Plan Proposals

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. Advertising would consist of notification of all adjoining landowners, a sign erected in a prominent location on the site, a notice being placed in the Joondalup Community newspaper and on the Council website.

Should Council resolve to advertise the proposals, it is considered that they be advertised concurrently for a period of 42 days.

COMMENT

Suitability of Proposed 'Mixed Use' Zone, Future Development & Density Increase

The proposed R50 density is higher than the adjoining residential lots, which have been developed to R20 with predominantly single and two storey detached single residential dwellings. However, the scale of the buildings proposed for the site are of similar scale to existing development prevailing on adjacent lots (predominately 2 storey buildings).

The proposed rezoning from Commercial R20 to Mixed Use R50 is more consistent with the future built form and land use intentions for the site. Proper and orderly planning principles dictate that the zoning applied to the land should closely align with the use of the land, and the rezoning of the site is considered appropriate in this context.

As other surrounding land is zoned R20, the proposal represents a 'transitional' zone between existing Residential R20 areas and the adjoining shopping centre and it is unlikely that there would be an impact on the street amenity. It is not expected that the proposed rezoning will generate any traffic related issues and therefore a traffic survey/study has not been deemed necessary.

The potential development of six (6) medium density dwellings and two (2) mixed use buildings for predominantly residential purposes could take advantage of public transport, community services and retail facilities available in close proximity to the subject site, which promotes environmental and economic sustainability.

The development of grouped dwellings is considered compatible with adjoining and surrounding land uses. It is considered that the proposed uses could improve the amenity of the area when compared to the dry cleaner land use currently being conducted on the site.

The development and use of the two potential mixed use buildings will depend on the provision of car parking on-site, or if no car parking is provided on-site, a reciprocal car parking agreement with the adjoining shopping centre. This aspect would need to be assessed at the development application stage.

Car parking

Clause 1.5.2 vii of the structure plan reads "*Residential parking standards apply to Mixed Use residential commercial buildings and reciprocal parking is permitted on site.*" The applicant advises that the shopping centre management have verbally agreed to reciprocal parking for the commercial use as it is likely that the commercial uses would front towards the centre.

The requirement to provide residential parking on site is supported, however it is recommended that this clause be reworded to read "*Residential parking shall be provided in accordance with the Residential Design Codes. Parking for other uses shall be assessed in accordance with the Scheme, and subject to landowner agreement, reciprocal parking with the adjoining shopping centre may be considered.*" This modification to this clause would then provide clear guidance at the time of development of the site.

Clause 1.5.2 (xi) of the structure plan states that buildings shall be designed to have active frontages with minimal blank facades fronting the street and the shopping centre. If a development application proposed a commercial use fronting the shopping centre and the shopping centre landowner supported a reciprocal parking arrangement, reciprocal parking could be given due consideration at the development application stage.

Conclusion

It is recommended that the Council initiates and adopts the proposed amendment to DPS2 and corresponding structure plan for the purposes of concurrent public advertising for a period of 42 days.

Given the location of the existing Western Power transformer site, it is appropriate that the applicant be advised that its relocation is to be finalised prior to Council further considering the scheme amendment and structure plan proposals. In this regard the development application would need to be determined before the amendment and structure plan were again considered at the end of advertising.

ATTACHMENTS

Attachment 1	Location and Aerial site Plans
Attachment 2	Proposed Amendment No 33 To District Planning Scheme No 2 Zoning and R-Code Maps
Attachment 3	Draft Sheppard Way Structure Plan No 7
Attachment 4	Indicative building footprint – included in the structure plan
Attachment 5	Town Planning Scheme Amendment process flowchart

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Sheppard Way Structure Plan (Structure Plan No 7) as per attachment 2 to this report for the purpose of public advertising and make it available for public comment for 42 days, subject to modification of clause 1.5.2 vii to read “Residential parking shall be provided in accordance with the Residential Design Codes. Parking for other uses shall be assessed in accordance with the Scheme, and subject to landowner agreement, reciprocal parking with the adjoining shopping centre may be considered.”;**
- 2 Pursuant to Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purposes of rezoning Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion from ‘Commercial’ with a density code of R20 to ‘Mixed Use’, with a density code of R50 for the purposes of advertising for a period of 42 days;**
- 3 NOTES that the advertising of the scheme amendment and structure plan proposals are to occur concurrently;**
- 4 Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required;**

- 5 ADVISES the applicant that all necessary approvals relating to the proposed relocation of the Western Power transformer infrastructure to Reserve 34962 (26 Cliverton Court (Cliverton Park), Marmion must be effected prior to Council further considering the draft structure plan and scheme amendment upon completion of the public advertising period.**

Appendix 15 refers.

To access this attachment on electronic document, click here: [Attach15brf140206.pdf](#)

**ITEM 19 HILLARYS SHOPPING CENTRE - PROPOSED
NOISE BARRIER WALL ON BOUNDARY WITH A
MAXIMUM HEIGHT OF 7.0 METRES - 110 FLINDERS
AVENUE, HILLARYS – [04412]**

WARD: Whitfords

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning and Community Development

PURPOSE

To request Council's determination of an application for planning approval for a noise barrier wall at Hillarys Shopping Centre.

EXECUTIVE SUMMARY

An application has been received for the construction of a new noise barrier wall at Hillarys Shopping Centre. The noise barrier wall is proposed to be located on parts of the southern and western boundaries of the site, adjoined directly by 4 residential properties, which are in close proximity to the existing Coles Shopping Centre loading dock and car parking area. The height of the proposed noise barrier wall is to be between 5.1 metres and 7.0 metres (as seen from the adjoining residential properties), constructed of 1/3 concrete panels (lower portion) and 2/3 clear Perspex material above.

The noise barrier wall has been designed to attenuate noise emanating from vehicle movements in and out of the existing Coles loading dock. The City has received numerous complaints from adjoining residents who live in close proximity to the Coles loading dock with regard to the noise associated with the delivery vehicles. The City currently has an Environmental Protection Notice (EPN) against Coles, which is being withheld pending the outcome of this application and/or a positive solution to the noise issue.

A noise transmission report received suggests that the noise transmission from delivery vehicles and the loading dock will comply with the Environmental Protection (Noise) Regulations as a result of the noise barrier wall. However, this is dependent on the length of time delivery vehicles are left to idle in the car parking area prior to entering the loading dock.

The application was advertised to surrounding affected landowners, by way of letters, to which no objections were received.

The proposal represents an attempted solution to the ongoing problem of vehicle movements and noise generation. Having regard to the limited options available, it is recommended that the development be approved, subject to conditions with particular reference to the use of the loading dock area being in compliance with the requirements of the Environmental Protection (Noise) Regulations 1997.

BACKGROUND

Suburb/Location:	Lot 715 (110) Flinders Avenue, Hillarys
Applicant:	Patterson Group Architects
Owner:	Shawm Pty Ltd & Clifford Stagg & David Stagg & Nola Stagg and three other(s)
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	1.3048 hectares
Structure Plan:	Not Applicable

- 11/08/2005 A meeting with Coles representatives, the landowner (Hillarys Shopping Centre), applicant and solicitors was held with City officers and solicitor to discuss how the noise issue was to be resolved. The City was advised that plans for an acoustic barrier were to be drawn and submitted.
- 02/09/2005 Application received.
- 04/11/2005 Application advertised to surrounding residents for comment.
- 24/11/2005 Acoustic Consultant's (Noise Emission) Report received.

An application (DA05/0036) was approved on 4 March 2005 for the existing Coles loading dock to be enclosed in order to reduce some of the noise impacts on adjoining landowners, emanating from the delivery vehicles.

The matter of noise emission from the existing Coles loading dock area, due to the delivery vehicles, has been an on-going issue for the adjoining residents since the Hillarys Shopping Centre was constructed. The City has received numerous complaints regarding the noise issue, which has resulted in the implementation of an Environmental Protection Notice (EPN) on Coles, which has not been followed through as yet, pending the outcome of this decision.

DETAILS

An application has been received to construct a new noise barrier wall at Hillarys Shopping Centre. The noise barrier wall is proposed to be located partly on the southern and western boundary of site, directly adjoined by 4 residential properties, which are in close proximity to the existing Coles Shopping Centre loading dock and car parking area. The height of the noise barrier wall is proposed to be between 5.1 metres and 7.0 metres, as seen from the adjoining residential properties, and a maximum of 6.0 metres from the car parking area of Hillarys Shopping Centre. The noise barrier wall is proposed to be constructed of 1/3 concrete panels (lower portion) and 2/3 clear Perspex material above. The applicant has proposed that part of the wall be of a clear material to reduce the impact of overshadowing on the adjoining residential properties.

The applicant has advised that the noise barrier wall has been designed to attenuate noise emanating from vehicle movements in and out of the existing Coles loading dock. The applicant has provided a noise transmission report, which suggests that the noise transmission from delivery vehicles and the loading dock will comply with the Environmental Protection (Noise) Regulations 1997 as a result of the noise barrier wall. However, this is dependent on the length of time a delivery vehicle is left to idle in the car parking area prior entering the loading dock. The report denotes that a delivery vehicle at idle is not to exceed more than 10% of the time (eg not more than 24 minutes in 4 hours).

The noise report has suggested that if noise issues continue after the erection of the noise barrier wall, then a "shelter roof" could be installed above the southwest car park area to achieve further noise reductions. However, the report states that this would not be of a Perspex material and as a result may create some overshadowing onto adjoining residential properties.

A further means of reducing noise emissions would be to provide soundproofing (Anticon insulation) within the enclosed loading dock area. This would facilitate the reduction in reverberation emanating from the loading dock, which may be channelled towards the southern side adjoining properties.

The applicant considers that the proposed development is consistent with the requirements of the Environmental Protection (Noise) Regulations 1997 and will satisfy the City's and adjoining residents' concerns in relation to the excessive noise emanating from the delivery vehicles through the use of Coles loading dock.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

"Provide Residential Living Choices" – Providing residential living in close proximity to commercial activity whilst maintaining a high standard of living and amenity.

Legislation – Statutory Provisions:

6.8 Matters to be considered by Council

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

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

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The proposal was advertised by way of letters, for a period of twenty-one days, in accordance with the requirements of District Planning Scheme No 2. At the close of advertising, four submissions were received, being non-objections. Some comments were provided as follows:

- *I have put up with the noise far too long and I totally agree with the proposed noise barrier wall on the boundary. When the shopping centre was designed it should have considered the noise level to adjoining owners and redesigned the development.*
- *No Objection. Concrete wall needs to be 2.4m high from highest point of ground level and clear acrylic panel on top to be 3.6m to give our bedroom and bathroom on this boundary some privacy.*

COMMENT

The City has received numerous complaints over an extensive period from adjoining residents who live in proximity to the Coles loading dock, with regard to the level of noise emanating from the activity associated with delivery vehicles. From a technical perspective, the noise transmission does exceed the limits of the Noise regulations. As a result, the City currently has an Environmental Protection Notice (EPN) against Coles, requiring it to comply with the Noise regulations. Further action on the notice is being withheld pending the outcome of this application and/or a positive solution to the noise issue.

It is noted that many of the issues that have been raised by the adjoining landowners regarding the noise have been due to the length of time the delivery vehicles, especially refrigerated delivery vehicles, have been idling within the southwest car parking area whilst another delivery vehicle is being unloaded. The length of time these vehicles have been idling has produced noise levels in excess of that which is permitted under the Environmental Protection (Noise) Regulations 1997.

The construction of the noise barrier wall will assist in attenuating a considerable portion of noise emissions emanating from the delivery vehicles toward the adjoining properties.

However, this can only be achieved with the regulation of the delivery vehicles entering and exiting the site and the length of time the vehicles are left to idle within the car parking area.

It is considered that the design of the wall, using Perspex material, is a positive outcome that will allow light to enter the adjoining properties (notably the southern side properties) whilst attenuating the noise emissions from the delivery vehicles. The applicant has provided written details to explain that there has been no relevant information supplied by the manufacturer to state that the wall will exacerbate heat or light onto adjoining properties. Attachment 3 illustrates a noise barrier wall, which has been constructed of masonry and Perspex materials.

In respect to drainage the applicant has stated that the water run-off will be similar to that which exists from the existing fencing along the boundary of the affected adjoining properties. However, it is considered that due to the increased surface area and orientation of the proposed wall, the drainage run off may be significant when a common (Perth) south-westerly storm is encountered. Therefore it will be necessary that appropriated drainage measures are undertaken so that the adjoining residential properties do not experience flooding of any kind at the base of the wall or within their properties.

Under normal circumstances, and if the adjoining land uses were being developed from the ground up, it is unlikely that the proposal would be considered to be acceptable. However, in this case, the height of development on both sides of the boundary will mean that the structure will not substantially be out of scale with the surrounds. The proposal also has the advantage of providing some surety of improved noise attenuation regardless of the actions of drivers unloading at the Coles loading dock.

The proposed wall will not result in the loss of any car bays within the southwest car parking area, however it will result in the loss of some semi-mature vegetation along the boundary.

The owner of 19 Halliday Grove, Hillarys has requested that the proposed noise barrier wall be concrete up to 2.4 metres high from highest point of the ground level and Perspex panel on top, 3.6 metres high in order to provide privacy to the eastern facing bedroom and bathroom windows. The applicant has explained that due to the height of some of the delivery vehicles, drivers are able to look into the bedroom and bathroom windows along the eastern side of the dwelling from the southwest car park area.

It is considered that the request is reasonable in this instance as much of the vegetation that has been planted along the western boundary of the shopping centre, adjoining 19 Halliday Grove, Hillarys will be removed as a result of the noise barrier wall. The inclusion of a condition to raise the concrete panel to a minimum height of 2.4 metres from the existing retained level, adjoining 19 Halliday Grove, Hillarys will ensure that privacy is afforded to the landowners.

The noise report has suggested that if noise issues continue after the erection of the noise barrier wall, a "shelter roof" could be installed above the southwest car park area to achieve further noise reductions. However, the report states that this would not be of a Perspex material and as a result may create some overshadowing onto adjoining residential properties.

To avoid the construction of an additional roof, which may cause undue overshadowing to the adjoining properties, Coles and the owner of the property should be required to regulate the noise emissions from delivery vehicles and ensure that the length of time the delivery vehicles are left to idle, is kept to a minimum. Coles management and the owner of the property should ensure that the noise emissions comply with the requirements of the Environmental Protection (Noise) Regulations 1997 and the recommendations and advice given within the noise report.

It is considered that the construction of the noise barrier wall is a positive step in an on-going issue regarding the numerous noise complaints received by the City. The reduction in noise from the activities associated with delivery vehicles to the Coles loading dock will be of benefit to the adjoining landowners. Therefore the proposal is recommended for approval.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Site plans, floor plans & elevations
Attachment 3	Example of a noise barrier wall (including Perspex)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the application for planning approval, dated 1 September 2005, submitted by Paterson Group Architects on behalf of the owners, Shawm Pty Ltd (Own) & Clifford Stagg (Own) & David Stagg (Own) & Nola Stagg (Own) and three others for erection of a noise barrier wall on Lot 715 (110) Flinders Drive, Hillarys (Hillarys Shopping Centre) subject to the following conditions:

- 1 At the completion of construction of the noise barrier wall, the applicant/owner shall submit a further noise emission report, providing actual noise level measurements, which demonstrates that the completed development and vehicle delivery activity will comply with the requirements of the Environmental Protection (Noise) Regulations 1997;**
- 2 The owner shall ensure that the idling times of delivery vehicles within the site do not exceed the levels stipulated within the noise emission report dated 21 November 2005;**
- 3 The Perspex material proposed on top of concrete panels shall be transparent to allow adequate light to enter into adjoining residential properties to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- 4 The proposed concrete panel of the wall along the western side boundary is to be increased to a height of 2.4 metres from the existing highest retained level, as marked in RED on the approved plans, to maintain adequate privacy to the adjoining landowner to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- 5 An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
- 6 The applicant/owner shall ensure that all measures are taken to ensure that sufficient drainage is afforded to the affected adjoining residential properties so that flooding does not occur into these properties. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of construction;**

- 7 All works shall be contained entirely within the subject lot boundaries to the satisfaction of the Manager Approvals, Planning & Environmental Services.**

Footnote:

- (a) In relation to Condition (b) above, the noise emission report dated 21 November 2005 stipulates that a delivery vehicle cannot idle for more than 10% of the time or noise transmission levels will be exceeded;**
- (b) The applicant is reminded that the use of the loading dock is to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times. If this does not occur further action may be taken so that the relevant requirements are satisfactorily achieved.**

Appendix 16 refers.

To access this attachment on electronic document, click here: [Attach16brf140206.pdf](#)

ITEM 20 PROPOSED DEVELOPMENT OF ONE OFFICE AND FOUR GROUPED DWELLINGS: LOT 510 (69) GRAND BOULEVARD JOONDALUP – [19436]

WARD: Lakeside

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for a mixed use development in the City North precinct of the City Centre at Lot 510 (69) Grand Boulevard, Joondalup.

EXECUTIVE SUMMARY

An application has been received from In Residence for the development of a building for one office unit and four grouped dwellings within the City North Precinct of the Joondalup City Centre. The subject site is located on the eastern side of Grand Boulevard, between Queensbury Road and Hampton Terrace. Overall, the proposal comprises two ground floor commercial tenancies, with two 4-bedroom and two single bedroom units above. The building is 3 storeys in height and includes parking from the rear laneway. The density, height and urban form of the development are compatible with the overall City Centre environment.

Discretion is sought under the City's District Planning Scheme 2 (DPS2) in regard to plot ratio (1.12 in lieu of 1.0) and the density of the proposed grouped dwellings (R74 in lieu of R20). Discretion is also sought under the Residential Design Codes (R Codes) for minimum open space per grouped dwelling of 10m² in lieu of 16m².

Given that the development will contribute to the desired character of the City Centre area and is consistent with existing developments in the area, the proposed development is supported.

BACKGROUND

Suburb/Location: Lot 510 (69) Grand Boulevard, Joondalup
Applicant: In Residence
Owner: Minaret Holdings Pty Ltd
Zoning: DPS: Centre
MRS: Urban
Site Area: 542m²
Structure Plan: Joondalup City Centre Development Plan and Manual (JCCDPM)

Lot 510 (69) Grand Boulevard, Joondalup is currently vacant and falls within the City North area of the Joondalup City Centre, where it is designated for General City Use. The preferred uses are residential, retail, office, accommodation, leisure and entertainment, cultural facilities, community facilities and medical suites.

DETAILS

The proposed development includes the following features:

- The proposed land uses are 4 grouped dwellings and 1 office that is capable of being split into 2 offices;
- The height of the building is three storeys;
- The total number of car parking bays provided is 11, including 1 disabled bay;
- The upper level residential units are accessible via stairs at the front and rear of the building;
- The residential and office units address the street frontage with nil setback;
- Balconies have been provided for the residential units.

Issues and options considered:

Council has the discretion to:

- Approve the application;
- Approve the application subject to conditions; or
- Refuse the application

Link to Strategic Plan:

It is likely that this mixed use development proposal will contribute to meeting the projected demand for housing and commercial space for the increasing population of the City Centre area.

It is considered that the proposal is in line with many objectives of the City's Strategic Plan and City Development.

Legislation – Statutory Provisions:

The provisions of the DPS2 and the JCCDPM control development within this area.

District Planning Scheme 2

The site is zoned Centre under DPS2 and is subject to the JCCDPM.

When determining this application Clauses 4.2.4, 4.5, 4.8 and 6.8 of the DPS2 apply and are relevant:

4.2.4 Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme. Unless otherwise specified on the map, the R-20 density code applies unless the Council determines that a higher code should apply.

4.5 Variations to Site and Development Standards and Requirements.

4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the

Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

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

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

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

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

6.8 Matters to be considered by Council

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

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

Development Standards Table

The following table summarises the development details under the JCCDPM:

Standard	Required	Provided
Front Setback	0m	0m
Side Setback	As per BCA*	0m
Plot Ratio	1.0 542m ² maximum	1.12 (608m ²)
Height	3 storeys maximum	3 storeys
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 4m ²

* Under the Building Code of Australia (BCA), a nil side setback can be permitted for buildings.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The proposed development was not advertised, as the form of development is expected under the JCCDPM.

COMMENT

Urban Design

The proposed nil setback to Grand Boulevard will contribute to creating an urban wall along the streetscape edge, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be minimal. The upper floor residential balconies overlook the public streets and therefore provide surveillance of public areas. The proposed building can be accessed internally from the car parking area at the rear of both the residential and commercial units, and also from the Grand Boulevard frontage. The front and rear (western and eastern) facing windows on the upper storey are less than 50% of the face of the building and therefore comply with solar access requirements of the JCCDPM.

Land Use

As the proposal provides for both residential dwellings and office space, the proposed uses comply with the General City land use for which the lot has been identified under the

JCCDPM. The proposal provides for 1 or potentially 2 office or commercial tenancies. In this form, the space is flexible enough in the future to accommodate the permitted uses under the JCCDPM, including retail, entertainment and restaurant/café. The residential accommodation ranges from one to four bedroom units and therefore contributes to the range of housing stock available in the City.

Residential Density

There are no specific residential density requirements in the 'general city' precinct of City North. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the map the R-20 density applies unless Council determines that a higher code should apply. The proposal has an equivalent density of R-74. This density is consistent with other approved developments within the City Centre.

It is recommended that the Council determine that the proposed density at R-74 is considered to be appropriate given that the site is in a prominent location within the City, where higher densities are appropriate and encouraged.

Plot Ratio

For General City Use the JCCDPM requires that the development have a maximum plot ratio of 1.0 or 542m². The plot ratio for the residential component is 0.85 being a floor area of 460m² while the plot ratio for the commercial component is 0.27 or 148m². The overall plot ratio for the development is 1.12.

It is considered that the required plot ratio of 1.0 is counter-productive to the development of an appropriate style and bulk of building that achieves the form expected and desirable (for example, a 3 storey building) within the City Centre. There is no provision under the JCCDPM to vary the plot ratio requirement for the residential units but the overall plot ratio where there is a commercial unit can be altered where the total plot ratio for residential does not exceed 1.0.

The plot ratio of the office development is considered to be appropriate as it will integrate with other existing developments in the area and will generally add value to the City Centre by having quality commercial space and creating employment opportunities. The commercial premises may in the future accommodate other permitted uses under the JCCDPM including office, entertainment, and/or café.

It is therefore recommended that, in accordance with clause 4.5 of DPS2 and having regard to the criteria of clause 6.8, the Council determine that:

- The proposed plot ratio for the commercial / office space is appropriate as the built form integrates with the surrounding areas and will not have an adverse affect upon the occupiers of the development or on the locality.
- A total plot ratio of 1.12 for a mixed-use residential and commercial development at Lot 510 (69) Grand Boulevard is considered appropriate in this instance.

Car Parking

The car parking for the proposed development complies with the car parking standards set out in the JCCDPM, as shown below:

Use	Parking Provision	No of Bays Required	No of Bays Provided
Commercial	1 Bay per 30m ²	4	4
Residential Dwelling	2 bays per dwelling	4	4
Single Bedroom Dwelling	1 bay per dwelling	2	2
Total		10	10

Setbacks

Under the JCCDPM, a nil front setback is required, indicating that the desired outcome is the creation of strong urban spaces, with urban walls creating a strong presence to the street. The office and residential units comply with the required nil front setback. Essentially the design promotes the interaction between the office tenancies and the adjoining public streets creating animated spaces at a human scale.

Open Space

Under the R Codes, 16m² of private open space is required per grouped dwelling. However, given the nature of the proposal as a multi-storey, mixed use-development, it is considered appropriate that the open space provision for each dwelling be reduced to a 10m² balcony only. This is consistent with the open space requirements for Multiple Dwellings under the R Codes, and is consistent with other approvals that have been issued within the City North area.

The plans for the proposed development depict balconies being provided only to the 2 four bedroom dwellings. Approval of the development should be conditioned to require that each of the single bedroom dwellings also be provided with a 10m² balcony to ensure each dwelling is provided with a usable area of private open space.

Conclusion

The proposed development will be a positive addition to the City Centre. It will provide accommodation and office facilities to meet the future demands of the growing City Centre. There will be the creation of an urban area that is compatible with the overall City Centre environment. Therefore the residential density, plot ratio, setback and car parking standards are considered appropriate in this instance.

It is therefore recommended that the development be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1 Location Plan & Aerial View
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under clauses 4.2.4 and 4.5 of District Planning Scheme No 2 and determines that:
 - (a) the proposed plot ratio of 1.12 in lieu of 1.0;
 - (b) the equivalent density of R-74 in lieu of R20are appropriate in this instance;
- 2 **EXERCISES** discretion under clause 2.3.4 of the Residential Design Codes 2002, and determines that the performance criteria under clause(s) 3.4.1 and 3.4.2 have been met and that:
 - (a) the proposed open space per dwelling of 10m² in lieu of 16m²;
 - (b) the proposed minimum length and width dimensions of 2 metres in lieu of 4 metresare appropriate in this instance;
- 3 **APPROVES** the application for planning consent dated 4 October 2005 submitted by In Residence on behalf of the owner Minaret Holdings Pty Ltd for a mixed use development comprising 1 office and 4 grouped dwellings on Lot 510 (69) Grand Boulevard, Joondalup subject to the following conditions:
 - (a) The gradient between the disabled parking bay and the building entrance at rear to be a maximum of 5%;
 - (b) Provision must be made for disabled access, parking and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);
 - (c) The rear parking area to be open to the public at all times and five parking bays, which includes one disabled parking bay, to be marked and permanently available for the use of the commercial units;
 - (d) All dining, kitchen and living areas being sufficiently lit and ventilated in accordance with Building Codes of Australia;
 - (e) The finished floor level of the Ground Floor being no higher than 45.75 AHD;
 - (f) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off street Car parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works to be done as part of the building programme;
 - (g) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be

- shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (h) With reference to conditions (a) and (e) design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;
 - (i) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
 - (j) The paved footpath on Grand Boulevard is to be extended to the property boundary with pavers to match the existing pathway to the satisfaction of the Director, Infrastructure Services;
 - (k) Roof, where pitched, shall be greater than twenty-five degrees otherwise parapets shall be provided to flat roofs;
 - (l) Obscured or reflective glazing shall not be used at the ground level;
 - (m) Pedestrian shelter shall be provided to the commercial ground floor unit in accordance with the Joondalup City Centre Plan and Manual, to the satisfaction of the Coordinator, Planning Approvals;
 - (n) Any advertising signage shall be subject to an application for Planning Approval;
 - (o) The landowner providing a written undertaking to the City of Joondalup acknowledging that a special refuse disposal service will be required for this development and agreeing to meet all costs associated with this service;
 - (p) A balcony of at least 10sqm being provided for each of the two proposed single bedroom grouped dwellings.

Footnotes:

- 1 A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building;
- 3 The applicant is advised that the Council EXERCISES discretion under clauses 4.2.4, 4.5, 4.8.1 of District Planning Scheme No 2 and determines that:
 - (a) The proposed plot ratio for the development of 1.12 in Lieu of 1.0; and
 - (b) The equivalent development density of R-74 in lieu of R-20are appropriate in this instance.
- 4 The applicant is advised that the Council EXERCISES discretion under clause 6.1.3(b) of the City of Joondalup District Planning Scheme No.2 and under clause 2.3.4 of the Residential Design Codes 2002, and determines that the performance criteria under clause(s) 3.4.1 and 3.4.2 have been met and that:

- (a) The proposed plot ratio for the development of 1.1217 in Lieu of 1.0; and
- (b) The equivalent development density of R-74 in lieu of R-20

are appropriate in this instance.

Appendix 17 refers.

To access this attachment on electronic document, click here: [Attach17brf140206.pdf](#)

**ITEM 21 PROPOSED SINGLE STOREY SHOP AND
TAKEAWAY FOOD OUTLET: LOT 10 (6)
GLENGARRY DRIVE (CNR ARNISDALE ROAD)
DUNCRAIG – 19236]**

WARD: South Coastal Ward

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for planning consent for a new single storey development of shops and takeaway food outlets.

EXECUTIVE SUMMARY

The development site is Lot 10 (6) Glengarry Drive, Duncraig and is located on the south-east corner of Glengarry Drive and Arnisdale Road, Duncraig. The site contains a disused KFC drive-through food outlet. At the Council meeting of 30 August 2005 the Council approved a new Child Care Centre on the site. The proponent has advised that the child care centre proposal did not proceed as the practical completion date of the building had been delayed until after the start of the school year.

The proposed commercial development incorporating shops and takeaway food outlets is considered to be compatible with the neighbouring commercial uses and the Glengarry Shopping Centre.

The proposal complies with the Scheme requirements for a Commercial Zone with the exception of a proposed setback of nil in lieu of 3.0 metres from the Glengarry Drive frontage and a setback of 8.8 metres in lieu of 9.0 metres from the Arnisdale Road frontage. The Glengarry Drive variation exceeds the maximum allowable for a delegated decision by the Manager, Approvals, Planning and Environmental Services.

It is recommended that the application for Planning Consent be granted.

BACKGROUND

Suburb/Location: Lot 10 (No 6) Glengarry Drive, Duncraig.
Applicant: Ben Laurance (Pivot Group)
Owner: EJ and MM Reilly
Zoning: DPS: Commercial
MRS: Urban
Site Area: 2,000m²

1984: Fast food outlet approved.

2003: KFC fast food outlet closes.

30/08/2005: Child care centre application approved.

19/12/2005: Application for change of use to shop & takeaway food outlet lodged.

The proponent has advised that the development of the child care centre did not proceed as negotiations with adjoining owners to modify easements affecting the site had delayed the practical completion date of the building until after the start of the school year.

The applicant proposes to demolish the existing KFC building and construct six (6) commercial tenancies for use as a takeaway pizza store, a hairdressing salon, a beauty salon, a Subway store, a takeaway food store and a shop.

The development site and the abutting area is zoned Commercial. The area is characterised by low intensity uses and large areas of open parking and vehicle access ways.

The proposed commercial tenancies in the new development would have an area of between 100m² and 118m².

DETAILS

The site abuts a petrol service station to the south, an automated carwash to the east and the Glengarry Tavern approximately 70 metres to the south-east. Opposite on Arnisdale Road is the Glengarry Shopping Centre.

The proposed development entails a net leasable floorspace of 579 sqm. It is noted that the existing KFC building on Lot 10 has a floorspace of 268 sqm.

The site is affected by easements across Lots 10, 11, 12 and 3 including a Water Authority easement which cuts diagonally through the property. The other easements relate to reciprocal rights of access and parking with the adjoining sites containing the carwash, tavern and TAB.

It is noted that the vehicle access arrangements for the proposed development on the subject site are dependent on access being available through the adjoining properties as well as from Glengarry Drive. No specific changes are required to the easements to accommodate the proposed development.

The proposed development includes a tower element that abuts the Glengarry Drive frontage that has a wall height of 11.5 metres and a roof ridge height of 13.5 metres.

Applicant Justification:

In regard to the setback variation, the proponents have provided the following comments:

“We confirm that the reason for the design of the building being as represented on the site plan and elevations is that flexibility in laying out a viable development on the site is limited not only by the access easements at the northern and southern end of the property but more particularly by the major trunk sewer easement that runs diagonally across the site and is about 12 metres wide.

In view of the limitations faced by the site we consider the proposal submitted to you is representative of a good design with strong features in the building elevations. Indeed given that there is a service station located to the immediate south, two relatively busy local roads to the west and north and a car wash to the east the aspects achieved with the design probably achieve the best outcome that could have been obtained in the circumstances. Certainly the design gives a good inter-relationship between the building and the two road frontages.”

In regard to the easement, the proponents have provided the following comments:

“Reference to drawing DA010 which comprises part of the attachments to the Development Application will show that the plant room for the car wash and the western most of the self service wash bays marginally encroach within the Water Corporation easement for the trunk sewer. This was permitted by the Water Corporation provided that no footings were constructed inside the easement and was achieved by way of a floating slab over the small area of the structure involved.

It is proposed that a similar treatment will occur as far as the north eastern corner of what is labelled as tenancy 6 in the proposed development is concerned.”

Link to Strategic Plan:

Outcome: The City is recognized for investment and business development opportunities.

Objective: To provide and maintain sustainable economic development.

Strategy: 3.5.2 Assist the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

The subject site is located within a Commercial Zone.

“3.7.1 The Commercial Zone is intended to accommodate existing shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.

The objectives of the Commercial Zone are to:

(a) make provision for existing retail and commercial areas that are not covered by an Agreed Structure Plan;

(b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

3.7.2 All land contained in the Commercial Zone shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified.

3.7.3 Notwithstanding the provisions of clause 3.7.2, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission. “

Schedule 3 of the Scheme identifies the Glengarry Centre at Lot 1 (59) Arnisdale Road as a commercial centre however the subject site is located south of this site on lot 10 Arnisdale Road. Schedule 3 makes no reference to the subject site.

Shops, restaurants and takeaway food outlets are ‘P’ uses in a Commercial Zone. A ‘P’ use means:

“A Use Class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval;”

Clause 6.6 of the Scheme provides guidance when dealing with a “P” use:

“6.6.1 “P” Uses – If an application under the Scheme for Planning Approval involves a “P” use, the Council shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that, the Council may in its discretion impose conditions upon the Planning Approval and if the application proposes or necessarily involves any building or other work, the Council upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.”

Clause 6.8 of the Scheme sets out the matters to be considered by Council when dealing with an application:

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

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

Development Standards under District Planning Scheme 2 (DPS 2)

DPS 2 Policy Standard	Required	Provided
Front Setback (Arnisdale Road)	9.0m	8.8m
Side Setback (Glengarry Drive)	3.0m	Nil to 3.0m
Rear Setback	6.0m	11.6m
Side Setback	3.0m	15.0m
Car parking	41 bays	41 bays
Landscaping	8%	8.9%
Fencing	1.2m solid (max)	0.4m solid

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Advertising is not obligatory for a “P” use and the proposed activities are compatible with the zoning of the area and the adjoining uses. This Council report has been prepared on the basis of the proposed side setback variation. As such it was considered that the application did not warrant advertising.

COMMENT**Commercial Centre Zoning:**

The subject site is not included within Schedule 3 of the DPS 2 and as such does not have a designated maximum net leasable area, nor has a structure plan been prepared or adopted for this site. It is however noted that the review of the City’s Centres Strategy is to be commenced this financial year and sites such as this will be addressed as part of this review.

It would have been desirable to have a structure plan prepared for the site at this time. However, the application, which entails 579 sqm of net leasable area, is not of a scale or nature that would jeopardise the outcome of the review and as such it is recommended that a structure plan not be required at this time.

Traffic Issues:

A Traffic Impact Statement (TIS) was not requested for this application as the uses can be established without the need for traffic moderation measures. It is considered that the site can accommodate the proposed traffic movements and the proposed commercial uses will not produce a build up of traffic at peak times during the day.

In August last year a TIS was prepared in support of a child care centre application for the subject site. The report addressed the proposed site layout and access arrangements and took into consideration expected peaks in traffic movements in the mornings and afternoons.

That report concluded that the anticipated traffic increases on the surrounding roads as a result of the proposed development would be almost insignificant and will not have any impacts on the traffic operations of these roads.

Car Parking:

The proposed provision of 41 car parking bays complies with the parking requirements for the proposed uses. Car parking areas within Lot 10 and the adjoining car wash, tavern and TAB sites are shared through reciprocal car parking and access arrangements that have been established through a number of easements. The overall car parking requirements for Lots 10, 11, 12 and 3 are as follows:

Lot	Use	Provision	Required	Shortfall
12	Tavern	123	149	26
3	TAB	8	14	6
11	Carwash	Nil	Nil	Nil
10	Shopping Centre under 10,000m ²	41	41	Nil
Totals	Totals	172	204	32 bays

The proposed car parking provision on Lot 10 is adequate to meet the anticipated demand for the proposed development and will not require the use of bays outside this site.

In regard to the overall car parking provision for Lots 10, 11,12 and 3 the shortfall has increased from 11 bays to 32 bays at the time a carwash was approved in 2003 on the adjoining Lot 11. At that time the KFC outlet Lot 10 provided 35 bays and was only required to provide 14 bays.

As part of the application for the carwash on Lot 11, a car parking survey was submitted that was undertaken over a 2 week period. This demonstrated the under utilisation of the available car parking. The car bays occupied within the tavern site was 45.5%. This was calculated to increase to 51.8% when the carwash was constructed.

It is also recognised that the proposed commercial uses, while they will have busy periods of operation, are of a nature that will result in that the parking load being spread out over the day and evening. It is not considered that any of the proposed uses would attract a disproportionate number of visitors. In regard to the adjoining uses on lots 11, 12 and 3 none of these uses are of a nature that would result in a shortage of parking bays at any time during the day or evening if the current proposal was to be supported.

Despite the overall shortfall in car parking numbers within the lots affected by the easements it is considered that, due to the under utilisation of car parking, the area will not be affected by any noticeable undersupply of parking spaces. As such the shortfall can be accepted.

Access/Easements

Easements have been established between the subject site (Lot 10), the adjoining carwash site (Lot 11), the Tavern (Lot 12) and TAB site (Lot 3). The City of Wanneroo was a signatory to some of these easements, (refer to Attachment 1).

The easements also include a Water Corporation easement allowing access and constraining building within part of Lot 10 and the adjoining lots. The remaining easements put in place over Lot 10, 11, 12 and 3 have established a series of reciprocal rights of access and parking between these landholdings.

Through the easements vehicle access is available between the southern and northern portion of Lots 10 and Lot 11. This ensures access from the car park of Lot 10 through the carwash and tavern sites to Glengarry Drive, Warwick and Arnisdale Roads.

Given the overall car parking shortfall, the easements also ensure that the parking bays are available to be shared by each of the properties which have peak times at different times during the day.

Urban Design Issues

The Glengarry Drive frontage contains the setback variation that has led to the need for this report. The frontage with the zero side setback has a length of 12.5 metres and incorporates a 13.5 metre tower structure as an architectural feature. It is intended that the tower would accommodate signage for the tenancies on the carparking frontages, otherwise it serves as a landmark feature for the commercial centre.

This frontage also includes areas with glass facades, awnings and raised pediments to give the building some presence and to provide for signage to the premises. The sections of wall without windows are to be articulated with bands and rendering. The pediments provide a stepping effect to the tower element.

The Arnisdale Road (northern) frontage of the building is to incorporate an alfresco dining area adjoining the tenancy that will add to the vibrancy of the area. This frontage has a setback of 8.8 metres in lieu of 9.0 metres, it is considered that this variation is not significant and will not adversely affect the amenity of the area.

All of the frontages are to include window treatments and awnings. While the entrances are to the car park side of the building effort has been made in the design to provide attractive frontages to Glengarry Drive and Arnisdale Road.

Conclusion

Having regard to the relevant clauses of DPS2, the proposed commercial uses are supported. The proposed development is considered to be suitable within a commercial area and is not of a nature that will have an adverse impact on the adjoining business activities.

It is considered that the setback shortfall will not result in the amenity for the area being adversely affected and from an urban design perspective the proposed building and tower will complement the commercial facilities at the Glengarry Shopping Centre.

In regard to parking the application satisfies the requirements set out in the DPS2. Furthermore it is considered that the proposed traffic increases will not have an adverse impact on the traffic operation of these roads.

It is therefore recommended that the application for Planning Consent be approved.

ATTACHMENTS

Attachment 1 Locality Plan and Aerial Photo Plan
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the application for Planning Approval dated 14 December 2005 submitted by B Laurance of the Pivot Group, the applicants on behalf of the owners, E J Reilly and M M Reilly for a single storey development of shops and take away food outlets on Lot 10 (6) Glengarry Drive, Duncraig, subject to the following conditions:

- 1 The blank wall facade on the Glengarry Drive frontage to be articulated through the incorporation of rebates and/or other design elements to provide interest and provide a human scale to the wall to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**
- 2 The parking bays, driveway and points of ingress and egress being upgraded and modified in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be upgraded, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**
- 3 All stormwater must be contained on site to the satisfaction of the City;**
- 4 Any fencing on top of the Arnisdale Road retaining wall shall be visually permeable as defined by the Residential Design Codes 2002 to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**
- 5 The Arnisdale Road retaining wall shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**
- 6 A minimum of forty one (41) car bays to be provided for the proposed use;**
- 7 Any Class 1 food premise is required to be provided with a rear service access in accordance with the City of Joondalup Health Local Laws 1999;**
- 8 Bin store shall be provided with a concrete floor that grades evenly to an industrial floor waste connected to sewer;**
- 9 Applicant be advised that you are required to meet all relevant requirements of the Department of Industry and Resources. Plans and details should be submitted for approval.**

Footnote:

- 1 It is advised that the City will not support the erection of telecommunications infrastructure on any part if the proposed tower or adjoining buildings;**
- 2 Development shall comply with the Health (Food Hygiene) Regulations 1993, and Health (Public Building) Regulations 1992;**
- 3 A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage;**
- 4 A separate application being made to the City for approval to commence development prior to the installation of any patio or shade structure at the alfresco area;**
- 5 Compliance with the Building Code of Australia Vol. 1 with particular note to access for disabled persons to and within the building and circulation space within the building in accordance with AS 1428.1 – 2001 (Passages and Doorways).**

Appendix 18 refers.

To access this attachment on electronic document, click here: [Attach18brf140206.pdf](#)

ITEM 22 PROPOSED DEVELOPMENT OF ONE COMMERCIAL UNIT AND THREE GROUPED DWELLINGS: LOT 509 (73) GRAND BOULEVARD, JOONDALUP – [68469]

WARD: Lakeside

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request the Council's determination of an application for Planning Consent for development in the City North precinct of the City Centre, which includes variations to the Structure Plan for the area.

EXECUTIVE SUMMARY

The development site is located three lots south of the intersection of Grand Boulevard and Regents Park Road, Joondalup

An application has been received from Dickie Architects for the development of a building for one commercial unit and 3 grouped dwellings.

The proposal comprises 151.76 m² of commercial space and 411.9 m² for residential purposes. The proposed height of the building is 2 storeys. Vehicular access to the property is from the rear laneway.

The density, height and urban form of the development are compatible with the overall City Centre environment.

Discretion is sought under the City's District Planning Scheme 2 (DPS2) in regard to plot ratio, the density for residential units, open space and the extent of glazing. Given that the development will contribute to the desired character of the City Centre area and that it is compatible with existing developments in the area, the proposed development is supported.

BACKGROUND

Suburb/Location:	Lot 509 (73) Grand Boulevard Joondalup
Applicant:	Martin Dickie, Dickie Architects
Owner:	Clayton Sanders
Zoning:	DPS: Centre
	MRS: Central City Area
	Site Area: 542m ²
Structure Plan:	Joondalup City Centre Development Plan and Manual (JCCDPM)

Lot 509 (73) Grand Boulevard, Joondalup is currently vacant and is located within the City North area of the Joondalup City Centre, where it is designated for General City Use. The preferred uses are residential, retail, office, accommodation, residential, leisure and entertainment, cultural facilities, community facilities and medical suites.

Generally in the City North, developments are for multiple dwellings development. However, in this case, given that no part of a dwelling is vertically above part of any other dwelling, the proposal is considered as grouped dwellings.

DETAILS

- The proposed development consists of one commercial unit and 3 grouped dwellings.
- The ground level consists of commercial unit and parking.
- The first floor level consists of residential units including studios.
- The total number of car parking bays provided is 8 which includes a disabled parking bay.
- Service vehicle access and car parking for all units is provided from the rear laneway. There is also an access from the front to the commercial & residential units.
- The upper level residential units are accessed via stairs located at the rear and side of buildings.
- Balconies and stores have been provided for the residential units.
- The commercial unit includes a pedestrian shelter awning that extends over the road reserve.
- The front elevation incorporates a large arched opening over both balconies with a central keystone feature, which seeks to give the impression the scale of the building is larger.

Issues and options considered:

Council has the discretion to:

- Approve the application
- Approve the application subject to conditions; or
- Refuse the application

Link to Strategic Plan:

It is likely that this development proposal will contribute to meeting the projected demand for housing and commercial space for the increasing population of the City of Joondalup.

It is considered that the proposal is in line with many objectives of the City's Strategic Plan.

Legislation – Statutory Provisions:

Development in this area is controlled by the provisions of District Planning Scheme No 2 (DPS2), the Joondalup City Centre Development Plan and Manual (JCCDPM) and the R-Codes.

District Planning Scheme No 2

The site is zoned Centre under DPS2 and is subject to the Joondalup City Centre Development Plan and Manual.

When determining this application, Clauses 4.2.4, 4.5, 4.8 and 6.8 of the DPS2 apply and are relevant:

- 4.2.4 Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme. Unless otherwise specified on the map, the R-20 density code applies unless the Council determines that a higher code should apply.*

4.6 Variations to Site and Development Standards and Requirements.

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

6.8 Matters to be considered by Council

- 6.8.2 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
 - (b) any relevant submissions by the applicant;*
 - (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
 - (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
 - (e) any other matter which under the provisions of the Scheme, the Council is required to have due regard;*
 - (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
 - (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
 - (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
 - (i) the comments or wishes of any objectors to or supporters of the application;*

- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and
- (k) any other matter which in the opinion of the Council is relevant.

Development Standards Table

The following table summarises the development details under the JCCDPM:

Standard	Required	Provided
Front Setback	0m	0m
Rear and Side Setbacks	As per BCA*	0m
Plot Ratio	1.0 (542 m ² maximum)	1.04 (563.66 m ²)
Height	3 storeys maximum	2 storeys
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 4m ²

* Under the Building Code of Australia, a nil side setback can be permitted for buildings.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

The proposed development was not advertised as the form of development is in keeping with the intent of JCCDPM and other development that has occurred in the City Centre.

COMMENT

Urban Design

The proposed zero setbacks to Grand Boulevard will contribute to creating an urban wall along the streetscape edge, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be positive. The upper floor residential balconies overlook the public streets and therefore provide surveillance of public areas. The building can be accessed from the car parking area at the rear to both the residential and commercial units. The glazed commercial front will ensure that active frontages will face the street.

Land Use

As the proposal provides for both residential dwellings and commercial space, the proposed uses comply with the General City land use for which the lot has been earmarked under the JCCDPM. The proposal provides one commercial tenancy. In this form, the space is flexible enough in the future to accommodate the permitted uses under the JCCDPM, including retail, entertainment and restaurant/café. The residential accommodation consists of three, three bedroom units with studios and therefore, contributes to the range of housing stock available in the City

Residential Density

There are no specific residential density requirements in the 'general city' precinct of City North. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the map, the R-20 density applies, unless Council determines that a higher code should apply. The proposal has an equivalent density of R-55. This density is consistent with other approved developments within the City Centre.

It is recommended that the Council determines that the proposed density at R-55 is considered appropriate given that the site is in a prominent location within the City, where higher densities are appropriate and encouraged.

Plot Ratio

For General City Use, the JCCDPM restricts development on this site to a maximum plot ratio of 1.0 or 542m². The plot ratio for the residential component is 0.76 being a floor area of 411.9m² and plot ratio for the commercial component is 0.28 or 151.76m². The overall plot ratio for the development is 1.04 (563.66 m²).

It is considered that the required plot ratio of 1.0 is counter-productive to the development of an appropriate style and bulk of building that achieves the form expected and desirable within the City Centre. There is no provision under the JCCDPM to vary the plot ratio requirement for the residential units, but the overall plot ratio where there is a commercial unit can be altered when the total plot ratio for residential does not exceed 1.0.

The plot ratio of the commercial development is considered to be appropriate as it will integrate with other existing developments in the area and will generally add value to the City Centre by having quality commercial space and creating employment opportunities. The commercial premises may in the future accommodate other permitted uses under the JCCDPM including office, entertainment, and/or café.

It is therefore recommended that, in accordance with clause 4.5 of DPS2 and having regard to the criteria of clause 6.8, the Council determines that:

- The proposed plot ratio for the commercial space is appropriate as the built form integrates with the surrounding areas and will not have an adverse effect upon the occupiers of the development or on the locality.
- A total plot ratio of 1.04 (563.66 m²) for the mixed-use residential and commercial development for Lot 509 Grand Boulevard is considered appropriate in this instance.

It is recommended that the Council resolves to support the development with a plot ratio of 1.04.

Car Parking

The car parking for the proposed development complies with car parking standards set out in the JCCDPM as follows:

Use	Parking Provision	No of Bays Required	No of Bays Provided
Commercial	1 Bay per 30m ²	5	5
Residential	1 bay per residential unit	3	3
Total		8	8

Open Space

Under the RDC, 16m² of private open space is required per grouped dwelling. However, given the nature of the proposal as a multi-storey, mixed use-development, it is considered appropriate that the open space provision for each dwelling be reduced to a 10m² balcony only. This is consistent with the open space requirements for Multiple Dwellings under the RDC, and is consistent with other approvals that have been issued within the City North area.

Further, In relation to open space for a grouped dwelling development for R50-60 density coded areas, the Codes require 45% of the total site (243.9m²) to be set aside for open space. The outdoor living area is included in the open space. The total open space provided by the proposed development is 146m² which includes the balconies.

Therefore, the variation to the acceptable standards for open space (146m² in lieu of 243.9m²) and the outdoor living area (10m² in lieu of 16m²) are considered, having regard to the:

- (i) type and density of the dwelling development;
- (ii) open space being capable of suiting the future needs of residents;
- (iii) balcony being able to be used in conjunction with a habitable room of the dwelling; and
- (iv) the balcony open to winter sun;

to have met the performance criteria under Clauses 3.4.1 and 3.4.2 of the R-Codes.

Glazing

JCCDPM requires that the horizontal dimension of the glazing shall comprise 75% of the total building frontage for uses other than residential. The glazing for the proposed building is 61%. This is due to the fact that there is a proposed access to residential and parking on the side of the building. It is considered that the variation to the horizontal dimension will not have an adverse impact on the streetscape and therefore the variation is supported.

Overlooking

There will be overlooking on the adjoining property from the side of the balcony of Unit 3. Therefore if this application is supported by Council, it is recommended that a condition of approval be imposed requiring the applicant to provide a screen of 1.65 metres along the side of the balcony.

Conclusion

The proposed development will be a positive addition to the City Centre. It will provide accommodation and commercial facilities to meet the future demands of the growing City Centre. There will be the creation of an urban area that that is compatible with the overall

City Centre environment. Therefore the proposed variations to the residential density, plot ratio, open space and glazing are considered appropriate in this instance. It is therefore recommended that the development be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Aerial Plan
Attachment 3	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clauses 4.2.4 and 4.5 of the District Planning Scheme No 2 and determines that the:**
 - (a) proposed plot ratio for the development of 1.04 in lieu of 1.0; and**
 - (b) development having a density of R-55,**

are appropriate in this instance;
- 2 EXERCISES discretion under Clause 2.3.4 of the R-codes and determines that the performance criteria of Clauses 3.4.1 and 3.4.2 have been met and that:**
 - (a) the area of open space is 146m² in lieu of 243.9m²**
 - (b) the outdoor living area for each grouped dwelling is 10m² in lieu of 16m²,**

are appropriate in this instance;
- 3 APPROVES the application for Planning Approval dated 29 April 2004 and amended plans dated 7 December 2005, submitted by the applicant, Martin Dickie, Dickie Architects, on behalf of the owner, Clayton Sanders for a development comprising one commercial and three grouped dwellings on Lot 509 (73) Grand Boulevard, Joondalup, subject to the following conditions:**
 - (a) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes and radio masts to be designed and located so not to be visible from the primary street;**
 - (b) No obscure or reflective glazing being used for the commercial unit fronting onto public spaces and road reserves;**
 - (c) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**
 - (e) Five car parking spaces are to be allocated to the commercial unit;**
 - (e) A screen of 1.6 metres is to be provided along the side of the balcony as shown on the approved plans;**

- (f) The footpath treatment in the adjoining road reserve to be continued to the property boundary in a design with a finished floor level that matches the existing paving and at a grade 2% rising from the kerb line, prior to the development first being occupied;
- (g) Suitable capping is to be provided to the satisfaction of the Manager, Approvals, Planning & Environmental Services along adjoining boundaries so that any gap between the existing walls of the adjoining developments on the joint boundaries and the proposed parapet walls of this development are closed. The capping is to be painted to match the development;
- (h) The ground level walls of the development are to be coated with sacrificial coating to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
- (i) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off street Car parking (AS2890). Such areas are to be constructed, drained and marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
- (j) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services. The proposed storm water drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (k) A Refuse Management Plan is to be submitted as part of the Building Licence application;
- (l) No person shall occupy or permit or offer to be occupied, the studio as a household independent of the household of the main dwelling component of the development. The studio shall only be occupied as part of the dwelling use of the main dwelling. The studio shall not be subdivided or strata titled so as to render the studio on a lot separate for the main dwelling component of the development.

Footnote:

- 1 A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building;
- 3 All ensuites, bathrooms, toilets and laundries are to be mechanically exhausted ventilated and flumed to external air;
- 4 The commercial disabled toilet is to be mechanically exhaust ventilated and flumed to external air;

- 5 With respect to condition (e) above, the screen shall meet the requirements of the Residential Design Codes 2002.**

Appendix 19 refers.

To access this attachment on electronic document, click here: [Attach19brf140206.pdf](#)

ITEM 23 APPLICATION FOR RETROSPECTIVE PLANNING APPROVAL OF A TEMPORARY SALES / MARKETING OFFICE ON LOT 100 (500) BURNS BEACH ROAD, BURNS BEACH – [063362]

WARD: North Coastal

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning and Community Development

PURPOSE

To give consideration to an application for planning consent for a temporary sales/marketing office on Lot 100 (former Lot 9020) Burns Beach Road (corner Marmion Avenue), Burns Beach.

EXECUTIVE SUMMARY

The sales office is to market the Burns Beach residential subdivision, the first stage of which was approved by the Western Australian Planning Commission in November 2005. The development of the estate was subject to a comprehensive structure planning and subdivision process, through the City and the Western Australian Planning Commission.

The proposed sales office is a transportable building that can be relocated throughout the subdivision, subject to Council approval and depending on the staged release of lots within the estate.

As the sales office is already operating from the site, the application is now for retrospective approval. The proposal is considered to be a use class not listed under District Planning Scheme No.2 and which is consistent with the objectives and purposes of the Urban Development zone. The proposed use is therefore permitted in accordance with clause 3.3(a) of the Scheme and is supported.

BACKGROUND

Suburb/Location: Lot 100 Burns Beach Road, Burns Beach
Applicant: Instant Transportable Offices Pty Ltd
Owner: Burns Beach Property Trust
Zoning: DPS: Urban Development
 MRS: Urban
Site Area: Approx 147 hectares
Structure Plan: Structure Plan 10 (Burns Beach)

Approval has recently been granted for a sign advertising the proposed residential development and the sign has been erected at the subject site. The landowner proposes to sell residential lots from the temporary sales office prior to and during the construction of the various stages of the estate. The land on which the sales office will be located will ultimately form part of an area of public open space associated with a future primary school within the estate.

DETAILS

Issues and options considered:

Council is required to determine whether or not the proposed land use is a listed land use class under District Planning Scheme No 2 (the Scheme). If Council determines it to be a listed use class, the application must be determined in accordance with the permissibility of that use in the Urban Development zone under District Planning Scheme No 2. However, if it is considered that the proposed use is a use class not listed, Council then needs to determine whether the proposal meets the objectives and purpose of the Urban Development zone and therefore, if the proposed use:

- (i) is a permitted land use;
- (ii) may be consistent with the objectives and intent of the zone, and advertising of the proposal is required before a decision can be made on the development application; or
- (iii) is a prohibited land use.

Secondly, having determined the land use classification, Council is then required to make a determination on the application for Planning Consent. In this instance, the issues to be considered include setbacks and car parking.

Link to Strategic Plan:

The Strategic plan includes a strategy to recognise the changing demographic needs of the community. The proposed development for which the sales office is marketing, is a broadacre residential subdivision at Lot 100 (500) Burns Beach Road (corner of Marmion Avenue), Burns Beach.

Legislation – Statutory Provisions:

The subject site is zoned Urban Development under the Scheme. Clause 3.12.2 of the Scheme states:

Subject to Clause 9.11 of this Scheme, no subdivision or other development should be commenced or carried out in an Urban Development Zone until a structure plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision should be commenced or carried out, and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan.

The subject site is within the Burns Beach Structure Plan, which was adopted by Council on 9 August 2005, following amendments being made to the Structure Plan at the request of the Western Australian Planning Commission, which certified the Structure Plan on 3 May 2005.

With regard to the sales office being a use class not listed, clause 3.3 of the Scheme states:

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*

- (b) *determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Clause 6.12 relates to approval of existing developments. Specifically, Clause 6.12.1 reads:

The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The proposed sales office is considered to be a temporary use and the office is located on the Burns Beach Road frontage, approximately 200 metres west of the intersection with Marmion Avenue. The closest residential land use is on the opposite side of Burns Beach Road and it is considered that the residential lots are sufficiently removed that the use will not create an adverse impact on those lots. Therefore consultation is not required in this instance.

COMMENT

Determination of land use

The Burns Beach Structure Plan does not include any specific provisions stating that a sales/marketing office can be incorporated into the structure plan area. In this regard, Part 4.0 of the Structure Plan states that:

Unless provided for by specific requirements of this Structure Plan, all requirements shall be in accordance with the provisions of the City of Joondalup District Planning Scheme No 2 or such amendments or modifications thereto that may be current.

The use, being a temporary sales office, must therefore be considered under the Scheme.

As there is not a listed land use under the zoning table for a sales/marketing office, it is considered that the sales office is a use class not listed and is therefore subject to the provisions of clause 3.3 of the Scheme. The town planning delegation notice does not give delegated authority to the Director Planning and Community Development or any other delegate, to determine an application for a use class not listed.

Under clause 3.3, it is necessary to determine whether:

- (i) the application meets the objectives of the Urban Development zone and is therefore permitted;
- (ii) the proposed use may be consistent with the objectives and purpose of the Urban Development zone and advertise in accordance with clause 6.7; or
- (iii) the use is not consistent with the objectives and therefore refuse the application.

With regard to point (i) above, the objectives of the Urban Development zone are to:

- (a) designate land for future urban development;
- (b) provide for the orderly planning of large areas of land of residential and associated purposes through a comprehensive structure planning process; and
- (c) enable planning to be flexible and responsive to changing circumstances throughout the development of the area.

In regard to meeting the objectives and purposes of the Urban Development zone, the sales office is a temporary use required to sell residential lots within an approved subdivision. It is considered that the temporary land sales office is consistent with the objectives and purposes of the Urban Development zone, as this use will facilitate the sale of lots that have been created through a comprehensive structure planning and subdivision process.

In summary, the proposal is considered to be a use class not listed which is consistent with the objectives and purposes of the Urban Development zone and therefore is permitted in accordance with clause 3.3(a) of the Scheme.

Assessment of the application

The temporary sales office is proposed to have a 15 metre setback to Burns Beach Road, with a rear setback of 2 metres and side setbacks to the western and eastern boundaries of 13.6 metres and 2 metres respectively. The proposed setbacks of the temporary sales office are considered acceptable and will not adversely impact on any nearby residential properties.

The subject site has been cleared and pine and ringlock fencing is proposed to be installed to prevent vehicular and pedestrian access to adjacent vegetation areas to the north and east.

Access to the site is proposed to be from a single crossover, approximately 223 metres west of the Burns Beach Road/Marmion Avenue intersection. The separation distance between the crossover and the intersection is considered appropriate and will not have any adverse traffic impacts.

It is recommended that a parking area with provision for 5 parking bays and an adequate turning area be provided on site and that such an area be paved or covered with loose bitumen in order to reduce any potential for wind blown dust.

Other temporary sales offices approved within the City have generally been approved for a period of 2 years only. It is therefore recommended that retrospective approval be granted for the temporary sales office, with the sales office being required to be removed within 2 years or prior to the subject site being ceded to the Crown as public open space, whichever occurs first.

ATTACHMENTS

Attachment 1 Locality Plans
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **DETERMINES** under Clause 3.3(a) of District Planning Scheme No 2 that:
 - (a) a temporary sales / marketing office is deemed to be a use class not listed;
 - (b) the proposed use meets the objectives and purpose of the Urban Development zone, and therefore, is a permitted land use;

- 2 **APPROVES** conditional of point 1 above, the application for planning approval received on 2 November 2005, submitted by Instant Transportable Offices Pty Ltd on behalf of the landowner, Peet and Company, trading as Burns Beach Property Trust, for retrospective approval for a temporary sales/marketing office on Lot 100 (500) Burns Beach Road, Burns Beach subject to the following conditions:
 - (a) The temporary sales office shall be removed within 2 years of the date of this decision or prior to the subject land being ceded to the Crown as public open space, whichever occurs first;
 - (b) A car parking area with a minimum of 5 parking bays and adequate turning area shall be provided within the property boundaries. Details of the parking location, layout and the materials to be used shall be submitted and approved by the Manager Approvals, Planning and Environmental Services. The parking area shall be constructed to the satisfaction of the Manager Approvals, Planning and Environmental Services;
 - (c) Pine and ringlock fencing being provided on the property boundaries, as depicted on the approved plans, to the satisfaction of the Manager, Infrastructure Management and Rangers Services.

Appendix 20 refers.

To access this attachment on electronic document, click here: [Attach20brf140206.pdf](#)

ITEM 24 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – NOVEMBER AND DECEMBER 2005 - [07032]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

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

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

The purpose of delegation of certain powers by Council is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a yearly basis. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

The normal monthly report identifies the major development applications that have been determined under delegated authority. A second approval process exists which deals with requests for Council to exercise its discretion to vary an acceptable standard of the Residential Design Codes for a single house. This process is referred to as “R-Codes variation approval for single houses” (this was introduced by the 2002 R-Codes).

This report provides a list of the development applications determined by those staff members with delegated authority powers during the months of November and December 2005 (see Attachment 1 and 2 respectively) and now includes the codes variations referred to above.

BACKGROUND

The number of development applications determined for November 2005 under delegated authority and those applications dealt with as an “R-code variations for single houses” for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of November 2005		
Type of Approval	Number	Value (\$)
Development Applications	133	\$11,070,351
R-Code variations (Single Houses)	71	\$695,385
Total	204	\$11,765,736

In addition, there were 2 development applications determined by Council during this month at a value of \$715,000.

The number of development applications received in November 2005 was 115 (This figure does not include any applications that may become the subject of the R-Code variation process).

Approvals Determined Under Delegated Authority – Month of December 2005		
Type of Approval	Number	Value (\$)
Development Applications	107	20,379,452
R-Code variations (Single Houses)	57	1,176,886
Total	164	21,556,338

In addition, there were 5 development applications determined by Council during this month at a value of \$370,000.

The number of development applications received in December 2005 was 89 (This figure does not include any applications that may become the subject of the R-Code variation process).

Suburb/Location: All
Applicant: Various – see attachment
Owner: Various – see attachment
Zoning: **DPS:** Various
MRS: Not applicable

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Joint Commissioners, at their meeting of 19 July 2005 considered and adopted the most recent Town Planning Delegation.

DETAILS

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Legislation – Statutory Provisions:

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees.

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:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 133 applications determined, during November 2005, consultation was undertaken for 42 of those applications.

Of the 107 applications determined, during December 2005, consultation was undertaken for 30 of those applications.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in 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 and crosschecked in accordance with relevant standards and codes.

ATTACHMENTS

Attachment 1	November 2005 Approvals – Development Applications
Attachment 2	December 2005 Approvals – Development Applications

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the applications described in this Report for the months of November and December 2005.

Appendix 21 refers.

To access this attachment on electronic document, click here: [Attach21.brf140206.pdf](#)

ITEM 25 LAND REQUEST FOR PROPOSED COMMUNITY HOUSE IN CRAIGIE LOT 671 (178) CAMBERWARRA DRIVE (CORNER OF PERILYA ROAD) – [23562]

WARD: Pinnaroo

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To consider the possible disposal of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development (DCD).

EXECUTIVE SUMMARY

At its meeting of 13 December 2005, Council was presented with a report to consider a request from the Department for Community Development to dispose of Lot 671 (178) Camberwarra Drive, Craigie for the purpose of constructing a Community House. After considering the report, Council resolved that:

"Consideration of the land request for proposed community house in Craigie Lot 671 (178) Camberwarra Drive (corner of Perilya Road) be REFERRED back to the administration for a further examination of the leasing options that were put to Council at market rental, with a further report being presented to Council in February 2006."

On 4 January 2006 the City wrote to DCD to seek their position in regard to the option of leasing the land at market value. DCD advised that this was not a desirable outcome for them and were hopeful of a peppercorn rental.

Other than the Executive Summary, this report has remained unchanged.

The supplementary information has been discussed separately at the end of the report.

It is recommended that Council:

- 1 *SUPPORTS this State Government initiative by agreeing to the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development for the construction of a Community House in accordance with the provisions of the Local Government Act (1995) and the Local Government (Functions and General) Regulations 1996;*
- 2 *AGREES to the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development at its market value at "highest and best use" as determined by an independent property valuer selected by the CEO on behalf of the City of Joondalup;*
- 3 *AGREES that any funds acquired as a result of the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development be transferred to the City's Strategic Asset Management Reserve Account.*

BACKGROUND

Suburb/Location:	Lot 671 (178) Camberwarra Drive Craigie
Applicant:	State Government Department for Community Development
Owner:	The City of Joondalup
Zoning:	DPS: Civic and Cultural
	MRS: Urban

On 23 March 2005, the City received correspondence from DCD regarding Lot 671 Camberwarra Drive in Craigie. The correspondence indicated that this site had been identified as the most suitable for the construction by DCD of a Community House. The request from DCD outlined its desire for the City to transfer the land to DCD by either gift, lease at a peppercorn rate, or sell at a reduced price.

The State Government, via DCD, is seeking to develop a Community House in Craigie as a result of research undertaken which indicates that there is significant social need in the area for a Community House facility. The State Government has approved the sum of \$390,000 for the purchase of land in Craigie for this purpose.

In order for the development of a Community House in Craigie to proceed, the State Government has transferred an amount of \$500,000 that was previously committed to a joint project with the City for a community facility in Currambine. The State Government's contribution of \$500,000 to the Currambine facility was on the basis that the City of Joondalup would match the funding on a dollar for dollar basis and with some components of the facility designed to meet the specific needs of DCD. Preliminary designs for the Currambine facility had included spaces in which counselling and children's services could be conducted.

The decision by DCD to progress the development of a Community House in Craigie was based on data reflecting client numbers, which are higher than in other suburbs of the City. Indicators such as the number of low-income families on Centrelink payments (22%), the number of rental properties (17%) and one-parent families (22%) indicate to DCD that Craigie is a suburb of significant need. The location of the Community House facility within Craigie would not only assist that suburb, but also provide services to residents of Beldon and Padbury, which are also suburbs known to have high social needs.

Indication from DCD is that whilst \$500,000 has been allocated to the project, this amount would only provide a modest Community House. If the City was to gift the land to DCD, it has been suggested that the additional funding of \$390,000 would facilitate the provision of a significantly enhanced facility. This is identified as a preferred option by DCD.

Prior to approaching the City, DCD engaged recognised Property Consultants to seek site options for a Community House. Several potential sites were identified, however the majority were deemed unavailable or unsuitable. The City of Joondalup property in Camberwarra Drive was assessed by DCD to be ideal for the project. The site is 2,000 square metres; it is zoned for Civic and Cultural use and is ideally located in Craigie.

The other sites identified by DCD in the research process and the reasons they considered them not to be suitable are as follows:

PROPERTY	REASON
▪ Lots 1 and 3 Eddystone Avenue	Not supplied by DCD
▪ Lot 674 Eddystone Avenue	Not supplied by DCD
▪ Part of Lot 1025 Camberwarra Drive	Steep grade, not viable
▪ Part of former Craigie High School	Not central and DCD unable to determine availability

The subject land was transferred from North Whitfords Estate Pty Ltd to the City of Joondalup on 13 June 1979, free of encumbrances and at nil consideration, as part of the subdivision process. The City has not identified any immediate use for the property to date.

Community Houses offer State Government programs that support the social well being of community members. A community-based management committee usually manages the activities of the facility and the programs offered are determined by the assessment of and response to community need. Examples of the kinds of support services that are offered through a Community House program are:

- Parenting courses
- Financial Counselling
- Emergency relief funds disbursement
- Low-cost legal services
- Support groups for families with disabilities
- Support groups for families experiencing domestic violence
- Counselling
- Self esteem courses
- Leisure and recreational opportunities

Other than Financial Counselling the types of services and programmes that are identified for this community house are outside of the sorts of services the City would seek to provide. The opportunity for the City to have the state government to provide a facility from which these services could be provided is an ideal situation, but as they are State Government services, they should be fully funded by the State.

The matter was first considered by the Council at its meeting 30 August 2005 where it was resolved to:

- (i) defer consideration of the land request for the proposed Community House in Craigie,
- (ii) obtain from the DCD further outcomes for service, and
- (iii) seek a greater level of detail regarding the costs of building the community house.

In response to this request by the Council the City corresponded with DCD on 6 September 2005, a subsequent meeting to assist the officers from DCD to provide the required information was convened on 23 September 2005. A response from DCD to the City's request was received on 12 October 2005, and is attached as attachment 2.

DETAILS

Lot 671 (178) Camberwarra Drive Craigie (refer attachment 1 - site map) was valued by an independent valuer on behalf of the City in June 2004, at \$360,000. The current zoning "Civic and Cultural" does not allow residential development on the site, without a successful rezoning amendment to the City's District Planning Scheme Number 2. The land is adjacent to the Perilya Road commercial precinct and the eastern portion of the lot is affected by a car park adjoining the bowling alley. An agreement is in place for reciprocal parking rights for this lot and the adjoining bowling alley lot. (see Issues Regarding Car Parking Arrangement)

The current zoning of Civic and Cultural on the site would allow the Community House to be developed without advertising the intention for use. It would be advantageous, however, to implement an advertising period of between 21 and 28 days as a discretionary strategy to ensure that the local community are fully informed regarding the proposed Community House.

There are a number of local community facilities located in Craigie and the surrounding suburbs. These buildings meet a variety of needs. Examples of “community model” buildings of this nature are Granny Spiers Community House in Heathridge and the Homestead Community Houses in Beldon and Kingsley. These facilities are built on the model of a large residential building, and designed specifically to create a homely atmosphere. Research demonstrates that this model is a successful way in which to offer social services to local communities. Being located in Camberwarra Drive, Craigie the Craigie Community House would be situated some distance from other “like” facilities.

The facility is likely to assist and support the community for the following reasons:

- The facility will provide services that are not readily available to the residents of Craigie
- The programs on offer will be different to those offered by other similar community facilities in closest proximity
- Other Community Houses – Granny Spiers and Beldon Homestead are well utilised.
- The demographics of Craigie are indicative of an area that requires the delivery of these sorts of services
- The program’s would complement rather than detract from those of other community facilities.

Within reasonable proximity of the proposed site are facilities such as the Craigie Leisure Centre, Ocean Ridge Leisure Centre, Rob Baddock community hall and clubroom facilities such as Guy Daniels and Warrantdyte. These facilities are purpose-built and better suited to providing for sport and leisure activities. These buildings are well used at peak times and offer limited options for the types of services that are likely to be based at a community house facility.

The additional information provided by DCD identified that their position of highlighting Craigie as an area of need was based upon key factors from, Australian Bureau of Statistics data, the Department for Community Development’s client services data and the Department of Health’s Early Developmental Index indicators.

From the data that is available DCD have indicated that the Craigie area has a relatively high number of at risk and vulnerable children due to one or more of the following issues.

- A relatively high percentage of low-income families working or on Centrelink pensions.
- Relatively high number of one parent families including teenage parents
- Social isolation due to poor extended family support
- Significant issues of social violence
- Alcohol and drug abuse, affecting financial management and family and individual functioning
- Limited participation in local community networks and community organisations, often because of feelings of disenfranchisement from the community
- High number of rental properties which lead to a feeling of not belonging to an area

The above information was supported with advice provided by Centrelink, which has not been presented as it is considered confidential and therefore inappropriate for public presentation.

As a result of the issues identified as prevalent in the Craigie area, DCD are seeking the following desired outcomes from the development of a Community House:

- Reduced number of at risk and vulnerable children
- Support for low income and pension supported families
- Strengthening family and community support
- Address family and domestic violence, elder abuse and homelessness
- Address drug and alcohol abuse
- Increase local participation ins local community networks and organisations

In the response from DCD they did not state how the community house will meet identified community needs.

The cost of constructing a facility such as the one proposed for the Craigie community would be based on a rate provided by DCD of \$2,000/m². This figure includes consultancy fees and fit out.

Some preliminary work done by DCD has indicated that given the 2000m² size of the block, they would look at developing a facility of between 400 and 500m², with a fenced play area of approximately 200m². The parking requirement would need to be determined at the time any formal application to develop the land was lodged.

If a building of these dimensions were to proceed based on the indicative cost of \$2000m², the total cost of the building to DCD would be between \$800,000 and \$1million.

Issues and Options:

In considering the formal approach made by DCD to the City, for the land for the development of a Community House, the City has a number of options.

- | | |
|----------|--|
| Option 1 | Sell the land to the Department for Community Development at full market value. |
| Option 2 | Sell the land to the Department for Community Development at a reduced market value. |
| Option 3 | Offer the land as a gift to the Department for Community Development. |
| Option 4 | Lease the land to the Department for Community Development at peppercorn rental. |
| Option 5 | Lease the land to the Department for Community Development at full market rental |
| Option 6 | Lease the land to the Department for Community Development at reduced market rental |

The implications of each option are identified below:

- Option 1 Sell the land to Department for Community Development at full market price

A market valuation of the land was undertaken as at 18 October 2005 by a licenced valuer and the highest and best use of the land was considered to be a residential use, however, this would be subject to the successful outcome of a rezoning amendment from 'Civic and Cultural' to 'Residential' under the City's District Planning Scheme No. 2 and also taking into account the information within the legal agreement stamped 31 August 1989.

Information from the valuation report states that should rezoning be successful and the land was subdivided into four lots, a developer would be prepared to pay a value of between

\$410,000 and \$444,000. Should the City be prepared to use its own resources to carry out the subdivision into four lots, the City could expect to receive between \$536,000 and \$580,000, which would include the profit and risk factor normally taken by the developer and interest on the land value.

Option 2 Sell the land at a reduced market price

This option has some financial benefits for the City due to the market value of the property, at the same time allowing DCD to make a greater contribution to the construction of the Community House. However, prior to Option 3 being considered further, a plan of the proposed facility and estimated cost for its development together with the type of reduction to be considered should be determined.

Option 3 Offer the land as a gift to Department for Community Development

If gifted, the land would become an asset of the State Government and the City would forego the market value of the property in the Strategic Asset Management Reserve. While the services to be provided are clearly a State responsibility, there would be some local community benefit in that the \$390,000 allocated for the purchase of land would enable DCD to construct an enhanced facility. The City would receive positive recognition as a result of its contribution to the local community.

Option 4 Lease the land at peppercorn rental

City could offer the land to the DCD on a peppercorn rental, for a period of 21 years and the DCD to undertake full maintenance of the property. This arrangement has to take into account nil rental return for that period and possibly inheriting a facility that requires significant maintenance. If the lease agreement is not renewed, the building would revert back to the ownership of the City.

Option 5 Lease the land at full market rental

The City could also offer the land to the DCD on a ground lease and based on the information in the recently acquired valuation, the City could expect a rate of return of between 6% and 8.5%. The valuer's evidence indicated that this was typical for a community building on local government land with a long period lease in place. The rentals obtained in the evidence provided for market review every three years

A rate of return at the high end of the valuation of \$444,000 and would return approximately \$35,000 per annum to the City. Over a 21 year term with 5% increases per year, the total return to the City would be in the vicinity of \$1,250,000 and the value of the land based on a 10% per annum increase could be \$3,000,000.

Option 6 Lease the land to the Department for Community Development at reduced market rental

Within the City's Policy 4.2 – Setting Fees and Charges for lease fees it states:

Lease fees

'Lease Fees' includes all property where a formal agreement to lease, contract to lease or license to occupy is in place or should be in place.

- 1 *Council recognises that not-for-profit groups are generally:
 - (a) providing a benefit to the community; and
 - (b) not in a position to pay commercial lease rates;*
- 2 *The standard lease fee is therefore set as follows:
 - (a) not-for-profit organisations - equivalent of 1% of current capital replacement cost per annum;
 - (b) lease fees will be determined in proportion to any contribution mad by a user group to the capital cost;
 - (c) all others - market value;
 - (d) inclusion of GST where applicable;*
- 3 *Lease fees for vacant land provided to not-for-profit organisations will be that determined by the Valuer-General. Such leases or rental agreements will provide mechanisms for revaluation every three years;*
- 4 *Capital cost will be determined by the Director Corporate Services & Resource Management;*
- 5 *Any existing anomalies to this policy will be rectified as the opportunity arises.*

As DCD is a government organisation, a peppercorn rental under the City's Policy 4.2 is not applicable. With regard to point 3, the Valuer General was not used for the recent valuation, as there are extensive delays when using this department. Generally speaking, the Valuer General is considered to be conservative when undertaking valuations when compared to valuations carried out by a commercial valuer.

By offering the area of land to DCD at a market ground rent or a reduced rental (Options 4,5 and 6) the City would enable the construction of the Community House to proceed whilst it retains ownership of the land. At the end of the lease term, the building is retained by the City and from an asset perspective provided the facility has been fully maintained, this is an advantage, however, the City has also to consider the consequences of inheriting the services from within the facility

Selling the land to DCD at market or reduced value (Options 2 and 3) would both generate funds, that could be set aside in the Strategic Asset Management Reserve Account, to be used for new community facilities or for capital improvements on existing community facilities.

Gifting the land to DCD (Option 1) would effectively hand the State Government the land with no financial return to the City of Joondalup. It is considered that the State Government is presently in a strong financial position and could fund the purchase of the land at market value and the building of a suitable facility from which it would provide State Government services.

Issues Regarding Car Parking Agreement

It should be noted that there is a legal agreement stamped 31 August 1989 between the City and the owners of AMF Craigie Bowl at Lot 672 (9) Perilya Road, Craigie which is on the eastern boundary of the City's Lot 671. The legal agreement allows the owners of the bowling centre to encroach onto the City's land for use as a car park and to maintain the encroached area. The agreement future states that in the event that the City develops a community facility on Lot 671, the users of the community facility may use this car parking area. A six metre wide landscaping strip was also to be developed along the boundary of the City and bowling centre land as a temporary measure pending the development of a community facility on the City's land, but this was never carried out. The agreement states that both parties and any successors in title are bound by the agreement for as long as Lot 672 is used as a bowling centre or similar use.

Link to Strategic Plan:

Objective 3.1

To develop and maintain City of Joondalup's assets and built environment.

Disposal of an Asset by the City of Joondalup

The land at Lot 671 (178) Camberwarra Drive (Corner of Perilya Road) is unencumbered. The disposal of land by the City would not require a Business Plan if the disposition is less than \$1,000,000.

Legislation – Statutory Provisions:

A disposition of land is defined under section 3.58 of the Local Government Act 1995 to include selling, leasing or otherwise disposing of property whether it be the whole or part of the property. Section 3.58 needs to be adhered to unless the disposition is an 'exempt disposition' as defined under regulation 30 of the Local Government (Functions and General) Regulations 1996. As the City proposes to dispose of the property to State Government, Regulation 30(2)(c)(ii) qualifies the disposition as an exempt disposition.

Accordingly, if the City disposes of the land, by way of sale or a lease agreement to DCD, the statutory requirement outlined above will have been met.

The City has no statutory responsibility to provide this sort of community facility or the types of services as proposed to occur in the facility. The responsibilities vested in the City relate to the following of proper process regarding disposal of freehold land, land ownership, planning and land use.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Lot 671 Camberwarra Drive Craigie (Corner Perilya Road) was valued in June 2004 at \$360,000. The most recent valuation, carried out in October 2005, estimated that the land value has increased to between \$410,000 and \$444,000. The disposal of this property at market value would generate funds, which could be placed in the Strategic Asset Management Reserve Account.

The leasing of the land to DCD at 8.5% (highest lease return as determined by the valuer) on the higher end valuation of \$444,000 for the un-subdivided land, would return to the City approximately \$35,000 per annum. With 5% increases per year, the total 21 year return to the City would be in the vicinity of \$1,250,000 and the value of the land, based on a 10% per annum increase, could be \$3,000,000.

Policy Implications:

The City does not have a policy on the disposal of its freehold land, however, Policy 7.3 – Community Facilities – Built states as its objective for the City's procurement of new buildings or additions that such buildings or additions shall be subject to review to ensure that they meet the objectives of:

- Strategic Plan;
- Corporate responsibilities, and
- Identified needs.

From preliminary investigations it is known that the Strategic Asset Management Reserve has a significant shortfall and to dispose of this property for any value less than market would dilute the City's net asset position.

Regional Significance:

The construction of a community facility in the suburb of Craigie is fundamentally a local issue. The services provided would be mainly intended for delivery to residents of the City of Joondalup who live near to the facility.

Sustainability Implications:

The proposal to provide a Community House in the suburb of Craigie addresses the diverse needs of the local community and will have a positive effect on the development of a healthy, equitable, active and involved community.

The Community House will address the objectives outlined earlier in the report.

Disposal for less than market value would negatively impact on the City's financial sustainability.

Consultation:

The City has been made aware of the desire of a number of local members of the community for this facility to proceed.

COMMENT

Through the sale of the land sought by DCD the City has an opportunity to direct the proceeds into the Strategic Asset Management Reserve for funding its current and future asset responsibilities. Whilst no specific project is identifiable at this time it is likely that there will be a future opportunity to benefit from the availability of the funds from this sale for other community buildings. One potential project that could benefit from the generation of funds in this manner is the Currambine Community Centre. However this project will undergo a feasibility study during the 2005/2006 budget year.

The Currambine project was a City project with a funding contribution from DCD. The facility was to incorporate DCD requirements for joint use of the facility. Following DCD's decision to remove funding it left the City short of funds for the project at that location.

The Community House project is entirely a DCD project for their programs. The City has no identified immediate need for a community facility at this location for programs normally run by the City. DCD are seeking the City's contribution (through the land value) to fund the Community House facility for their programs.

If the City were to purchase land from the State Government the price would be based on the market value of the land at its "highest and best" use which is based on the same principle used in the City's recommendation.

The lease options are not recommended due to the fact that at the end of the lease period the property would revert to the City who would be responsible for refurbishing and maintaining the building. The City is also concerned in relation to the continuation of those services and does not wish to get caught up in a cost shifting exercise.

ADDITIONAL INFORMATION

Following the Council resolution of 13 December 2005 the City wrote to DCD to seek their position in regard to the option of leasing the land at Lot 671 (178) Camberwarra Drive, Craigie for the construction of a Community House (refer letter to DCD dated 4 January 2006 - attachment 4).

DCD indicated that they were appreciative that the City was still considering their request however they saw any outcome other than a peppercorn rental as being undesirable (refer letter from DCD dated 30 January 2006 - attachment 5).

DCD does not qualify for a peppercorn lease under Council Policy 4.2 - Setting Fees and Charges.

Additionally, leasing at market value is not recommended as the building would be designed for a specific purpose and may well be a liability at the end of the lease period, when ownership reverts to the City. The City is currently considering the impact of building asset management issues in its draft 20 Year Financial Management Plan and whilst not finalised at this stage, asset replacement costs will be a significant matter for successive Councils to address.

The recommendations from the meeting of 13 December 2005, including that the land be sold to DCD at its market value at "highest and best use" are still supported for the reasons outlined above.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Map of the site |
| Attachment 2 | Additional information from Department for Community Development |
| Attachment 3 | Letter from Kevin Wringe, District Manager Joondalup office Department for Community Development - 23 March 2005 (attached for information only) |
| Attachment 4 | Letter to DCD dated 4 January 2006 |
| Attachment 5 | Letter from DCD dated 30 January 2006 |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 SUPPORTS this State Government initiative by agreeing to the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development for the construction of a Community House in accordance with the provisions of the Local Government Act (1995) and the Local Government (Functions and General) Regulations 1996;**
- 2 AGREES to the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development at its market value at “highest and best use” as determined by an independent property valuer selected by the CEO on behalf of the City of Joondalup;**
- 3 AGREES that any funds acquired as a result of the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development be transferred to the City’s Strategic Asset Management Reserve Account.**

Appendix 22 refers.

To access this attachment on electronic document, click here: [Attach22brf140206.pdf](#)

BACKGROUND

At its December 2005 meeting, Council, in part, resolved:

- 5 *In accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the draft Policy as per Attachment 4 for the purpose of public advertising for a period of twenty-one (28) days for public comment;*
- 6 *NOTES that no amendments to Policy 3-2 Height and Scale of Buildings within a Residential Area are required;*
- 7 *In the event that Council adopts for final approval 'Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zones)' AMENDS the Town Planning Delegations to read that, in relation to the Policy 3-4, no delegation to officers would apply.*

DETAILS

Issues and options considered:

The draft local planning policy seeks to introduce a height limit of 10 metres in the non-residential zones of the coastal strip. For the sake of consistency with State controls and having regard to the lack of a more transparent alternative measure, the coastal strip is proposed to be the area 300 metres from the horizontal setback datum of the coast as defined by the Western Australian Planning Commission's (WAPC) State Coastal Planning Policy (Statement of Planning Policy 2.6).

The draft policy is proposed as an interim measure while an amendment to DPS2 is progressed, given that the DPS2 amendment may take up to nine months to finalise.

Key Sites

There are a limited number of non-residential zoned sites in the coastal area. Some of these sites are covered by structure plans that contain provisions in regard to height. The key coastal sites (Attachment 3) are as follows:

Coastal areas (non-residential zonings) not currently covered by a structure plan are:

- West Coast Drive corner The Plaza, Sorrento (commercial area)
- West Coast Drive corner The Plaza, Sorrento (Sorrento Beach Resort)
- Oceanside Promenade (Mullaloo Tavern site), Mullaloo
- Sacred Heart College, West Coast Drive, Sorrento
- Northshore Country Club, Northshore Drive, Kallaroo

Other key areas that are included in broad acre structure plans focused on the development of substantial parcels of land:

- Hillarys Structure Plan - West Coast Drive corner Hepburn Ave ('Harbour Rise' mixed use area, 2 storey with possibility of 3 storey height limit)
- Iluka Structure Plan 'Centre Zone' (3 storey height limit)
- Burns Beach Structure Plan 'Beach Shop' precinct (no height limit stated)

Policy 3-2 Height and Scale of Buildings covers all areas zoned 'Residential' it is not proposed to alter that policy.

Options

In considering the submission on the draft policy, Council can:

- Not adopt the proposed policy,
- Adopt the proposed policy for final approval,
- Modify the proposed policy, and adopt the modified policy for final approval.

Link to Strategic Plan:

Key Focus Area: City Development

Outcome: The City of Joondalup has well maintained assets and built environment.

Objective 3.1: To develop and maintain the City of Joondalup's assets and built environment.

Legislation – Statutory Provisions:

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of local planning policies and amendments or additions to policies.

Following advertising of the draft policy, Council is required to review the policy in light of any submissions made and then resolve either to finally adopt the draft policy with or without modifications, or not proceed with the draft Policy.

Risk Management considerations:

Building height along Perth's coast is a current community issue and there is a risk involved in not addressing or providing direction on the issue.

Depending on the height limit determined, there is a risk that development incentives may be reduced as there is seen to be limited economic return in rejuvenation or development of a particular site.

Financial/Budget Implications:

There are sufficient funds within operational budgets to cover this statutory planning process.

Regional Significance:

The coastline within the City of Joondalup area is a regional asset, which attracts both locals and visitors to the area. There has been recent media attention on the various aspects of development on the Perth coast, including the potential height of buildings. The proposed amendment seeks to provide a balanced response to the issue of development and the protection and enhancement of the coastal asset.

Sustainability implications:

The development of small community activity hubs near the coast is considered to be desirable, as these will provide facilities that allow the local and wider community to enjoy the coast. These facilities can add to the social wellbeing of the community, provide additional employment opportunities, and potentially provide a choice of housing. There are economic benefits by attracting small businesses to the area, as well as potential indirect economic benefits by attracting visitors to the City of Joondalup.

High-rise development also has environmental implications such as overshadowing of adjoining areas, including beach areas. The visual impact of high-rise development on the coastal strip is an issue, particularly in the context the adjoining low rise development. The potential 'over-development' of the coastal strip has implications on the physical environment, and how the coastal strip is perceived.

Consultation:

The draft policy was advertised in accordance with clause 8.11.3 of DPS2 by way of a notice published once a week for two consecutive weeks in the local newspaper, giving notice where the draft policy could be inspected. The draft policy was also advertised on the Council's website. The advertising period was from 17 December 2005 to 24 January 2006.

Two hundred and seventy seven (277) submissions were received during the public comment period, of which two hundred and seventy (270) supported the draft policy. Two hundred and fifty seven (257) of the submissions in support of the draft policy were pro-forma submissions.

Seven (7) submissions of non-support were received.

All submissions have been summarised and appear at Attachment 4.

COMMENT

The main issues/themes raised in the submissions are outlined with officer's comments as follows:

Policy is silent on structure plans

Comment: If a particular lot within a structure plans area falls within the 300m coastal area, then development will be subject to the policy. However, structure plans often contain their own height controls, which may or may not be more restrictive than the policy.

Policy should apply to MRS land

Comment: The draft policy is an interim measure while an amendment to DPS2 is progressed. As the provisions of DPS2 do not apply to land reserved under the MRS, to provide consistency, this land is not included in the interim policy.

Policy should not be absolute

Comment: One of the reasons for progressing the interim policy and subsequent DPS2 amendment is to provide a clear statement of Council's position on coastal height. While it is possible to leave height as a discretionary matter, it is considered that in this particular instance, a more definitive stance is required and expected by the community.

Definition of Ground Level confusing

Comment: A review was conducted of several other local planning schemes to ascertain how other Council's deal with the definition of ground level. This search has revealed that there is no consistent approach to the matter, and indicates the difficulty of defining the term. It is noted that the definition was developed with the assistance of the City's solicitor. The proposed definition attempts cover the various scenarios on ground level:

Non-developed land – means the undisturbed level. Historical records may need to be used if there is doubt as to whether the ground levels have been disturbed (for example, by the dumping of fill or sand on the site).

Developed sites – means that where the site contains or has contained an approved development, the level will be the level set by the development approval. For example, if the level of the site has previously been established by the development of a building, the natural ground level would be that established level.

300m coastal strip is not wide enough

The WAPC policy on coastal height initiates a 300m coastal area. In order to provide consistency on this definition and avoid confusion, it is proposed to utilise the same definition. It is not considered appropriate to treat the City as an homogenous entity, and variations in development standards (eg height) may be appropriate. The proposed 300m coastal area recognises the particularly sensitive nature of that area.

Conclusion

It is not considered that the advertising of the draft policy has raised any significant issues that would warrant Council not proceeding with the policy. It is therefore recommended that Council proceed to adopt the draft policy as final, without modification.

ATTACHMENTS

Attachment 1	Draft Local Planning Policy
Attachment 2	Extent of Coastal Area (plan)
Attachment 3	Key coastal locations
Attachment 4	Submission schedule

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY pursuant to Clause 8.11.3 of District Planning Scheme No 2 ADOPTS Policy 3-4 Height of Buildings Within the Coastal Area (Non-Residential) for final approval without modification;**
- 2 AMENDS the Town Planning Delegations to read that, in relation to the Policy 3-4, no delegation to officers applies;**
- 3 NOTES that the Policy 3-4 will be required to be rescinded in the event that provisions relating to the height of developments in non-residential zones adjacent to the coast are included in District Planning Scheme No 2.**

Appendix 23 refers.

To access this attachment on electronic document, click here: [Attach23brf140206.pdf](#)

Link to Strategic Plan:

City Development is a key focus area of the City's Strategic Plan. The proposals considered during the month relate closely to the objectives of providing for a growing and dynamic community.

Legislation – Statutory Provisions:

All proposals 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 details practices on reporting, assessment, and checking to ensure recommendations are appropriate and consistent.

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

No applications were advertised for public comment for this month, as either the proposals complied with the relevant requirements, or were recommended for refusal due to non-compliance.

COMMENT

Not Applicable

ATTACHMENTS

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the action taken by the subdivision control unit in relation to the applications described in this Report for the months of November 2005, December 2005 and January 2006.

Appendix 24 refers.

To access this attachment on electronic document, click here: [Attach24brf140206.pdf](#)

ITEM 28 WHITFORD COMMUNITY RATEPAYERS & RECREATION ASSOCIATION COMMUNITY BUS – [07310]

WARD: Whitfords

**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
 Planning and Community Development

PURPOSE

To seek approval for the City to support the replacement of the Whitford Community Ratepayers & Recreation Association's Community Bus and continue to provide the ongoing maintenance for a fixed period of three (3) years.

EXECUTIVE SUMMARY

At its meeting on 13 December 2005, Council was presented with a report seeking approval for the City to support the replacement of the Whitford Community Ratepayers & Recreation Association's Community Bus and continue to provide ongoing maintenance for a fixed period of three (3) years.

Council was provided with the following additional information prior to its meeting of 13 December 2005:

“A copy of the unsigned agreement between the then Shire of Wanneroo and the Land Developers is attached - Attachment 2 refers.

This copy of the agreement is the same as the one that the Whitford Community, Ratepayers and Recreation Association Inc have in their possession. Neither copy is signed and a signed copy is not able to be located, however, we have sighted correspondence from the developers to the Shire indicating that copies signed by the developers have been received.

As a result of the additional research we have undertaken, a correction to the report is required. The indication given is that the written agreement is between the Shire, the Land Developers and the Whitford Community, Ratepayers and Recreation Association Inc. It is now clear that the agreement was in fact only between the Shire and the land developers.”

After considering the report, Council resolved to defer the matter with:

“A request to the officers to seek to enter into an arrangement with the Whitford Community Ratepayers & Recreation Association that an all up donation is made to the Association, representing:

- the existing bus;*
- an amount equal to three (3) years maintenance; and*
- an amount equal to the stamp duty.*

On 9 January 2006, City officers met with representatives from the Association to discuss the various replacement options available. Following this meeting the Association was requested to submit additional supporting documentation detailing the estimated ongoing

costs of managing the bus. Other than the Executive Summary, this report has remained unchanged. The supplementary information provided by the Association has been discussed separately at the end of the report.

It is recommended that Council:

- 1 *AGREES to continue to support the Whitford Community Ratepayers & Recreation Association through the maintenance of the community bus for a fixed period not exceeding three (3) years, concluding on 30 June 2009;*
- 2 *AGREES to list for consideration an amount of \$19,079.92 in the 2006/2007 Draft Budget as a contribution to the Whitford Community Ratepayers & Recreation Association to assist in meeting the cost of stamp duty in the purchase of the replacement community bus (\$6,700) and the ongoing maintenance costs (including general maintenance, licensing and insurance) for the three (3) year period (\$12,379.92);*
- 3 *AGREES to the removal of the Whitford Community Ratepayers & Recreation Association Community Bus from the City's asset register; and*
- 4 *ADVISES the Whitford Community Ratepayers & Recreation Association that;*
 - (a) the Association will be responsible for the purchase of the replacement bus;*
 - (b) the Association should consider registering for GST in order to recover costs when purchasing the replacement bus;*
 - (c) subject to the Council agreeing to adopting the funding in (2) above, a contribution will be made to the Whitford Community Ratepayers & Recreation Association to;*
 - 1 *assist in meeting the cost of stamp duty in the purchase of the replacement community bus;*
 - 2 *provide ongoing maintenance for the community bus (including meeting the costs of licensing and insurance) for a fixed period of three (3) years until the end of the 2008/2009 financial year, after which time the Association will be responsible for all costs involved in operating and maintaining the vehicle.*

BACKGROUND

The Whitford Community Ratepayers & Recreation Association consists of nominated members from organised groups from the Whitford, Lakeside and South Coastal wards in the City of Joondalup. The Association currently has representation from sporting clubs, scout groups, Independent Retirees Association, childcare and after school care operators and local school groups. The Association has existed for almost 30 years and has assisted community groups in providing recreational and leisure activities to their members and local ratepayers.

The Whitfords Community Bus was first proposed in 1979 by the Whitford Community Ratepayers & Recreation Association as a service to the community. The Association wrote to the then Shire of Wanneroo requesting assistance in purchasing a bus and financial contributions towards its operating and maintenance costs. An agreement was established between the Shire of Wanneroo, the Whitford Community Ratepayers & Recreation Association and North Whitfords Estates, Land and Property Developers. North Whitfords Estates agreed to contribute \$15,000 to purchase the bus, with the City of Wanneroo paying to initially licence, insure and service the bus.

In 1995, the City of Wanneroo utilised the government agency CAMS (Contract and Management Services) to buy a replacement bus on behalf of the Whitford Community Ratepayers & Recreation Association. Investigations were conducted at the time to ascertain if the Association itself was eligible to utilise the CAMS discount. Under the existing guidelines, the Whitford Community Ratepayers & Recreation Association was ineligible and therefore relied on the City of Wanneroo to arrange the purchase via the fleet purchase tendering process. The City of Wanneroo was able to purchase the bus without paying the 22.5% sales tax, which resulted in substantial savings for the Association. The current Toyota 18 seat Coaster bus was purchased and the Whitford Community Ratepayers & Recreation Association were invoiced and paid approximately \$35,000 being the changeover cost of the vehicle. There was no cost to the City of Wanneroo for the purchase of the bus.

The Whitford Community Ratepayers & Recreation Association has responsibility for the management and bookings of the community bus. The Association is responsible for determining the fees and charges and these are set without endorsement from Council. All revenue generated is retained by the Whitford Community Ratepayers & Recreation Association and used to cover future purchases and operating costs.

The bus is available for hire to any group affiliated to the Association with non-member groups able to join the Association for a 12-month period at a cost of \$20. The current members of the Association are:

- Padbury Adventurer Guides
- 1st Padbury Scout Group
- Association of Independent Retirees
- Padbury Education and Child Care
- Whitfords Junior Football Club
- Whitfords Amateur Football Club
- Whitfords Junior Cricket Club
- Whitfords & District Senior Cricket Club
- Whitfords Senior Citizens
- Woodvale Senior High School
- Wider Vision
- After School Care

The hire costs for the community bus are:

- Bond (day hire) \$20
- Bond (overnight hire) \$50
- Hire Rate (< 4 hrs) \$25
- Hire Rate (> 4 hrs) \$50
- Kilometre Rate 35c per km

(NB: The bus has a full tank of fuel on pick up and must be returned with a full tank).

The community bus is stored at Fleur Fraeme Pavilion in Padbury and availability for the bus is advertised to all members of the Whitford Community Ratepayers & Recreation Association. The garage in which the bus is housed is and will remain an asset of the City.

The bus is used by various Association members, with frequency of use depending on the activities of the clubs or groups.

Regular users include:

- Padbury Education and Child Care and After School Care – every school day, and 2-3 times per week during the school holidays.
- 1st Padbury Scout Group – 1-2 times per month, and occasionally on the weekends for camps.

Seasonal users include:

- Sporting clubs – occasionally for away games and social outings.
- Woodvale Senior High School – 2-3 times per year for school camps (approximately 4-5 days), and other various occasions.

Annual users include:

- Sorrento Bowling Club – once per year.
- Church Group – once per year.

The bus provides a valuable service to local users and the current booking arrangements appear to be operating efficiently with a medium usage level.

The bus remains an asset of Council and currently costs approximately \$2,727 per annum. The following is a breakdown of costs over a **two-year period** (from 1 July 2003 to present);

Insurance	\$1,200
Parts/Repairs	\$1,579
Batteries	\$ 200
Licence	\$ 515
Tyres	\$1,460
Service	\$ 500

Total Cost \$5,454

In April 2005, the Whitford Community Ratepayers & Recreation Association wrote to Council requesting that the City of Joondalup begin the processes required to facilitate the replacement of the current 1995 Toyota Coaster bus. The Whitford Community Ratepayers & Recreation Association has stated that they are currently in a financial position to trade in the bus and can afford the changeover costs of approximately \$80,000. The current 1995 Toyota Coaster bus has been independently valued at \$24,000.

In 1996, the 22.5% motor vehicle sales tax exemption that applied to Local Government ended and as a result, the City can no longer offer this saving to the Association for the purchase of the new bus. The Whitford Community Ratepayers & Recreation Association has the opportunity to purchase a new bus at a competitive price, with motor vehicle dealers willing to consider the community nature of a purchase when negotiating the price. This arrangement may involve a discount on the purchase price being offered, in exchange for the opportunity for advertising exposure.

Consultation with motor vehicle dealers has indicated that they would consider giving the Whitford Community Ratepayers & Recreation Association State Government pricing for the new bus. A new Toyota 20 seater 4.1 litre turbo diesel Coaster, with manual transmission, air-conditioning and a non-automatic door (base model) will cost:

	City of Joondalup	Whitfords Recreation Association
Purchase Price	\$84,543.00	\$84,600.00
GST	\$8,454.30	\$8,460.00
Vehicle Registration	\$385.00	\$1,000.00
Stamp Duty	-	\$6,700.00
Total Cost	\$93,382.30	\$100,760.00
Total Cost (Less GST)	\$84,928.00	\$100,760.00

The City of Joondalup is not required to pay stamp duty, pays a reduced price for registration of the vehicle and can claim back the GST paid on the purchase of the bus. The Whitford Community Ratepayers & Recreation Association is not GST registered, which further increases the cost difference between the City of Joondalup's buying price and the Association's buying price. If the Whitford Community Ratepayers & Recreation Association remains not registered for GST, the total cost difference in purchasing the replacement bus is \$15,832.

For the Whitford Community Ratepayers & Recreation Association to register for GST, they are required to have a constitution and an ABN number. Once registered, the Association will need to submit quarterly activity statements to the Australian Taxation Office and can claim input tax credits.

The community bus has only done approximately 104,000 kilometres, and has been regularly maintained for the period of its life.

DETAILS

As a result of the Whitford Community Ratepayers & Recreation Association's request for assistance to purchase a new community bus, the City of Joondalup has an opportunity to assess its options in the support it provides to the Association regarding the community bus.

Issues and options considered:

Four (4) alternatives exist for the City of Joondalup to consider:

A Continue with current arrangements.

The issues concerned with this option include:

- The Australian Taxation Office permits the City to purchase the community bus on behalf of the Association, provided ownership of the vehicle remains with the City on its asset register;
- The City does not have any control over how the bus is managed;
- The City will continue to meet the costs of the insurance, licence and maintenance for the community bus. Funds are allocated from the fleet maintenance budget and total approximately \$2,727 per annum;
- The City can claim back the 10% GST paid on the purchase price of the bus saving the Association \$8,454.30;
- The City does not pay stamp duty on the purchase of the bus saving the Association \$6,700;

- The City receives a discount of \$615 on the bus' vehicle registration; and
- No other arrangements of this nature exist with sporting or community groups operating within the City of Joondalup.

B Transfer the vehicle to the Whitford Community Ratepayers & Recreation Association.

The issues concerned with this option include:

- The Association will be responsible for the purchase of the bus;
- The Association will be responsible for the licensing, insurance and maintenance costs relating to the community bus, saving the City approximately \$2,727 per annum;
- The City will no longer be responsible for a vehicle that is on its asset register of which it has no management control;
- The community bus will be removed from the City's asset register;
- The City will need to provide ongoing permission for the Association to garage the bus at Fleur Fraeme Pavilion in Padbury;
- The Whitford Community Ratepayers & Recreation Association can become GST registered, enabling it to claim back \$8,460.00 in input tax credits on the purchase price of the bus; and
- The Association has the opportunity to obtain a discount on the purchase price of the new bus due to the community nature of the service it provides and/or in exchange for offering advertising space on the side of the bus.

C Transfer the vehicle to the Whitford Community Ratepayers & Recreation Association, with the City facilitating the handover of the bus through the provision of a donation to meet the stamp duty costs incurred in purchasing the new bus.

The issues concerned with this option include:

- All issues listed in Option B;
- The City will meet the costs of the stamp duty (\$6,700.00) incurred when purchasing the new bus and facilitate the transition of the ownership to the Whitford Community Ratepayers & Recreation Association;
- The \$6,700.00 will be allocated for consideration in the 2006/2007 Draft Budget; and
- The Association will be advised that the City's contribution towards purchasing the replacement bus will be subject to the funds being approved in the 2006/2007 budget.

D Transfer the existing vehicle to the Whitford Community Ratepayers & Recreation Association, with the City to:

- 1 Facilitate the handover of the bus through the provision of a donation to meet the stamp duty costs incurred in purchasing the new bus; and

- 2 Continue to maintain the community bus (including meeting the costs of licencing and insurance) until the end of the 2008/2009 financial year, after which the Association will be responsible for all ongoing costs.

The issues concerned with this option include:

- *All issues listed in Option B;*
- *The City will meet the costs of the stamp duty (\$6,700.00) incurred when purchasing the new bus and facilitate the transition of the ownership to the Whitford Community Ratepayers & Recreation Association;*
- *The \$6,700.00 will be allocated for consideration in the 2006/2007 Draft Budget; and*
- *The Association will be advised that the City's contribution towards purchasing the replacement bus will be subject to the funds being approved in the 2006/2007 budget.*

Link to Strategic Plan:

The service provided by the community bus links to the following outcome in the City's Strategic Plan.

Outcome: The City of Joondalup provides social opportunities that meet community needs.

Objectives: 1.3 To continue to provide services that meet the changing needs of the diverse and growing community.

Strategies: 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.3 Provide support, information and resources.

However, as the City does not manage any aspects of the bus' operations, this link is more philosophical.

Legislation – Statutory Provisions:

Not Applicable

Risk Management Considerations:

Council needs to establish direction regarding the City's future responsibilities in the provision of financial assistance or support to community groups such as the Whitford Community Ratepayers & Recreation Association for its Community Bus.

There is potential for further requests from other sport and recreation associations and community groups wishing to obtain the specific services of a community bus, to approach the City for financial assistance. This decision will provide a precedent to manage future requests of a similar nature.

Financial/Budget Implications:

The recommendation contained within the Report is accepted:

- The City will be required to allocate \$6,700 for consideration in the 2006/2007 Draft Budget as a contribution to the Whitford Community Ratepayers & Recreation Association to meet the costs of the stamp duty incurred in purchasing the new community bus;
- The City will advise the Whitford Community Ratepayers & Recreation Association that this is a one-off contribution that will not be made available when the Association replaces the bus in the future;
- The City will continue to provide the ongoing maintenance for the community bus (including meeting the costs of licencing and insurance) for a fixed period of three (3) years until the end of the 2008/2009 financial year, after which time the Association will be responsible for all ongoing costs; and
- The City will remove the Whitford Community Ratepayers & Recreation Association Community Bus from the City's asset register.

Policy implications:

The City does not have a specific policy regarding the purchase of assets on behalf of community groups. The establishment of a precedent with regard to this particular request will assist with all future approaches to the City of a similar nature.

Regional Significance:

Not Applicable

Sustainability implications:

While the community bus is on the City's asset register, it is not an appreciating asset, nor a direct service provided by the City. Ongoing costs associated with licensing, insurance and maintenance of the bus need to be considered in light of the social benefit to the community and the ability of the Whitford Community Ratepayers & Recreation Association to continue with its services.

Consultation:

The City of Joondalup has a long-term relationship with the Whitford Community Ratepayers & Recreation Association in all aspects of the provision and replacement of the bus. The Association has been consulted with regards to the report being presented to Council, and informed that the City is seeking a decision on its future involvement in the replacement and provision of maintenance for the community bus.

COMMENT

The Whitford Community Ratepayers & Recreation Association's community bus provides a valuable service to local users in the Whitfords area and is available for hire by other groups within the City of Joondalup. The current booking arrangements appear to be operating efficiently with a medium usage level.

It is recommended that Council pursue Option D, transferring the existing vehicle to the Whitford Community Ratepayers & Recreation Association, with the City allocating \$6,700

for consideration in the 2006/2007 Draft Budget as a contribution to meet the stamp duty costs incurred in purchasing the new bus. This contribution would be subject to the funds being approved in the 2006/2007 budget and may delay the Association's replacement of the bus.

The City will continue to maintain the community bus (including meeting the costs of licencing and maintenance) until the end of the 2008/2009 financial year, after which the Association will be responsible for all ongoing costs. In continuing with this arrangement for a further three (3) years, the City is enabling the Association time to budget for the necessary funds required to meet the vehicle's maintenance costs in the future. After this period has expired, the City will save approximately \$2,727 per annum on the maintenance, insurance and licensing costs. In addition, the City will no longer be responsible for a vehicle that is not on its asset register and of which it has no management control.

The Whitford Community Ratepayers & Recreation Association has the opportunity to obtain a discount on the purchase price of the new bus due to the community nature of the service it provides and/or in exchange for offering advertising space on the side of the bus. The City should encourage the Association to negotiate with the motor vehicle dealer to obtain this discount. If the Association becomes GST registered, the cost difference between the purchase price for the City and the purchase price for the Association will be negligible.

The City has an ongoing relationship with the Whitford Community Ratepayers & Recreation Association regarding the provision and maintenance of the community bus. Given this relationship, the City has a responsibility to provide a degree of support to the Association in the purchase of the new community bus.

OFFICER'S RECOMMENDATION OF 13 DECEMBER 2005 (CJ284-12/06)

That Council:

- 1 *AGREES to continue to support the Whitford Community Ratepayers & Recreation Association by agreeing to maintain the community bus for a fixed period not exceeding three (3) years, concluding on 30 June 2009;*
- 2 *AGREES to list for consideration an amount of \$6,700 in the 2006/2007 Draft Budget as a contribution to the Whitford Community Ratepayers & Recreation Association to assist in meeting the cost of stamp duty in the purchase of the replacement community bus;*
- 3 *ADVISES the Whitford Community Ratepayers & Recreation Association that;*
 - (a) *subject to the Council agreeing to adopting the funding in (2) above, a contribution will be made to the Whitford Community Ratepayers & Recreation Association to assist in meeting the cost of stamp duty in the purchase of the replacement community bus;*
 - (b) *the Association will be responsible for the purchase of the replacement bus;*
 - (c) *the City will continue to provide the ongoing maintenance for the community bus (including meeting the costs of licensing and insurance) for a fixed period of three (3) years until the end of the 2008/2009 financial year, after which time the Association will be responsible for all costs involved in operating and maintaining the vehicle;*
- 4 *REMOVES the Whitford Community Ratepayers & Recreation Association Community Bus from the City's asset register.*

COUNCIL RESOLUTION OF 13 DECEMBER 2005 (CJ284-12/05)

“That consideration of this Item be DEFERRED with a request to the officers to seek to enter into an arrangement with the Whitford Community Ratepayers & Recreation Association that an all up donation is made to the Association, representing:

- the existing bus;*
- an amount equal to three (3) years maintenance; and*
- an amount equal to the stamp duty.”*

ADDITIONAL INFORMATION

Council was provided with the following additional information prior to its meeting of 13 December 2005:

“A copy of the unsigned agreement between the then Shire of Wanneroo and the Land Developers is attached - Attachment 2 refers.

This copy of the agreement is the same as the one that the Whitford Community, Ratepayers and Recreation Association Inc have in their possession. Neither copy is signed and a signed copy is not able to be located, however, we have sighted correspondence from the developers to the Shire indicating that copies signed by the developers have been received.

As a result of the additional research we have undertaken, a correction to the report is required. The indication given is that the written agreement is between the Shire, the Land Developers and the Whitford Community, Ratepayers and Recreation Association Inc. It is now clear that the agreement was in fact only between the Shire and the land developers.”

Following the Council resolution of 13 December 2005, a meeting was held on 9 January 2006 between City officers and representatives from the Whitford Community Ratepayers & Recreation Association to discuss the various replacement options for the bus. At the conclusion of the meeting, it was agreed that additional information detailing the estimated costs involved for the Association to maintain the bus (including general maintenance, licensing and insurance) for a three (3) year period would be forwarded to the City. These costs would be collated so that a lump sum amount to equal that required for the Association to continue to conduct the bus service could be determined.

The information provided by the Association (see Attachment 1) identified the following costs involved in purchasing and maintaining the bus:

	<u>Annual Cost</u>	<u>Cost over 5-years</u>
General Maintenance	\$1,870	\$9,350
Licensing / Registration	\$1,000	\$5,000
Insurance	\$3,311 (Quote - Western QBE)	\$16,555
 <u>Additional Costs</u>		
Stamp Duty		\$6,700
GST		\$8,460
	Total	<u>\$46,065</u>

The total estimated cost submitted by the Association for the purchase and maintenance of the bus was \$46,065. However, this figure is representative of five (5) years maintenance, not for three (3) years as requested, and also included a GST component relating to the purchase of the bus.

In relation to the insurance, the City was well aware that this would be a costly ongoing expense due to the fact that the vehicle is hired to a wide variety of community groups with different designated drivers. After researching other alternative insurance options, the City investigated the possibility of a policy through Municipal Insurance Brokers. Under their policy options, a Local Government Authority can insure a vehicle on behalf of a community-based organisation, if the Local Government has a concerning interest in the service being provided. As a result, the City has established a revised insurance cost for the replacement bus of \$1,256.64 per annum.

The City also encourages the Association to become GST registered, enabling the Association to recover the \$8,460 paid at the point of purchase. It is not uncommon for community based organisations to be GST registered.

It is recommended that Council provides the Whitford Community Ratepayers & Recreation Association with an all up donation that assists in the purchase of the replacement bus. The payment of this one-off amount would represent the completion of the arrangement between the City and the Association. After this time, all operation expenses associated with the bus will be the responsibility of the Association.

The total amount of the donation recommended is \$19,079.92. This is comprised of:

	<u>Annual Cost</u>	<u>Cost over 3-years</u>
General Maintenance	\$1,870.00	\$5,610.00
Licensing / Registration	\$1,000.00	\$3,000.00
Insurance	\$1,256.64	\$3,769.92
	Maintenance Cost	<u>\$12,379.92</u>
Stamp Duty		\$6,700.00
	Total Cost	<u>\$19,079.92</u>

It is important to note that as the insurance for the bus is being arranged through Municipal Insurance Brokers, the Association will be invoiced by the City annually.

ATTACHMENTS

- Attachment 1 Letter from the Whitford Community Ratepayers & Recreation Association detailing estimated maintenance costs.
- Attachment 2 Unsigned Agreement between the Shire of Wanneroo and the developer.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **AGREES** to list for consideration an amount of \$19,079.92 in the 2006/2007 Draft Budget as a contribution to the Whitford Community Ratepayers & Recreation Association to assist in meeting the cost of:
 - (a) stamp duty;
 - (b) general maintenance;
 - (c) licensing;
 - (d) Insurance;
- 2 **Subject to 1 above, AGREES** to make a one off lump sum payment of \$19,079.92 to the Whitford Community Ratepayers & Recreation Association representing a contribution towards the cost of purchasing the bus and maintaining the vehicle;
- 3 **AGREES** to the removal of the Whitford Community Ratepayers & Recreation Association Community Bus from the City's asset register upon the purchase of the replacement bus;
- 4 **ADVISES** the Whitford Community Ratepayers & Recreation Association that following this payment as detailed in 2 above, the Association will be fully responsible for all aspects of purchasing and maintaining the community bus;
- 5 **AGREES** to the establishment of an agreement between the City and the Whitford Community Ratepayers & Recreation Association, releasing the City from all obligations in the provision of the community bus; and
- 6 **NOTES** that the City supports the insurance of the Whitford Community Ratepayers & Recreation Association's community bus through Municipal Insurance Brokers.

Appendices 25 & 27 refer.

To access this attachment on electronic document, click here: [Attach25brf140206.pdf](#)
[Attach27brf140206.pdf](#)

Disclosure of Financial Interests

Name/Position	<i>Mr Garry Hunt – Chief Executive Officer</i>
Item No/Subject	<i>Item 29 Request for Annual Leave – Chief Executive Officer</i>
Nature of interest	<i>Financial</i>
Extent of Interest	<i>This item relates to Mr Hunt's contract of employment.</i>

ITEM 29 REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER – [00384, 13399, 18058, 00561]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To give consideration to the request for annual leave submitted by the Chief Executive Officer.

EXECUTIVE SUMMARY

The Chief Executive Officer has requested annual leave for the period 27 February 2006 to 7 March 2006 inclusive.

It is recommended that Council APPROVES the request from the Chief Executive Officer, Mr Garry Hunt, for annual leave for the period 27 February 2006 to 7 March 2006 inclusive.

BACKGROUND

The Chief Executive Officer commenced his employment with the City of Joondalup on 31 January 2005.

DETAILS

The Chief Executive Officer, Mr Garry Hunt, has requested annual leave for the period 27 February 2006 to 7 March 2006 inclusive.

Issues and options considered:

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

Link to Strategic Plan:

Outcome: The City of Joondalup is recognised as an employer of choice.

Objective 4.5: To manage our workforce as a strategic business resource.

Strategy 4.5.4 Implement best practice people-management policies and tools to assist in the achievement of the City's workforce objectives.

Legislation – Statutory Provisions:

The CEO, in accordance with his employment contract, is entitled to twenty five (25) days leave per annum.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Nil.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City, prior to the preparation required for the election process and the induction of the newly elected Council.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council APPROVES the request from the Chief Executive Officer, Mr Garry Hunt, for annual leave for the period 27 February 2006 to 7 March 2006 inclusive.

ITEM 30 REVIEW OF ANNUAL BUDGET FOR THE 2005/2006 FINANCIAL YEAR – [69581]

WARD: All

RESPONSIBLE Mr Peter Schneider
DIRECTOR Corporate Services

PURPOSE

The purpose of this report is for Council to consider and adopt the review of the Annual Budget for the 2005/2006 financial year.

EXECUTIVE SUMMARY

The review of the 2005/2006 annual budget has identified an overall budget surplus of \$1,252,047 of which \$648,000 has been allocated to the Strategic Asset Management Reserve.

The surplus can be summarised as follows:

- The surplus from **Operations** has increased by \$973,969 resulting mainly from \$648k interest received from Land Corp, \$348k additional investment earnings and savings in Employee costs among others as detailed in the attached report.
- The **Capital Expenditure** Budget has reduced by a net sum of \$278,078, due to various adjustments.

It is recommended that Council:

- 1 *APPROVES by an absolute majority the revised budget for the 2005/2006 financial year;*
- 2 *in accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2005/2006 annual budget review and determination to the Department of Local Government and Regional Development.*

BACKGROUND

The City has historically undertaken a mid year review of its annual budget for management purposes, however recent amendments to the Local Government (Financial Management) Regulations 1996 (section 33A) now makes this a legislative requirement. The process considers changes in the City's operating environment and conditions with a view to forecasting the financial impacts likely to arise for the remainder of the year.

DETAILS

The outcome of the 05/06 budget review is detailed in attachment 1.

Issues and Options Considered:

As detailed in attachment 1.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 as amended, requires the local government to carry out a review of its annual budget between 1 January and 31 March each year as follows:-

33A Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.
- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the view, any parts of the review or any recommendations made in the review.

*Absolute majority required.
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

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:

As detailed in attachment 1.

Policy Implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability Implications:

Budget parameters are structured based on financial viability and sustainability principles.

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 21 May to 20 June 2005.

No consultation is required in relation to the local government's review of its annual budget.

COMMENT

The Budget review identified \$1.3m surplus as detailed in attachment 1. Of this surplus \$648,000 has been allocated to the Strategic Asset Management Reserve. The purpose of this reserve is for the maintenance, refurbishment, replacement and disposal of assets for future and present requirements. This amount was an unexpected windfall gain negotiated with Landcorp as a result of delays in settling the Joondalup Normalisation Agreement. From previous reports to Council and the Strategic Financial Management Committee it has been established that the funds in this reserve are well below the levels required. This transfer to the reserve is considered prudent given the circumstances.

Additionally, an amount of \$13,080 has been transferred from the Library Literacy Program Reserve to fund the Better Beginnings literacy program in accordance with Council's resolution of 1 November 2005. The remaining surplus of \$617,127 will be available to reduce any budget shortfall in 2006/2007 or be transferred to reserves.

Uncertainties/contingencies exist in relation to the following matters, which have not been factored into 2005/2006 budget review:

- Revised capital costs associated with the new depot as a result of changes to the site location.
- Possible maintenance costs associated with the Wanneroo Basketball Association building.
- Potential requirements to fund Mindarie Regional Council 2004/2005 operating shortfalls.

ATTACHMENTS

Attachment 1 Review of 2005/2006 Annual Budget

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 APPROVES BY AN ABSOLUTE MAJORITY the revised budget for the 2005/2006 financial year;**
- 2 in accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2005/2006 annual budget review and determination to the Department of Local Government and Regional Development.**

Appendix 26 refers.

To access this attachment on electronic document, click here: [Attach26brf140206.pdf](#)

**ITEM 31 PROPOSED LEGAL ACTION FOR NON
COMPLIANCE WITH PLANNING APPROVAL – LOFT
ADDITION TO EXISTING TWO STOREY SINGLE
HOUSE AT LOT 185 (19) KIRRIBILLI COURT
KALLAROO – [19008]**

WARD: Whitford

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Director Planning and Community Development

This Item Is Confidential - Not For Publication

A full report has been provided to Joint Commissioners under separate cover.

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**
- 11 REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS**

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**DUE DATE** **COMPLETE****SUBJECT** **PETITION OPPOSING PROPOSAL FOR CHILDCARE FACILITY AT
15 AND 17 KARUAH WAY, GREENWOOD** - ex C64-11/05

A 251-signature petition has been received requesting that Council serious consideration to rejecting the proposal for a permit to erect a chi facility at 15 and 17 Karuah Way, Greenwood.

RESPONSIBLE Planning and Community Development**DIRECTORATE**

104486

ACTION NUMBER**STATUS** This application has now been withdrawn. **This item may therefore be removed from the agenda.****DUE DATE** **COMPLETE****SUBJECT** **OUTCOME OF REVIEW OF PROCUREMENT PROCESSES**
– ex CJ121-06/05 – REVIEW OF THE DELEGATED AUTHORITY MANUAL

“3 REQUESTS the Chief Executive Officer to advise the Audit Committee at the earliest possible opportunity of the outcome of the review of the procurement processes.”

RESPONSIBLE Office of the CEO**DIRECTORATE****ACTION NUMBER****STATUS** This matter was discussed at the Audit Committee meeting held on 28 November 2005. **This Item may therefore be removed from the agenda.**

DUE DATE	COMPLETE
SUBJECT	<p>PETITION REQUESTING REMOVAL OF SHE-OAK TREES, KORELLA PARK AND GUNIDA PARK, MULLALOO AND REPLACEMENT WITH LOCAL SPECIES SHADY TREES – ex C69-12/05</p> <p>“A 63-signature petition has been received from electors and ratepayers of the City of Joondalup requesting that the Council of the City of Joondalup:</p> <ol style="list-style-type: none"> 1 remove the she-oak trees adjacent to the children’s sand/play grounds in Korella Park and in Gunida Park, Mullaloo because their fruit cones are extremely painful to walk on barefoot, now posing a health safety hazard for the barefoot children; 2 replace with local species shady trees (eucalypts) positioned to provide shade in summer for these play areas.”
RESPONSIBLE DIRECTORATE	Infrastructure Services
ACTION NUMBER	105484
STATUS	<p>Operations Services have carried out investigations and identified considerable information regarding the request outlined in the petition. A letter was send to petitioners on 22 December 2005 highlighting that their request for removal of the Casuarina Equisetifolias and replacement with alternative plant species at Korella and Gunida Parks is not supported. This item may therefore be removed from the agenda.</p>

DUE DATE	MARCH 2006
SUBJECT	<p>REVISED SET OF KPIs FOR COUNCIL PROJECTS – ex JSC2-07/05 – STRATEGIC FINANCIAL PLAN 2005/06 TO 2008/09</p> <p>“3 REQUESTS the Chief Executive Officer to submit a report to Council on a revised set of KPIs for Council projects.”</p>
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	97080
STATUS	This item was originally listed for November 2005. The report will be submitted to a future Strategy Session.

DUE DATE **MARCH 2006**

SUBJECT **REDESIGN OPTIONS OF COUNCIL CHAMBER**
- ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE
ACQUISITION

5 REQUIRE an urgent review be conducted and interim report prepared and presented at the December 2004 Council meeting with regard to the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and allow for greater availability and usage for performing arts and other community events.”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 82351

STATUS Concept plans and costings were presented to the Strategy Session held on 27 September 2005. This item was originally listed for November 2005. Alternative options are being considered to those proposed by the architects. Following consideration of those options by the CEO, a report was presented to the Strategy Session on 29 November 2005 and the Commissioners were briefed on the matter.

DUE DATE **MARCH 2006**

SUBJECT **REPORT REQUESTED BY COMMISSIONERS** – Briefing Session 23
August 2005

Provision of Information to Council Members

Cmr Smith requested that a report be submitted to Council on the possibility of adopting protocols relating to the method and time limitations on all information provided to Council members, where such information is applicable to decisions being made at Council meetings.

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 98585

STATUS This item was originally listed for November 2005. Options relating to the possible protocols were drafted in November 2005 and are being reviewed internally.

DUE DATE **MARCH 2006**

SUBJECT **SORRENTO DUNCRAIG AND OCEAN RIDGE LEISURE CENTRES OPERATIONS AND MANAGEMENT REVIEW RECOMMENDATIONS**
– ex CJ093-04/04

“3 NOTE that this arrangement be reviewed as part of the proposed Leisure Plan to be developed by the City.”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 70983

STATUS This item was originally listed for December 2005. Funding for development of the Leisure Plan was approved in the 2004/05 budget and worked commenced in November 2004. The development of the Leisure Plan will take approximately six months. The Leisure Plan is underway at this time and will provide guidance on this matter. The Leisure Plan timeframes are to be considered as part of the Community Development Plan report to be presented to a Strategy Session.

DUE DATE **MARCH 2006**

SUBJECT **ABORIGINAL ISSUES IN THE CITY OF JOONDALUP** – ex JSC29-08/04
– MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS

“4 REQUEST that a report be submitted to Council on raising the profile of Aboriginal issues in the City of Joondalup as a significant part of the Cultural Plan.”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 77778

STATUS This item was originally listed for December 2005. The forthcoming Cultural plan for the City will address raising both the profile of Aboriginal issues and the level of community exposure to local programs presenting Aboriginal artistic endeavour and culture. A comprehensive strategy addressing issues relating to the presentation of Aboriginal cultural activities, the participation of Aboriginal people in civic life in the city, and the consequential raising of community awareness of Aboriginal issues will be available for consideration as part of the draft cultural plan.

The draft Cultural Plan will be part of the Community Development Plan, which will be considered by the Council at the Strategy Session.

DUE DATE **MARCH 2006**

SUBJECT **TENDER REGULATIONS**
ex CJ043-03/05 2004 COMPLIANCE AUDIT RETURN

“3 EXPRESSES its concern that the Tender Regulations have not been followed and advises the Department of Local Government and Regional Development that the Council has requested that a report on this matter be submitted to the Audit Committee;”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 89549

STATUS The matter has been referred to Stanton Partners to review the issue of non-compliance with the Tender Regulations. Once the review has been undertaken, a report will be submitted. The review is anticipated to be completed by 14 October 2005.

This matter will be considered in conjunction with a review of the Management Audit conducted.

DUE DATE **MARCH 2006**

SUBJECT **REVIEW OF DRAFT AUDIT CHARTER** - ex CJ226-11/05 – MINUTES OF THE AUDIT COMMITTEE MEETING HELD 18 OCTOBER 2005

3 Council REQUESTS the Chief Executive Officer to review the draft Audit Charter by modifying the words to more appropriately reflect:

- Legislative requirements
- Oversight and monitoring role of the Audit Committee
- Clarification of the role and function of the Committee
- Terms of appointment of the independent Committee members
- Quorum numbers and composition of Committee
- Interaction with the Internal Auditor
- Status of independent persons

RESPONSIBLE DIRECTOR Office of the CEO
ACTION NUMBER 102561

STATUS This item was originally listed for December 2005. This matter was discussed at the Audit Committee held on 29 November 2005. A report will be presented to a future Audit Committee meeting.

DUE DATE **MARCH 2006**

SUBJECT **LEGAL REPRESENTATION COSTS TO THE CITY IN RELATION TO THE MCINTYRE INQUIRY**

– ex CJ168-08/05 - Report on funding to date to the City of Joondalup pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees

“5 NOTES that a further report be prepared by Administration at a later date that quantifies the legal representation costs to the City. This report will not be able to be completed until the McIntyre Inquiry hands down its final report.”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 97788

STATUS A report is currently being drafted, to be submitted to a future Council meeting.

DUE DATE **MARCH 2006**

SUBJECT **REVIEW OF CODE OF CONDUCT – NON-VILIFICATION OF RATEPAYERS** - ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004

In relation to Motion 12 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that recommendation No 25 referred to in the motion is a recommendation of the Governance Review Panel and cannot be altered by the City, however, the issue on non-vilification of ratepayers will be considered as part of the review of the Code of Conduct.

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 85109

STATUS Advice from the Department of Local Government and Regional Development is that the Local Government (Official Conduct) Amendment Bill was presented to the Parliament at the end of 2005. The legislation is to be debated by parliament and it is anticipated could be in place by the second half of 2006. It is intended that as part of the legislation there will be a uniform Code of Conduct applicable to the local government industry.

DUE DATE	COMPLETE
SUBJECT	REPORT REQUESTED BY COMMISSIONERS – Briefing Session 23 August 2005 Customer Satisfaction Monitor Cmr Fox requested that a report be submitted to Council on options open to the City, either to undertake its own customer satisfaction monitor or jointly with other groups.
RESPONSIBLE DIRECTORATE	Office of the CEO/Sustainable and Strategic Development
ACTION NUMBER	98584
STATUS	Discussions have occurred with the City of Wanneroo, who has agreed in principle with the proposal of undertaking a combined Customer Satisfaction Monitor. Discussions are scheduled to occur with the City of Stirling in the near future to look at a tripartite agreement. This item may therefore be removed from the agenda.

DUE DATE	MARCH 2006
SUBJECT	REPORT REQUESTED BY COMMISSIONERS – Briefing Session September 2005 Risk Management Framework Cmr Anderson requested a report on an overarching risk management framework for the City, to be presented to the next meeting of the Audit Committee.
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	99742
STATUS	This item was originally listed for December 2005. A report will be submitted to Council in March 2006.

DUE DATE **MARCH 2006**

SUBJECT **LONG-TERM STRATEGY AND FINANCIAL PLAN FOR PARKING IN THE JOONDALUP CBD**

– ex JSC3-07/05 -MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE

“2 REQUESTS that a report be submitted to Council in due course on a long-term strategy and financial plan for parking in the Joondalup CBD.”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 97081

STATUS This has been referred to the internal Parking Strategy Working Group.

DUE DATE **MARCH 2006**

SUBJECT **LOCATION OF 50 METRE POOL AT CRAIGIE LEISURE CENTRE OR AN ALTERNATIVE LOCATION** – ex JSC29-08/04 – MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS

“2 REQUEST that a report be submitted to Council as to whether a 50 metre pool should be located at Craigie Leisure Centre or at an alternative location;”

PETITION – Council 28 June 2005

Two petitions of 144 and 125-signatures respectively have been received requesting the City of Joondalup make provision for a 50 metre, 8 lane outdoor pool at the Craigie Leisure Centre in the City's financial budget for 2005/06.

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 77776 and 95549

STATUS The City has committed in September 2004 to a refurbishment project to the aquatic facilities at the Craigie Leisure Centre. Further development of the City's aquatic facilities, i.e. a 50 metre pool, would only occur as a result of:

- (1) Detailed analysis of the performance of the Craigie Leisure Centre once the refurbishment has been completed.
- (2) Detailed market research that considers all market segments.

The Craigie Leisure Centre redevelopment project is inclusive of a geothermal water heating system which will be able to cater for a further 50 metre water space.

DUE DATE **MARCH 2006**

SUBJECT **FIRE BREAKS AND PEDESTRIAN ACCESS TO BEACHES IN OCEAN REEF** ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003

“In relation to Motion 4 of the Annual General Meeting of Electors held on 17 November 2003:

- (c) REQUEST the CEO to provide Council with a report and suitable recommendations once investigations concerning the second fire break have been completed;”

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER 67033

STATUS With regard to pedestrian access to beaches in Ocean Reef, this matter has been addressed in Report CJ279-11/04. Also, as part of future staged development of Iluka, the developers intend submitting to the City design solutions for either a raised boardwalk or pathway linking the coastal dual use path to the north-western portion of the Iluka subdivision. It is at that time that consideration to the second firebreak can be given by the City. **This item may therefore be removed from the agenda.**

DUE DATE **MARCH 2006**

SUBJECT **MAYOR D CARLOS (SUSPENDED) – REQUEST FOR PAYMENT OF LEGAL COSTS** – ex CJ118-06/04

“that no determination is made on this matter at this time and the item be DEFERRED until the McIntyre Inquiry completes its deliberations and issues a Report.”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 73446

STATUS A report will be submitted following the completion of the McIntyre Inquiry.

DUE DATE	APRIL 2006
SUBJECT	PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA – ex CJ338-12/02
	“4 NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council.”
RESPONSIBLE DIRECTORATE	To be determined. Currently being addressed by Infrastructure Services.
ACTION NUMBER	41269
STATUS	<p>The matter of Crime Prevention, the City’s involvement, the role of local government and entering a proposed partnership agreement with the State Office of Crime Prevention (OCP), has been progressed through the North Metropolitan Zone Committee of WALGA comprising of the Cities of Joondalup, Stirling and Wanneroo. Concerns with inequitable funding, cost and responsibility shifts were raised in early considerations.</p> <p>Attempts to address these concerns and acknowledgement by the State that graffiti management and anti social behaviour as the key concerns of local government have not been successful to date.</p> <p>More recently, the City of Bayswater has joined the other Cities attempting to form a Regional Partnership with the OCP that included funding for a Regional Coordinator. This approach was not successful at the meeting of 16 January 2006, when the Cities were represented by elected members and senior Council officers and officers from the OCP.</p> <p>Together the four cities make up both the North West Metropolitan Police District and the West Metropolitan Police District representing over 500,000 people. The Cities approach was supported by the Police and was considered to provide significant advantages to all parties.</p> <p>A further meeting is to be held between the Cities to determine options to further progress this matter.</p>

DUE DATE	MARCH/APRIL 2006
SUBJECT	CONSOLIDATION OF INDICATORS THAT HAVE PARALLEL OBJECTIVES – ex CJ171-08/05 – CORPORATE REPORTING SYSTEMS
	“3 REQUESTS the Chief Executive Officer to provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced.”
RESPONSIBLE DIRECTORATE	Office of the CEO/Strategic and Sustainable Development
ACTION NUMBER	98977
STATUS	A review of the indicators will be undertaken as a component of the review of the Strategic Plan in order to ensure that the key performance indicators align with monitoring performance of the Council’s strategic direction. The process for the review of the 20-year Strategic Plan is currently being finalised.

DUE DATE	MARCH/APRIL 2006
SUBJECT	JOONDALUP – JINAN RELATIONSHIP PLAN – ex CJ224-11/05
	1 Council DEFERS the adoption of the Joondalup-Jinan Relationship Plan, until after completion of the workshop referred to in 2 and 3 below;
	2 Council REFERS the plan to a workshop comprising the Joondalup Stakeholder Group and members of the last delegation to Jinan, not being members of the Stakeholder Group;
	3 the workshop is to consider the long term strategic implications (over the next 20 years) of the plan, and to identify meaningful and appropriate long term strategic key performance indicators and appropriate measures to be included with the plan.
RESPONSIBLE DIRECTOR	Office of the CEO/Strategic and Sustainable Development
ACTION NUMBER	102695
STATUS	The matter will be referred to the next meeting of the Stakeholders. It is likely that stakeholders will meet in March/April 2006.

DUE DATE **APRIL 2006**

SUBJECT **PROPOSAL TO PROTECT NATIVE AREAS OF SIGNIFICANCE** - ex
CJ193-09/05 MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD
ON 24 AUGUST 2005

- 4 REQUESTS the Chief Executive Officer to provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect native areas of significance under Schedule 5 of the District Planning Scheme No 2;

PROPOSAL TO PROTECT NATURAL AREAS OF SIGNIFICANCE UNDER SCHEDULE 5 OF THE DISTRICT PLANNING SCHEME NO 2
- ex MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD
26 OCTOBER 2006 – CJ256-11/05

- "3 NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of the District Planning Scheme No 2;"

RESPONSIBLE Planning and Community Development

DIRECTOR

ACTION NUMBER 100428 and 104027

STATUS The Conservation Advisory Committee has identified reserves of significance. A report by Planning & Community Development on the DPS2 implications will be submitted to Council in April 2006.

DUE DATE **APRIL 2006**

SUBJECT **CASH-IN-LIEU OF CAR PARKING POLICY 7-10** - ex CJ280-12/05

- "2 following the advertising period as outlined in (1) above SUBMITS a report to Council to give consideration to adopting Policy 7-10 Review of Cash-In-Lieu of Car Parking and amending the Schedule of Fees and Charges to include an amount of cash in lieu payments under Clause 4.11 of DPS2 under the following categories:

- Joondalup City Centre - \$25,440
- Standard District Centres (Service Industrial/Commercial Land) - \$10,750
- Beachfront Commercial - \$40,750"

RESPONSIBLE Planning and Community Development

DIRECTORATE

105290

ACTION NUMBER

STATUS This policy is currently being advertised. A further report will be presented to Council on 4 April 2006.

DUE DATE **APRIL 2006**

SUBJECT **LANDSCAPING PLANS FOR JOONDALUP REGIONAL CULTURAL FACILITY** - ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE ACQUISITION

“3 REQUIRE that a report detailing forward landscaping plans for the site be prepared for consideration of Council taking into account the cultural and performing arts needs of the community, which will be assessed through a collaborative consultation process involving educational institutions, performing arts groups, arts consultants and other stakeholders;

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 82351

STATUS Consultation will take place as soon as is practicable following the finalisation of the purchase of the site which requires the lot to be formally subdivided. It is envisaged that a report will be submitted to Council once the purchase has been finalised.

DUE DATE **JUNE 2006**

SUBJECT **PUBLIC OPEN SPACE – CONSIDERATION OF ADOPTION OF COUNCIL POLICY**

ex CJ203-09/05 - APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 39624 (CASTLECRAG PARK) CASTLECRAG DRIVE, KALLAROO

3 REFERS the issue of the sale of public open space to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue.

RESPONSIBLE DIRECTOR Planning and Community Development

ACTION NUMBER 100435

STATUS This matter will be submitted to the next Policy Committee.

DUE DATE **JUNE 2006**

SUBJECT **CONSIDERATION OF POLICY – RECOVERY OF COSTS AWARDED TO THE CITY** - ex CJ266-12/05 - REPORT ON THE COSTS AWARDED TO THE CITY IN THE MATTER OF THE MULLALOO PROGRESS ASSOCIATION AND THE CITY OF JOONDALUP AND RENNET PTY LTD CIV 1285 OF 2003 -

“3 REQUESTS the Chief Executive Officer to draft a policy for consideration of the Council in relation to recovering costs awarded to the City in legal proceedings.”

RESPONSIBLE DIRECTORATE Office of the CEO

105477

ACTION NUMBER

STATUS A policy will be prepared in line with the decision of Council and forwarded for consideration.

DUE DATE **JUNE 2006**

SUBJECT **LOT 1 OCEANSIDE PROMENADE, MULLALOO**
ex C83-05/03 NOTICE OF MOTION NO 4 – CR M CAIACOB

“that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”

“that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 51161

STATUS This matter is to be reviewed in conjunction with the City’s asset portfolio.

DUE DATE **JUNE 2006**

SUBJECT **TOM SIMPSON PARK AND TEN LOTS IN MERRIFIELD PLACE, MULLALOO**

ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004

In relation to Motion 16 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that a report will be presented to the Council in early 2005 on the matter of including Lot 1 Oceanside Promenade and the grassed road reserve adjacent to Tom Simpson Park into Tom Simpson Park, and the reservation of 10 lots in Merrifield Place, Mullaloo;

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 85111

STATUS This item was originally listed for December 2005. A report will be presented to Council following a review of the City's asset portfolio. Funding for the Strategic Asset Management Plan is listed for consideration in the 2005/06 Draft Budget.

DUE DATE **JUNE 2006**

SUBJECT **EDGEWATER QUARRY SITE** - ex CJ300 - 12/04 - Site Acquisition - Works Depot

“REQUEST the City's officers in acknowledgement of public submissions received to the Business Plan and in the interests of the long-term strategic planning for the City, undertake a needs and opportunities analysis of the Edgewater Quarry site and report back to Council.”

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER 85135

STATUS This project is currently on hold until a determination is made on the acquisition of the Hodges Drive Depot site.

DUE DATE **JUNE 2006**

SUBJECT **PROVISION OF RETAIL LAND USES – CURRAMBINE LOCALITY** -
ex CJ088-04/04 - PROPOSED MODIFICATIONS TO CURRAMBINE STRUCTURE
PLAN NO 14 – DELETION OF THE RESIDENTIAL MIXED USE PRECINCT AND
REPLACEMENT WITH A SMALL LOT RESIDENTIAL PRECINCT AND MINOR
MODIFICATIONS TO THE DEVELOPMENT PROVISIONS

“3 a separate report giving further consideration to the provision of
retail land uses for the Currambine locality in relation to the
City’s Policy 3.2.8 – Centres Strategy, and retail floorspace
allocations across the City, as noted in Schedule 3 of DPS2, be
prepared;”

RESPONSIBLE Planning and Community Development
DIRECTORATE

ACTION NUMBER 71026

STATUS Partially addressed in Report to Council 27 April 2004. Remainder to
be reported as part of the Centres Strategy review, which is intended to
be undertaken as soon as possible. It should be noted that review
initiation is dependent on data release from the WAPC, and was
anticipated to occur before December 2005.

This item was originally listed for December 2005. It is noted that the
WAPC has not initiated any review of its Commercial Centres Policy or
the data contained within that Policy. It is therefore proposed to
commence the review of the City of Joondalup Centres Strategy
independently of the WAPC review.

DUE DATE **2006**

SUBJECT **DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP** - ex
CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister
City relationship until further analysis can be undertaken.”

RESPONSIBLE Office of the CEO/Strategic and Sustainable Development
DIRECTORATE

ACTION NUMBER 40021

STATUS This item has been determined as a low priority for Council in 2005 and
will be reconsidered in 2006.



**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 * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

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

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

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



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

NAME

ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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



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

NAME

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STATEMENT

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Please submit this form at the meeting or:

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Please note that:

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