



**MINUTES OF COUNCIL MEETING
HELD ON 21 FEBRUARY 2006**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 21 FEBRUARY 2006

DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON - Chairman

CMR P CLOUGH - Deputy Chairman

Absent from 1923 hrs to 1925 hrs

CMR M ANDERSON

CMR A FOX

Officers:

Chief Executive Officer

G HUNT

Absent from 2036 hrs to 2037 hrs

Director, Planning and Community Development:

C HIGHAM

Director, Corporate Services:

P SCHNEIDER

Director, Infrastructure Services:

D DJULBIC

Manager, Marketing Communications & Council Support:

M SMITH

Manager Approvals, Planning

Environmental Services

C TERELINCK

Media Advisor:

L BRENNAN

Committee Clerk:

J HARRISON

Minute Clerk:

L TAYLOR

There were 29 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Annual General Meeting of Electors held on 28 November 2005:

Mr M Sideris, 12 Page Drive, Mullaloo:

Q1 *Why was the Annual Report and Financial Statements not on the website as an attachment, even though it was indicated this should have been the case. When attempting to download the documents, there was nothing to download.*

A1 The agenda for the Annual General Meeting of Electors did not contain any attachments, however copies of the Annual Report and Financial Statements were made available on the City's Website or by contacting the Joondalup Administration Centre. The availability of these documents was duly advertised as required by the Local Government Act 1995.

Q2 *What type of noise level meter is being purchased?*

A2 Quotes have been obtained to purchase a Brüel & Kjaer 2250 Handheld sound level meter with recorder software. This new sound level meter incorporates a Digital Audio Tape recorder. The unit is user friendly and a print out of computer analysis can be used as evidence in court. This equipment will be very useful especially when trying to visually prove annoyance aspects of the measured noise e.g. - tonality or impulsiveness.

Mr R de Gruchy, 57 Ashmore Way, Sorrento:

Q1 *Page 38 of the Annual Report – dot point 8 - \$6.54 million has been allocated for the Joondalup Works Depot. How much was allocated for the Works Depot last year?*

A1 \$5.352m was allocated to the Works Depot in the 2004/05 budget.

Mr K Zakrevsky, 49 Korella Street, Mullaloo:

Q1 *I refer to page 38 – dot point 8 - \$6.54 million allocated for Joondalup Works Depot. At the completion of the break up the City of Wanneroo received I understand \$24 million out of the funds. We were told that initially until settlement the Works Depot would be shared with the City of Wanneroo, but that LandCorp would be providing us with a specific site, free of charge to the City of Joondalup. Suddenly we find that there is a cost. Then I attended a Briefing Session where LandCorp was in attendance. At that meeting we were told that the Council would have to pay if we give up that site near Hodges Drive that we would have to pay for a bridge over the railway. Then when we have been looking at other sites we hear from LandCorp, if we choose land that LandCorp is involved in, that the price is going to be more. Sorry Mr Chairman, the price is not going to be up, that is coming for free as far as the ratepayers are concerned. That was advised prior to the break up that those would be the conditions. City of Wanneroo has got its new civic centre, we haven't got a depot site and I expect LandCorp to provide it free of charge.*

A1 Discussions recently took place directly with Mr Zakrevsky in relation to the then proposed works depot on the Hodges Drive Site and the associated financial arrangements with Landcorp through the Normalisation Agreement. The Normalisation Agreement provided for the payment of an amount of \$5.24 million to the City through either cash or cash and land. A 4 hectare parcel of land owned by LandCorp and known as the Hodges Drive Site until recently was the City's preferred site for the location of a new works depot and was to be transferred to the City originally for an amount of \$2.8 million as part of the Normalisation Agreement. LandCorp subsequently arranged a revaluation of the site that resulted in the proposed purchase price increasing to \$4.6 million.

The City has subsequently resolved not to proceed with the proposed purchase of the Hodges Drive site for its works Depot and have selected Beenyup as the new preferred site. As the Hodges Drive Site is now no longer to be purchased for the original purpose the City has received from LandCorp an amount of \$2.8 million in cash, which is the equivalent of the proposed original proposed purchase price. The City also received a further \$648,000 from LandCorp in recognition of the funds having been held by LandCorp since February 2003.

The Business Plan for the proposed new depot site will be advertised shortly and will provide a further opportunity for the community to comment.

Re: Environmental Centre

Q2 *In 1983 when LandCorp was situated in the CBD, I believe it was a Mr Morgan stated to me personally that within two years there would be an environmental centre that would accommodate the WA Naturalist Club, which is flora and fauna interests, the Wildflower Society and the Ornithological Society specifically. In the building would be provisions for a laboratory, at least three committee rooms, storage for records and hall that could accommodate approximately 100 people. These were the requirements prior to 1983 that were muted and eventually there was to be serious discussion. We are now in 2005 and considerable time has elapsed. We are talking about an environmental centre that is an educational centre and it should be area placed whereby it is accessible to students, TAFE and high schools and also the general community members after hours, who are on committees and do voluntary work in this field. I would ask that this matter be taken on board and hastened up, encouraging LandCorp to commit to this.*

A2 The City through its Normalisation Agreement has no formal commitment in place that outlines what an environmental centre should entail. Furthermore Landcorp has no further obligation to Joondalup. The matter has been put back to the community to gather the views and aspirations from the current community of Joondalup and Wanneroo and this is the most appropriate way forward for the future development of such a centre. All community members were welcome to attend the recent visioning forum for the centre and all commonly shared ideas will be assessed through a feasibility study.

Mr D Carlos, 45 Swanson Way, Ocean Reef:

Q1 *Page 36 – Principal Activities Plan 2004-2005 – Reference to Ocean Reef Marina Redevelopment.*

(a) *\$700,000 is listed in the table under progress during 2004/2005 with the comment “works completed within scheduled timeframes and within overall budget.” How much of the \$700,000 was spent and what was achieved?*

(b) *Page 38 – dot point 9 lists \$950,000 in 2005/06 as being allocated for the Ocean Reef development. How much of this is State Government money and how much is ratepayers money and what has been spent?*

A1 The total cost of the Ocean Reef Marina Structure Plan Project is estimated at \$1.184 million with the State Government committing to contribute \$700,000 leaving the City to contribute \$484,000. To date this year, approximately \$10,000 has been spent on the project completing the Risk Management Report, appointing a project manager, developing consultant briefs and tender documentation and calling tenders. The City has not yet received any of the \$700,000 from the State Government. These funds will be received progressively at the end of each stage of the project.

Mrs S Hart, 32 Pullan Place, Greenwood:

Q1 Does the City have any information if the ocean infrastructure will support the Ocean Reef Harbour Development?

Q2 Can I have a copy of that report?

A1&2 To the best of knowledge, there is no report available. The assessment as to what is possible both on the ocean and land at Ocean Reef is the first part of the Structure Plan process that will commence early in 2006. Tenders from consultants for the project are currently under assessment.

Q3 On Page 44, under Expenses, Governance is shown. Can I have a breakdown of the figure of \$6,988,364?

A3 Governance expenditure is represented by:

Expenditure	YTD Actual
Direct employee expenditure	500,364
Direct materials & contracts expenditure	701,374
Depreciation	21,910
Utilities	67,565
Expenditure allocated from other cost centres	5,697,151
	\$6,988,364

Q4 When these ward boundaries were set, did the Commissioners of the time follow the officer's recommendation?

A4 Yes. Council at its meeting held on 25 May 1999 (Report CJ194-05/99 refers) supported the officer's recommendation and resolved as follows:

"That the Joint Commissioners RECOMMEND to the Local Government Advisory Board that the Council favours a seven ward (two councillors per ward) proposal as detailed on Plan No 7/14 included as Appendix 1 to Report CJ194-05/99."

Mrs K Woodmass, 25 Calbourne Way, Kingsley:

Q1 I have had a swimming pool for several years and have not had a pool inspection yet I pay for this on my rates. Can you explain why?

A1 This property was inspected on Thursday 1 December 2005. (An inspection was attempted on Wednesday 31 November, but no-one was home). The owners have erected an isolation fence and the security complies. Ms Woodmass stated that her concern was that she had never physically seen an inspector. The property has a pre-1993 pool and it is possible that she would not have seen an inspector as only street access would have been inspected and this could be done without actually entering the rear of the property.

Re: Meath Care

Q2 *What is the height of the water table 15 metres from the wetlands?*

Q3 *What is the height of the water table 30 metres from the wetlands, which is where most of the development/excavation will occur?*

A2&3 The following responses were given at the Special Meeting of Council on 6 December 2005 and included in the minutes of that meeting.

The current water table level 15 metres from the CCW is approximately 27 AHD. The current depth from the surface is approximately 2 metres.

The current water table level 30 metres from the CCW is approximately 27 AHD. The current depth from the surface is approximately 4 metres.

The minutes are available on the City's Website at www.joondalup.wa.gov.au.

Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef:

Re: Treated pine fences and posts

Q1 *Is a fence post replacement program going to be put in place?*

A1 The City is aware of the concerns expressed by Fire & Emergency Service Authority (FESA) in regard to Tanolita treated pine posts and their use as fencing in natural areas. There is no replacement program proposed and the area around fencing will be treated with herbicide to eliminate vegetation and growth. This significantly reduces the potential fire hazard and complies with the FESA requirements.

Mrs M Macdonald, 5 Mair Place, Mullaloo:

Q1 *Why were the figures, which made the Mullaloo Tavern site a Village Centre in the Local Area Strategy falsified?*

A1 If the question refers to Policy 3.3 Centres Strategy, there is no known falsification of any figures within that Strategy.

Q2 *How could planners tell Councillors that there would be no adverse effects to the locality of Mullaloo by a development that took the patronage from an actual 175 to a possible 1000?*

A2 The new development does not take the patronage from an actual 175 persons. The 175-person capacity referred only to the upper level of the previous tavern, while the remainder of the building was not required to be limited under the legislation of the time. The occupancy of the new tavern is limited at this time to 396 persons.

Q3 *How could approval be given for a building to be constructed at Mullaloo that did not meet the requirements of its building approval?*

A3 The City grants a building licence based on the plans presented. This occurs prior to the commencement of construction. Practical completion inspections are then undertaken to check compliance with various approvals.

- Q4 Why did the current CEO commission a report on complaints from ratepayers on this same development, encourage ratepayers to take part and then not give the ratepayers a copy of that report or even an explanation of his actions?*
- A4 The report was commissioned in order for the (then) new CEO to develop an independent appreciation of issues, process and relevant matters regarding the Mullaloo Tavern Planning and Building applications. An opportunity was provided to external groups to make representations at the time in order to ensure that the appropriate range of issues were covered. The report achieved its intended aim in that regard.
- Q5 Why did Structure Plan No 1 for Joondalup City Centre approved to replace the Joondalup City Development Plan and Manual disappear? Why were the residential densities within that missing plan never used?*
- A5 Council at its meeting of 9 February 1999 (CJ 33-02/99 refers) resolved to modify the JCCDPM and make it available for public comment. Advertising took place between 16 March and 15 April 1999. The City's records do not indicate that the proposed modifications were progressed and the reasons for this remain unknown. Given that the modifications were not finalised, the operative structure plan (being the JCCDPM) remained in its then current form.
- Q6 Why did the Administration of the City tell the Minister of Planning and Infrastructure in 2000 that it had a height policy for all areas when this policy only covered residential areas in zones where residential use was allowed? Why was this existing policy changed so that it covered only a residential zone? Why has it taken six years to consider a height policy given the Minister's request in 2000? Given the current Minister's restated request in 2004, when will we get a height policy and will that policy use as precedents the height of buildings approved in the interim?*
- A6 The City of Wanneroo/Joondalup has had a policy in regard to the height of buildings in a residential area since April 1998. This policy was developed specifically to address height and scale of buildings in residential areas and has not been changed to exclude other areas.
- (a) Seventeen letters were received by the City from the Minister for Planning in 2000, none of which referred to a request by the Minister regarding a height policy. The Minister's recommendation in 2004 indicated that height in the coastal areas was of particular significance.
- (b) The policy wording has evolved over time, however the intent of it has not substantially changed. Each review process was conducted in accordance with the Scheme and subject to endorsement by the Council. The policy has had a continual objective to guide the height of residential development within residential areas.
- (c) A Local Planning Policy is currently being advertised for public comment and an amendment to District Planning Scheme No 2 has also been initiated to limit height in the non-residential coastal areas.
- Q7 Why don't we have development standards and controls for residential buildings, and short-stay accommodation when the City has been aware of the absence of these controls for many years?*

- A7 The Residential Design Codes 2002 and the City of Joondalup District Planning Scheme No 2 (DPS2) define 'Residential Building'. DPS2 provides for 'Residential Building' in both the Zoning Table (Table 1) and the Car Parking Standards (Table 2). A Policy on Short Stay Accommodation, including the use of a residential building, is currently being developed and will be presented to Council in early 2006.
- Q8 *Why are the people of Joondalup still waiting to have Lot 1 Tom Simpson Park and the 10 lots in Merrifield Place rezoned as parkland and bushland?*
- A8 A report will be presented to Council following a review of the City's asset portfolio.
- Q9 *Why are we still waiting for the Local Area Strategy, the Centres Strategy, to be amended three years after Council passed a motion to amend it? Why isn't this current policy used?*
- A9 It is unclear what is meant by 'Local Area Strategy' and the City does not have such a document. Policy 3.3 Centres Strategy was adopted by Council in 2001 and has an outlook to 2006. The Policy is to be reviewed and updated in early 2006.
- Q10 *Why are we told that there are budgetary constraints preventing necessary amendments to the Town Planning Scheme and Planning Policies being implemented, when we employ qualified planners who should be able to frame amendments to make the appropriate changes to the DPS 2?*
- A10 As with all Council operations, the roll out of tasks, reports, policies and advice is dependent upon resources available. While budget funds might be a factor at times, the difficulties facing the industry at present relate more closely to the shortage of professional staff in various disciplines. In regard to Planning Scheme amendments, amendments to the DPS2 and a number of planning policies are currently being developed and will be presented to Council in early 2006.
- Q11 *Why are credit card payments hidden by showing them on the Warrant of Payments as payments to the bank, when we know that the bank has only acted as an agent and paid monies on the City's behalf to other suppliers? How does this entry meet the requirements of the Local Government Act 1995?*
- A11 At the Council meeting held on 22 February 2005, Council resolved inter alia (CJ009-02/05 refers):
- "That Council requests the CEO to provide a report to Council in due course on the detail to be provided in the Warrant of Payments in relation to credit card payments, such report to outline:*
- the role of the Council;*
 - processes used by other local governments;*
 - advice from the Department of Local Government;*
 - legal requirements;*
 - recommendations of the City's Auditors;*
 - any other information considered appropriate by the CEO."*

A report was subsequently presented to Council at its meeting of 11 October 2005 addressing the above request (CJ210-10/05 refers).

The advice from the Department of Local Government contained within that report was that the credit card payment is being made direct to the organisation that issued the card, not to the individual vendor.

With the addition of the name of the organisation to which the payment is made (ie Westpac Bank) being recorded on the Warrant of Payments, all consulted parties were of the opinion that the City was fully meeting the requirements of the Local Government Act1995.

Q12 *When the Administration has commissioned reports, why are these reports not attached to the agendas so that Councillors, Commissioners and ratepayers are fully informed, instead of only receiving the Administration's interpretation of those reports?*

A12 Agendas contain all relevant information to enable the Council to make informed decisions on matters before it.

Mrs M Zakrevsky, 49 Korella Street, Mullaloo:

Q1 *In relation to chemical weed control, has the City of Joondalup contracted Turf Master Environmental to undertake chemical weed control along the 16kms of coastal dual use path? The dual use path is through the high conservation area of Bush Forever site 325, a distance of approximately 13kms. Is there stipulation in this contract which I believe Turf Masters now have for this path for its operators to be ABR (Australian Association of Bush Regenerators) accredited so that local plant species are not confused with weeds and sprayed inadvertently.*

A1 Spraying undertaken by Turfmaster along the foreshore dual use path was in accordance with the contract agreement for spraying of dual use paths, which requires its officers to be ABR accredited.

Q2 *The free mulch offer advertised in Council News Spring 2005 (back page) was valid until 26 September 2005. It came as a tear off slip with the four Green Waste Tip passes that came with the Annual Council Rates Payment Notice. I request that Council consider the following two proposals:*

(a) *The free period is extended so that ratepayers have more time to avail themselves of this free beneficial environmental offer to reduce water usage. Home gardeners mulch in late October and November following weed removal. I noticed this offer after 26 September, so I missed out unfortunately. I wonder how many others did not spot this "freebie"?*

(b) *The mulch voucher tear-off slip be changed to the top of the Green Waste Entry Vouchers Tip Pass from its position at the bottom so that it can be torn off independently of the green waste tip tear-off vouchers*

A2(a) Free mulch is offered by the City of Wanneroo and the City is therefore dependent on this offer. The offer has been made for the last two years up until the end of September 2005.

A2(b) If the offer is made by the City of Wanneroo next year the design of the voucher can be reviewed. It is noted that the mulch tear-off slip was designed so that it could be used first, independent of the green entry vouchers.

Q3 *Would Council consider providing orange 'dog poo' bags for Charonia Reserve in Mullaloo?*

A3 The City has identified 10 areas of Public Open Space where "Dog Poo" bags are provided. These locations are high in public use for picnics and community events. Provision of bags to all parks was investigated by the former Urban Animal Committee and rejected due to environmental impact of plastic bags and costs associated with servicing the high number of parks involved.

The following questions were taken on notice at the Council meeting held on 13 December 2005:

Mr J Bombak, Joondalup:

Questions directed to the CEO, further to questions answered at the Council Meeting on 22 November 2005.

Q1 *In your investigations of this serious matter, have you ascertained whether this employee who was intimidated/threatened been similarly treated by members of the public whilst this employee was discharging his/her duties as an employee of the City?*

Q1.1 *If the answer is yes, when did this occur and did any other person(s) overhear the threat(s) made?*

Q1.2 *What are the names of those persons who made the threat(s) and are they considered regular members of the public gallery at Council Meetings?*

Q1.3 *Has the employee who was threatened/intimidated taken any stress leave and placed on any medication as a result of these incidents?*

Q1.4 *Have you as CEO installed any extra security to protect this employee in order to provide a safer working environment?*

A1.1 – 1.4

These matters were referred to the appropriate channels and were dealt with as part of the Inquiry process.

Q2 *Did you as CEO immediately stand down the employee who made the threat to the Council Officer?*

Q2.2 *If the answer is no, why not?*

Q2.3 *Is the employee who made the threat still working at the City?*

Q2.4 *Have you as CEO fulfilled your obligations under the Local Government Act and any other Statute?*

Q2.5 *Is the employee who was threatened/intimidated satisfied with the way you have handled the matter or complained to you to the contrary?*

A2-2.5 The CEO was advised of an incident between two employees during the course of the Inquiry. The aggrieved employee has not pursued the matter.

Mrs M Macdonald, Mullaloo:

Q1 *On Tuesday, 6 December 2005, Commissioners passed a motion to approve an aged care nursing home in Kingsley using discretion with twenty-five (25) conditions and footnotes. Are they legally binding on the developer or can they be varied by delegated authority or would any deviation from these conditions need to come back to Council for approval?*

A1 These conditions are legally binding under the current approval. The applicant may make application for one or more of these conditions to be removed or varied, at which time the City shall determine if the proposed changes constitute a variation to the planning approval, and, if the changes require the Council's determination.

The following questions were taken on notice at the Briefing Session held on 14 February 2006:**Mr M Caiacob, Mullaloo:**

Re: Height and scale policy:

Q1 *Submission 199 in regard "natural ground level" is responded to by the note "The definition does not mean that the highest point of a site becomes the starting point to measure the maximum 10 metre height for the whole development".*

I refer Commissioners to the report into the development application of the Mullaloo Tavern. The applicant stated that a three-storey level could be constructed at the upper level of the site. The City stated 12 metres above 'mean' natural ground level according to the WAPC Coastal Policy. Other current scenarios indicate that natural ground level may be up to 7 metres above the kerb line from the front facades.

Will the Commissioners review the definitions and policy statement to ensure that clear intent is shown in the policy to maintain a 10-metre height limit from pavement to the uppermost part of the building?

A1 This is a matter for the Council to review and determine.

Re: Hillarys Shopping Centre noise wall:

Q2 *Did the meeting involving the two parties' solicitors come to a decision on how the noise issue was to be resolved at the loading bay area?*

A2 Yes

Q3 *If yes, was the decision the same as the recommendation before the Commissioners in this agenda?*

A3 The meeting of all parties was held to determine the best way to move forward and resolve the issues between the owner of the site, the occupier of the site and the neighbours. The recommendation before the Council follows consideration of the advice received from acoustic consultants and the City's Planning and Noise Officers.

Q4 *If no, what was the purpose of the officers and solicitors meeting with representatives of Coles?*

A4 Not applicable.

Q5 *What was the total cost to the ratepayers for City officers and the City's solicitors to meet with representatives of Coles?*

A5 The cost of the solicitors' advice to date is \$1,440. The cost for officers' time is not tracked at the level of detail required to answer this question.

Mr S Magyar, Heathridge:

Q1 *List of payments for November 2005: Payment 73700, Cheque for \$580.80 to Specialised Security Shredding: What were the documents that were shredded; were they shredded in accordance with the State Records Act and did they involve any documents relating to the former CEO?*

A1 The documents disposed of related to advertised job applications, financial records, records relating to the former City of Wanneroo, duplicate copies of corporate documents that are retained in the City's official recordkeeping system or non-corporate documents.

These documents are disposed of in accordance with the 1999 General Disposal Authority for Local Governments Records, which is published by the State Records Office of Western Australian. This schedule is included in the City's Recordkeeping Plan that received approval from the State Records Commission in March 2004.

No documents related to the former Chief Executive Officer.

The following questions were submitted in writing prior to the Council meeting on 21 February 2006

Lesley McDougall, Waterview Estate:

Q1 *Is Woodlake Retreat a lawful permanent road?*

A1 Woodlake Retreat is a gazetted public road.

Q2 *When, how and on whose authority was the permanent road on Lot 550 removed?*

A2 Apart from the existing section of Woodlake Retreat that traverses through Lot 550, there is no other known existing or previous permanent road on Lot 550 Woodlake Retreat.

Q3 *May we please be provided with the exact date and document references, including the date that resolution of Council was made, stating when Lot 550 was rezoned from Rural to Urban.*

A3 Lot 550 Woodlake Retreat (previously Lot 100 (197) Wanneroo Road, Kingsley) was zoned Rural and Regional Reserve - Parks & Recreation under the City's previous Town Planning Scheme No 1 (TPS1).

This lot was rezoned to Urban Development and Regional Reserve - Parks & Recreation as a result of the review of TPS1.

The rezoning became effective on the 28 November 2000 when the current District Planning Scheme No 2 was gazetted and replaced TPS1.

Ms Sue Hart, Greenwood:

Q1 What advertising is being undertaken through the media at the City?

A1 The City of Joondalup undertakes many forms of advertising through various media channels to assist in promoting the City and communicating with its residents. The more prominent advertising means are the community newspaper, Mix 94.5 and Twin Cities FM. The City has also used specific media channels based on certain events and programs.

Q2 How much, in total, did the advertisement I heard on 94.1, on 07/02/2006, cost ratepayers?

A2 The City engaged Mix 94.5 fm to undertake an annual branding awareness campaign from September 2005.

The annual campaign was at a cost of \$20,000, with an additional \$5,000 being allocated to specifically promote the Joondalup Festival.

The radio campaign was undertaken to promote the City as a point of interest for people to visit. The campaign links in with the City's Tourism plan and compliments the City's other advertising.

Q3 How often, and on what radio stations, is the City advertising?

A3 The Mix 94.5 fm and Twin Cities FM – Community Station.

Through 94.5 fm, the City receives an average of 23 x 30 second commercials per month.

Through Twin Cities FM, the City receives sponsorship statements for the news and weather from 7.00 am to 6.00 pm each weekday every alternating month.

The City has also undertaken various other advertising campaigns through various radio stations based on the specific event eg Nova to promote the Scorcha Youth festival.

Q4 Is there any other types of advertising the City is undertaking?

A4 See response to Question 1.

Q5 Is the City in partnership with any one/body in this advertising campaign?

A5 No.

Q6 Where and who made the decision to advertise through the media ?

A6 As part of the daily operations of the City, decisions are made regularly to advertise through various media channels, from employment to promotional advertising.

Mr S Kobelke, Sorrento:

Q1 Will the City take steps to investigate the Freeman Way/ Marmion Avenue intersection in Marmion. It is very dangerous with traffic turning in both directions and the congestion is compounded by the inadequate slip lane for people right from Marmion Avenue into Warwick Road, because the traffic banks up right back to Freeman Way.

- A1 The City will investigate the intersection of Freeman Way/Marmion Avenue, in consultation with Main Roads Western Australia as the responsible authority for Marmion Avenue.
- Q2 *On the website <<http://www.sorrentoquayboardwalk.com/latest-news.htm#3>> the home page carries a story dated 27 September 2005 that the City of Joondalup has approved plans to extend and improve Sorrento Quay Boardwalk. The extensions include additional outlets and the bridge across the Boat Harbour to the northern car park. Can the City advise when this was approved?*
- A2 The information provided on the website in question, is factually incorrect. A report was presented to Council on 5 April 2005 for the proposed additions to Hillarys Boat Harbour (Tavern, Boardwalk and Retail). The Western Australian Planning Commission (WAPC) was the determining authority for this development application and not the Council. Council's recommendation to the WAPC was not to support the application.
- The WAPC subsequently forwarded a letter to the City of Joondalup dated 27 July 2005 advising that it had approved the proposal, subject to various conditions.
- Q3 *Steve Jenkins, General Manager Coastal Facilities, DPI has stated on the DPI website that there is a \$ 9 million enhancement program at the Hillarys Boat Harbour over the next 4 years. Can the Council elaborate on this?*
- A3 The City of Joondalup is aware that there is currently a \$9 million enhancement program for Hillarys Boat Harbour, aimed at revamping some of the more run-down areas and to provide more facilities within the harbour for the general public.
- Some recent proposals have been to improve the appearance and functionality of the existing bunker toilets, additional penholders ablution block (northside), additional parking and footpaths (northside) and some additional landscaping areas (northside). No further proposals have been forwarded to the City. It is recommended that contact be made with the DPI to discuss the statement attributed to that department.
- Q4 *I understand that the new tavern will now be built on the southern side of the Boat Harbour with the bridge across the water to the northern car park. There appears to be no increase in parking for this new facility. Under the revised payments in lieu of parking by the City would this not have meant a fee of around \$8 million dollars that the Wylie Group would have paid. Has the Wylie Group paid a fee in lieu of car parking?*
- A4 The planning approval issued by the WAPC, required the shortfall in car parking to be addressed by a cash-in-lieu payment of \$5,000 for each car parking bay. The development was short by 234 car bays. This cash-in-lieu component needs to be paid to the City prior to occupation of the development. The decision was made by the WAPC. The value is not determined by Council.

Re: Coastal Height Policy

A letter of 8 February 2006 from Urban Plans Ian Brashaw to Graham Catchpole was circulated at the Briefing Session of Tuesday 14 February. This letter is a Submission in Objection of the Coastal Height Policy.

- Q5 *How is it then that with public comment closed weeks earlier the City would entertain a further submission from a person who has already made a submission. And even more so when this late submission details absolutely totally irrelevant information and scare tactics that has caused one of the Commissioners to ask for legal advice at a cost to ratepayers?*
- A5 Submissions received after the official advertising close off date have been included in the submission schedule, as is past practice, but have been noted as late submissions. The content of the submission will be considered if at all possible, and the timing of the lodgement will determine only if that can be achieved.
- Q6 *What is going on up there that of the 277 submissions, 270 are for the policy, a further 6 are against the policy but only because they want more teeth added, and only 1 (Urban Plan) is truly against and then the City lets that one have another shot?*
- A6 It is noted that, in addition to Mr Brashaw's late submission, two additional pro-forma letters of support were received after the distribution of the briefing session agenda. In light of Mr Brashaw's deputation at the briefing, his late submission was provided to Council at that time for its information. The remaining two late submissions have been included in the agenda for the Council meeting. If it is possible to provide information to the Council (regardless of whether it is for or against), then the administration will attempt to analyse and provide relevant information to the Council to ensure an informed decision is made.

Mr D Biron, Mullaloo:

Re: Noise Policy from the AGM - Motion No 10 - Implementation of noise policy

"the City's understanding of the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations, as interpreted in its letters of 5 September 2003, 9 December 2003, 6 January 2004, 12 March 2004 and 2 April 2004 appears somewhat clouded and overall its application of its policy appears to be ineffective."

Please note that the author of this report is recognized internationally and by the State of Western Australia as a technical expert and his above very clear reference to "its policy" – the hidden Noise policy of the Officers of the City Of Joondalup.

Following are just a few of the key differences between the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations, Act and the current undocumented and unavailable to ratepayers City Of Joondalup Officer Noise Policies according to this written report by this same accredited Acoustic Expert.

- 1 *"according to the City" (of Joondalup), "occasional parties, i.e. up to four per year, where the noise may exceed the assigned levels are considered acceptable to the city, provided that the noise emissions are reasonable. Whilst this approach is quite reasonable if followed with care and is, I believe, adopted by most local governments and the Department of Environment, it is not adopted by the regulations. The regulations simply state that if a noise emission is in excess of the assigned levels, compliance is not achieved. Clearly it is appropriate that enforcement authorities use some discretion in interpreting this requirement, but equally, it is essential that such discretion is applied only with a substantial knowledge of the party host's general performance regarding noise emissions. Whilst I believe the City's adoption of such a policy to be a*

reasonable and practicable approach to noise management in its municipality, I find it to be neglecting the potential impact of some events of this nature. Social gatherings are frequently sources of unreasonable noise and parties are only social gatherings for which there is a clear reason for their occurrence, e.g. to celebrate a family birthday or wedding anniversary. Such events must be assessed on the merits of their noise emissions in addition to the number of times they occur and their purpose.”

- 2 *The Act and its regulations do not provide comment on the nature of sources from which unreasonable noise can result. The City's letter of 2 April 2004 infers that only noise from a stereo, radio or other equipment can be controlled under the Environmental Protection Act 1986. As mentioned above, this is not correct. Only section 79 of the Act is limited in its application to noise from equipment. Sections 49 and 51 (and thus the regulations, as they are prescribed standards for the purposes of section 51) are not restrained in any way with respect to the nature of noise sources to which they can apply.*
- 3 *In relation to the City of Joondalup One off party Policy this specialist also queries just “How can a person have more than one "one-off" party?.... A "one-off" party that runs for 14 hours on Christmas Day could very easily be intrusive and offensive..... that the City had instructed its after hours noise consultant not to attend on this day if requested by Mr. Biron, without advising him it had issued this instruction.” “I find it unacceptable that the City appears to have refused to allow noise emissions from this party to be measured.”*
- 4 *“In its letter of 6 January 2004 to you, the City” (of Joondalup) “states that it must have reported readings by an authorised person if formal proceedings are to take place. This is not correct. Any person can present noise measures to a court of law for the purposes of the Environmental Act 1986 and its regulations. Of course that person’s knowledge of noise measures will be questioned, however this will happen regardless of whether or not the person is an authorised person under the Act, or an acoustics expert.”*

The Commissioners and Officers are all well aware that the City of Joondalup pursues these very individual “interpretations” of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations, so I would like to ask why this report denies any existence of all these and more clearly documented City of Joondalup officer Noise policies which are not contained in either the Environmental Protection Act 1986 or the Environmental Protection (Noise) Regulations.

Note: *The extract above has been provided by Mr D Biron, Mullaloo. The City has not been provided with the name or a copy of the report that has been mentioned in the documentation.*

Q1 *Where in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations does it state or infer that only noise from a stereo, radio or other equipment can be controlled under the Environmental Protection Act 1986 since this is the clearly documented position of the City of Joondalup?*

A1 *Section 79 Environmental Protection Act - Unreasonable noise emissions on premises states:*

“A person who on any premises uses or causes or allows to be used any equipment in such a way as to cause or allow it to emit, or otherwise emits or causes or allows to be emitted, unreasonable noise from those premises commits an offence.”

Section 80 Environmental Protection Act - Installation of equipment emitting unreasonable noise states:

“A person who installs on or in any premises any equipment which, when operated, emits unreasonable noise and which he knows or, if he had exercised reasonable care, would have known so to emit when so installed and operated, commits an offence.”

Q2 *Who is the author of this particular City of Joondalup Noise policy?*

Q3 *Why is this particular component of the City of Joondalup noise policy not available to ratepayers to read?*

A2 & 3 The City does not have a Noise policy. The regulations that control noise provide clear requirements 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 this is covered by Acts, Regulations, relevant Australian Standards and enforcement protocols.

Q4 *Where in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations does it state or infer that noise from Family gatherings and One Off parties are exempt from any proper nuisance noise control since this is the documented position of the City of Joondalup?*

A4 In defining unreasonableness, authorised officers take into consideration the nature and duration of the noise emissions, the frequency of the emissions and the time of day it is emitted.

Q5 *Who is the author of this City of Joondalup Noise policy – the one relating to the exemption of Family gatherings and One Off parties from State Noise Control legislation?*

Q6 *Why is this particular component of the City of Joondalup noise policy not available to ratepayers to read?*

Q7 *Where in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations does it state or infer that 4 parties a year plus any number of Family gatherings and One Off parties are permitted by law since this is the documented position of the City of Joondalup?*

Q8 *Who is the author of this particular City of Joondalup Noise policy – the one relating to the 4 parties a year plus any number of Family gatherings and One Off parties?*

Q9 *Why is this particular component of the City of Joondalup noise policy not available to ratepayers to read?*

A5-9 Please refer to the response for Questions 2 and 3.

Allegations of unreasonable noise emissions are investigated on a case by case basis giving consideration to advice received from the Department of Environment, legal advice, expertise from authorised noise officers and resource availability.

The authorised noise officers appointed for the City do not consider the holding of an occasional, one-off party in a residential area as “Unreasonable”. The City does not wish to prohibit the holding of parties in residential premises.

Q10 How many prosecutions have there been since the City of Joondalup was founded under the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations?

A10 The City of Joondalup has served 22 Infringement Notices, 4 Pollution Abatement Notices and 1 Environmental Protection Notice (formerly PAN). The City Officers have also seized noisy equipment where required, and initiated legal proceedings for breach of Pollution Abatement Notices. When complaints are investigated, the majority of people do take a considerate approach and issues are resolved without the need for litigation.

Q11 Why, when the City of Joondalup is publicly questioned at Council Meetings over these secret City of Joondalup Noise control policies does it provide in writing responses to ratepayers like “there are 365 days in a year”?

A11 The statement contained in Question 11 about a “secret noise policy” is not agreed. It is understood that the question asked of the City related to how many parties were permitted in a year and what constituted a year. In this context, the “year” was taken to be any period of 365 days.

Q12 Is this report compliant with the requirements of the Local Government Act since it blatantly misrepresents the facts as documented in City of Joondalup ratepayer correspondence and conflicts greatly with the expert opinion in a written report of one of the authors of the Environmental Protection (Noise) Regulations drawn up and based on COJ correspondence?

A12 The City is uncertain as to which report this question relates. More information is required about the specific details of the concern and the conflict as identified by the expert opinion. The City’s noise officers regularly liaise with other local government noise officers, regulators and acoustic consultants and value the advice and feedback received from these professionals.

In closing his report having studied numerous correspondences from the City of Joondalup this leading State expert wrote that:

“Whilst the City’s policy on noise emissions from domestic parties and the like may be reasonable, it is important that the extent of unreasonableness of the noise emissions also be considered. There will be occasions where the nature of such events results in totally unreasonable noise but still allows them to fit within the City’s enforcement policy if this policy is based on only the type and number of events held. This appears to me, from perusal of the documents you have provided to me and my discussions with you, to be the key weakness in the City’s management of this noise issue. The City appears to be adopting “a head in the sand” approach which will do little more than cause frustration to all parties involved, including the City”.

This is the true nature of the historically documented secret noise policies of the City of Joondalup, and explains clearly why ratepayers in the City took the time and trouble to request that a Public Noise policy be drawn to rectify these problems at a special General meeting of the City.

Q13 *Why does the City of Joondalup refuse to subsequently make available to ratepayers the Noise reports taken by the Acoustic Engineer, so that ratepayers can take their own legal actions if necessary, since the City of Joondalup secret noise policy allows Parties to be held at certain residences up to 365 days a year?*

A13 A summary of the results of the sound level analysis assessment is available upon request. This Consultant has been engaged by the City to provide an independent report at a cost to the City.

A person directly affected by unreasonable noise may wish to institute a prosecution for the alleged offence under Section 79 of the Act. The services of a private Acoustic Consultant and not the City's Acoustic Consultant should be engaged to prevent any allegations of conflicts of interest. The City reserves the right to use the information contained in the Acoustic Consultant's report for any action it may deem appropriate and this may be compromised if other action is instituted using the same report.

Q14 *Why do these Noise reports then subsequently disappear from any documents obtained from the City of Joondalup under FOI applications, without any exemptions being claimed for their absence?*

A14 Noise reports received from the City's Acoustic Consultants are retained within the City's official recordkeeping system and are therefore discoverable during a freedom of information application process. One such report was provided as part of a freedom of information application, with Clause 3 Schedule 1 (Personal Information) being cited. This exemption allows for the non-disclosure of any personal information.

Q15 *Does this routine failure to keep the true records of noise readings taken at ratepayers homes and at ratepayer expense and also to provide them under State FOI legislation to the ratepayer, qualify as one of the breaches requested to be notified to the City of Joondalup regarding the routine failure of their record keeping systems as specified in Motion 14 of this same agenda item?*

A15 The statement contained within Question 15 is not agreed. There is no failure to keep true records of noise readings as these reports are retained within the City's official recordkeeping system.

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

Mr M Caiacob, Mullaloo:

Q1 *Re: Height and Scale Policy – Would the City agree that a 10 metre height limit for the nominated sites covered by the Height and Scale Policy for commercial usage along the coast was supported by most respondents?*

A1 Yes.

Q2 *Could I please be advised of when City officers have had meetings or met with the applicants or the applicants' representatives for the Sorrento Shopping Centre redevelopment?*

The following question was tabled at the meeting by Mr M Caiacob, Mullaloo:

Q3 *Re: Hillarys Shopping Centre – Noise Issues – Who were the officers that met with the applicant at the noted meeting?*

A2-3 These questions will be taken on notice.

Mr D Carlos, Ocean Reef:

Re: The McIntyre Inquiry

Q1 *What is the current position regarding the recovery of the \$500,000 payout to Mr Smith and recovery of the legal fees?*

A1 The City has taken preliminary advice and is taking further detailed advice on the opportunity to seek recovery of the funds.

Q2 *What is the current position regarding Mr Smith being charged with fraud?*

A2 It is understood the matter has been referred from the Inquiry to the Crime and Corruption Commission who will, in turn, refer it to the Department of Public Prosecutions. It is not a matter over which the City has any jurisdiction.

Ms S Hart, Greenwood:

Q1 *I read in the newspaper that an employee at the City of Joondalup was sacked for not producing or not having their driver's licence. Can Council please tell me if this is correct?*

A1 This question will be taken on notice.

Q2 *Re: Woodlake Retreat, Kingsley – Are staff in preparing their report, going to give ratepayers justice in their feelings and their comments about their amenity and lifestyle in that area?*

A2 The City will take into consideration and table all the submissions. Any summary that is made of the documentation will highlight the key points raised and amenities issues.

Q3 *You said that all submissions will be tabled, will they be fully reported in the report?*

A3 The City's process is that the submissions will be made available for the decision making body. The details of every person who has made a submission is included in the report and summaries attached, and the documentation is available for viewing.

Mrs M Macdonald, Mullaloo:

Q1 *Is it the intention of this Council to continue to allow the owner of the Mullaloo Tavern to service the development from the pavement in front of the tavern, contrary to the development approval for the site?*

A1 The site is serviced during the week correctly, however, at the weekends it is not. This issue has been identified to one of the Commissioners and the matter has been taken up with the relevant parties and is being monitored.

Q2 *With due respect I have seen many service vehicles at that forecourt in front of the building during the week, servicing the building.*

A2 Ms Macdonald was requested to provide details to the Rangers when she sees this occur, to enable the City to investigate and take the appropriate action.

Q3 *On busy days at Mullaloo, cars are parked on the footpath in front of No. 16 Oceanside Promenade, Mullaloo and motorbikes are parked in front of the tavern on the pavement. Does the City have a plan to stop this dangerous practice?*

A3 There are local laws in place to control that type of behaviour and this information will be passed onto the Rangers to ensure that those public places are kept free.

Ms M Moon, Greenwood:

Q1 *Re: Coastal Heights – Non Residential Developments – The wisdom of limiting coastal heights for non-residential development in light of the fact coastal strategy objectives have been raised. Where is it stated that a node must be five or more storeys to be functional or sustainable?*

A1 There is no statement made from the City's point of view in its assessment about of this matter.

Mr J McNamara, Sorrento:

Q1 *Is the CEO aware of an increase in the number of motor vehicles being offered for sale on verges in the municipality, particularly on weekends?*

A1 The CEO is not aware of this within the City, but has noticed generally on weekends that there seems to be a trend at major intersections in other local governments.

Q2 *Would the City consider requesting the security patrol vehicles to take note of the advertised phone numbers or addresses where this situation is occurring?*

A2 The City would be happy to do that.

Mr A Bryant, Craigie:

Re: Item CJ025-02/06

Q1 *When is the community centre to be built on Council land in Craigie at the corner of Perilya Road and Camberwarra Drive? Will Commissioners make a final decision tonight, please on Item No. CJ025-02/06?*

A1 *Response by Cmr Paterson:* Commissioners will be making a decision.

Q2 *My next-door owner at 4 Stocker Court, Craigie wishes to erect a patio that will be only 500mm from my land and fence boundary. Under Council's building regulations should not the structure be a least one metre from my boundary fence? I request that this application is not approved.*

A2 Depending on the type of structure, it is possible, in some case to have a nil setback without neighbours' consent, but the City will contact Mr Bryant to go through the various details of this application to see what standard should apply.

Mr K Zakrevsky, Mullaloo:

Q1 In relation to a statement in the Community Newspaper quoting the CEO apparently, that \$100,000 per annum would be saved on heating the Craigie Leisure Centre pool. If this cost the City over \$1 million for the last problem that arose to have this heated water which I feel should have been the responsibility of the contractor, how is this a saving, if it is going to take ten years to pay off the \$1 million plus, let alone any other additional costs bearing in mind that the pool cost is far greater than a similar type private school pool that was built?

A1 The comment was made in relation to a specific question, not in relation to the project in totality. The City will be happy to provide Mr Zakrevsky with additional information in due course, but in this context the response was to a question as to the benefits of Geothermal versus another option, not in terms of the total cost of the project.

Q2 Is the standard, domestic type rubbish removal truck used by Council to remove the Mullaloo Tavern rubbish from the roadside that was supposed to be the specially designed rubbish removal truck from the Tavern that was to be used?

A2 Council does not provide the service of rubbish removal. This is carried out by a private agreement between the owners and the contractor, which in this case is the City of Wanneroo.

The way the site is being serviced is not in accordance with the planning conditions and as the City answered in an earlier question, that matter is being taken up both with the property owner and with the servicing group.

Dr V Cusack, Kingsley:

Q1 Can Council please provide us with an update of the proposal for Lot 550 Woodlake Retreat, Kingsley and in terms, particularly, of the issues that may have identified during the submission period?

A1 The approach that the City has taken with this particular project has been to deal with those key issues that have been identified, being amenity, traffic or the general issue of access and egress both to the locality and to the individual property, which is the subject of the planning application. Those discussions have been held with key agencies, i.e., Main Roads WA, CALM, the Department of Planning and Infrastructure and Bush Forever. A number of meetings have been held and issues that have been raised by the community with local Parliamentarians since as far back as 2000, have all been identified and pursued with those agencies.

The main issue that has come through in the submissions revolves around the access and the question of a second access onto Wanneroo Road. This is not down playing other issues, which have been part of the submissions. If the City could solve the extension of Woodlake Retreat to Wanneroo Road, then a number of the other issues may fall away in that process.

The approach the City has taken is to write to the applicants and to advise them that the City is holding this application in abeyance until further resolution regarding the road issue has occurred. The City has had a meeting with the above organisations, but there needs to be further meetings because it is CALM land. There does seem to be some will to look at an option to extend that road, but there is work to be done yet to find the best alignment and who is to pay for the road. In addition to that, the City has also written to the Department of Environmental Protection and requested a meeting with them in relation to the acid sulphate soil report.

Q2 *At the same time will Council seriously consider the option of not constructing the basements on the sensitive western side, if at all possible?*

A2 This will be part of the development application. There is some advice suggesting that the basement levels are about road/kerb level and while they cut into the site slightly they are not similar to the application regarding Meath where the basement was cut right into the site. The City is not able to categorically say that it would not recommend that, and the City needs to look at the application in relation to the acid sulphate soil report.

PUBLIC STATEMENT TIME

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

Mr M Caiacob, Mullaloo:

Mr Caiacob spoke about concerns he has with the Height and Scale Policy and Commercial View Shed.

Mr D Carlos, Ocean Reef:

Mr Carlos spoke against momentos being presented to retiring Elected Members. Mr Carlos also spoke on issues relating to the former CEO, Mr D Smith.

Cmr Clough left the Chamber at 1923 hrs and returned at 1925 hrs

Ms S Hart, Greenwood:

Ms Hart supported Mr Carlos' statement and queried why staff at the City of Joondalup consider they should solve developers' problems.

Ms M Moon, Greenwood:

Ms Moon spoke about her submission regarding the Coastal strategy and structure plans in general.

Mr S Kobelke, Sorrento:

Mr Kobelke made a statement regarding the Local Planning Policy in regard to the height of developments in non-residential zones adjacent to the coast.

Mr J McNamara, Sorrento:

Mr McNamara spoke on the need for the City to have a 'gateway' on West Coast Drive and commented on the differences in maintenance standards between the City of Joondalup and the City of Stirling.

Mr K Zakrevsky, Mullaloo:

Mr Zakrevsky spoke about the implementation of a Noise Policy needed within the City of Joondalup.

C01-02/06 EXTENSION OF PUBLIC STATEMENT TIME – [01122] [02154]

MOVED Cmr Anderson, SECONDED Cmr Clough that public statement time be extended.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Mr J Hollywood, Burns Beach:

Mr Hollywood made a statement about the proposed Currambine District Centre Structure Plan and a comment on the proposed legal action for non compliance with planning approval – loft addition to existing two storey single house at Lot 185 (19) Kirribilli Court Kallaroo.

Ms A Walker, Padbury:

Ms Walker spoke about the following:

- Not receiving replies to some of her questions;
- Concerns about giving recognition to former Elected Members;
- Proposed Craigie Community Centre.

APOLOGIES AND LEAVE OF ABSENCE

Apology - Cmr S Smith

CONFIRMATION OF MINUTES**C02-02/06 MINUTES OF COUNCIL MEETING – 13 DECEMBER 2005**

MOVED Cmr Clough, SECONDED Cmr Fox that the Minutes of the Council Meeting held on 13 December 2005, be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**NEW WARD BOUNDARIES**

The new ward boundaries for the City of Joondalup have been officially gazetted in time for the coming election on 6 May 2006.

There are now six new wards and 12 Councillors, two Councillors representing each of the newly created six wards.

The Mayor will continue to be elected by all the electors of the City.

The new wards have been named as follows:

- North Ward
- North-Central Ward
- Central Ward
- South-West Ward
- South-East Ward
- South Ward

A poster showing the new wards is on display outside the Chamber.

ELECTION – 6 MAY 2006

It is hoped the new ward structure will attract a high-quality field of candidates for the coming election.

I would urge all 100,000 eligible voters in the City to “Have Your Say On 6 May”.

We are hoping to achieve a large voter turn-out, ensuring the new Council represents the whole of our 160,000-strong community.

The election will be a postal election and residents will be able to vote for the Mayor, who represents the City overall, and their two Ward Councillors.

JOONDALUP FESTIVAL

The other big event fast approaching is the Eighth annual Joondalup Festival.

The theme this year is "The Gathering" – a fitting theme as the shores of Lake Joondalup were the gathering place for Aboriginal people for many thousands of years.

The Festival will be held on the last weekend in March, 25-26, full of fantastic acts and highlights like the grand parade involving 3000 members of the community.

On Tuesday, 14 February 2006, the Youth Orchestra played at the Joondalup Resort, with approximately 7,000 people in attendance. It was a wonderful event and shows the extent of culture in the City of Joondalup.

STANDING ORDERS LOCAL LAW 2005

Also gazetted over the Christmas break, the new Standing Orders Local Law for the City of Joondalup and this is the first Council meeting at which they will be in use.

Welcome everyone to the start of a new Council year.

DECLARATIONS OF FINANCIAL INTEREST

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	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ028-02/06 Request for Annual Leave – Chief Executive Officer
Nature of interest	Financial
Extent of Interest	This item relates to Mr Hunt's contract of employment.

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.

Name/Position	Cmr S Smith
Item No/Subject	CJ016-02/06 – Consideration of Final Adoption of the Currumbine District Centre Structure Plan (Structure Plan No 6) – Lots 9505, 929 and 1574 Delamere Avenue, Hobsons Gate, Currumbine
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Smith's daughter resides in Currumbine. Cmr Smith was not present at this meeting.

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	C05-02/06 - Appointment of Director Governance and Strategy
Nature of interest	Interest that may affect impartiality
Extent of Interest	The recommended candidate is known to the CEO and was seconded on short term assignments on an overseas capacity building project prior to the CEO's appointment at the City.

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

Nil.

Cmr Paterson advised if Commissioners had no questions to raise on the confidential items, they could be considered without the need to go behind closed doors.

PETITIONS

C03-02/06 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 21 FEBRUARY 2006

PETITION REQUESTING CONSTRUCTION OF PROPOSED CARPARK, DAVALLIA KINDERGARTEN AND CARINE CHILD HEALTH CENTRE, 473 BEACH ROAD, DUNCRAIG - [09127] [03398]

A 71-signature petition has been received from patrons of the Davallia Kindergarten and Carine Child Health Centre requesting the Council to construct the proposed carpark at Davallia Kindergarten on the western boundary as a matter of priority in order to alleviate all issues previously raised during 2005.

This petition will be referred to Infrastructure Services for action.

MOVED Cmr Clough, **SECONDED** Cmr Anderson that the petition requesting the Council to construct the proposed carpark at Davallia Kindergarten as a matter of priority, be **RECEIVED** and referred to Infrastructure Services for action.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

CJ001 - 02/06 ANNUAL PLAN 2005/06 QUARTERLY PROGRESS REPORT OCTOBER TO DECEMBER 2005 – [20560]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

CJ060214_BRF.DOC:ITEM 1

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

MOVED Cmr Anderson, **SECONDED** Cmr Fox 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 Report CJ001-02/06.

Discussion ensued, with congratulations being offered to staff in relation to the compilation and clarity of the Annual Plan.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmrs Paterson, Clough, Anderson and Fox

Appendix 1 refers

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

CJ002 - 02/06 ANNUAL GENERAL MEETING OF ELECTORS HELD ON 28 NOVEMBER 2005 - [65578]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

CJ060214_BRF.DOC:ITEM 2

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

MOVED Cmr Anderson, SECONDED Cmr Clough 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.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson and Fox

CJ003 - 02/06 FORMER ELECTED MEMBERS OF THE CITY OF JOONDALUP – [22459]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

CJ060214_BRF.DOC:ITEM 3

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

OFFICER'S 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.

MOVED Cmr Clough, SECONDED Cmr Fox that Council DECLINES to acknowledge the service of elected members who served on the Council prior to the dismissal of the Council on 3 December 2005.

Cmr Clough spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

CJ004 - 02/06 ALTERATION TO COUNCIL'S 2006 SCHEDULE OF MEETING DATES – [08122]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

CJ060214_BRF.DOC:ITEM 4

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.

OFFICER'S 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.

MOVED Cmr Anderson, SECONDED Cmr Fox 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;**

- 3 **AMENDS Part 2 of its decision CJ223-11/05 of 1 November 2005, viz:**

“2 AGREES to hold informal deputation sessions in conjunction with the Briefing Session”

and REPLACES it with:

“2 AGREES to hold deputation session in conjunction with the Briefing Session”.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

CJ005 - 02/06 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING, 19 JANUARY 2006 – [00906]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

CJ060214_BRF.DOC:ITEM 5

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 *ACKNOWLEDGES 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 items 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

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 19 January 2006 forming Attachment 1 to Report CJ005-02/06;**
- 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 **ACKNOWLEDGES** 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.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 2 refers

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

EN BLOC RESOLUTION NO 1

Items CJ006-02/06 and CJ007-02/06 were considered as part of En Bloc Resolution No 1.

CJ006 - 02/06 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2005 – [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services

CJ060214_BRF.DOC:ITEM 6

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 EFT 4409 - 4695 Vouchers 108A – 114A	\$7,107,432.52
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

MOVED Cmr Anderson, SECONDED Cmr Fox 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 Report CJ006-02/06, totalling \$7,107,432.52.

The Motion was Put and

**CARRIED UNANIMOUSLY BY
EN BLOC RESOLUTION NO 1 (4/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 3 refers

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

CJ007 - 02/06 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2005 – [09882]

WARD: All

RESPONSIBLE DIRECTOR Mr Kevin Robinson (Acting)
Corporate Services

CJ060214_BRF.DOC:ITEM 7

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

MOVED Cmr Anderson, **SECONDED** Cmr Fox 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 Report CJ007-02/06, totalling \$8,728,145.78.

The Motion was Put and

**CARRIED UNANIMOUSLY BY
EN BLOC RESOLUTION NO 1 (4/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 4 refers

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

EN BLOC RESOLUTION NO 2

Items CJ008-02/06 and CJ009-02/06 were considered as part of En Bloc Resolution No 2.

CJ008 - 02/06 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2005 – [07882]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Peter Schneider
Corporate Services

CJ060214_BRF.DOC:ITEM 8

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 that 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

MOVED Cmr Anderson, SECONDED Cmr Clough that Council NOTES the Financial Activity Statement for the period ended 30 November 2005 forming Attachment A to Report CJ008-02/06.

The Motion was Put and

**CARRIED UNANIMOUSLY BY
EN BLOC RESOLUTION NO 2 (4/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5agn140206.pdf](#)

**CJ009 - 02/06 FINANCIAL ACTIVITY STATEMENT FOR THE
PERIOD ENDED 31 DECEMBER 2005 – [07882]**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Peter Schneider
 Director Corporate Services

CJ060214_BR.F.DOC:ITEM 9

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

MOVED Cmr Anderson, **SECONDED** Cmr Clough that Council **NOTES** the Financial Activity Statement for the period ended 31 December 2005 forming Attachment A to Report CJ009-02/06.

The Motion was Put and

**CARRIED UNANIMOUSLY BY
EN BLOC RESOLUTION NO 2 (4/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6agn140206.pdf](#)

CJ010 - 02/06 TENDER 006-05/06 PROVISION OF CONSULTANCY SERVICES FOR BUILDING MAINTENANCE – [89572]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

CJ060214_BRF.DOC:ITEM 10

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 consists 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

MOVED Cmr Clough, **SECONDED** Cmr Fox 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 Report CJ010-02/06;
- 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.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 7refers

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

CJ011 - 02/06 TENDER 009-05/06 PROVISION OF CLEANING SERVICES – BUILDINGS – [14573]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

CJ060214_BRF.DOC:ITEM 11

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

MOVED Cmr Anderson, **SECONDED** Cmr Fox 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 Report CJ011-02/06;
- 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.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 8 refers

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

CJ012 - 02/06 TENDER 032-05/06 DRILLING, DEVELOPMENT & TESTING OF BORES – [25577]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

CJ060214_BRF.DOC:ITEM 12

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

MOVED Cmr Anderson, **SECONDED** Cmr Fox 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 Report CJ012-02/06;
- 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.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 9 refers

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

CJ013 - 02/06 TENDER 040-05/06 SUPPLY AND DELIVERY OF MOBILE GARBAGE BINS – [73578]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

CJ060214_BRF.DOC:ITEM 13

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

MOVED Cmr Fox, **SECONDED** Cmr Clough 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 Report CJ013-02/06;
- 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.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 10 refers

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

CJ014 - 02/06 TENDER 012-05/06 SUPPLY AND INSTALLATION OF FENCING – [17569]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

CJ060214_BRF.DOC:ITEM 14

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

MOVED Cmr Fox **SECONDED** Cmr Clough 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 Report CJ014-02/06;**
- 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.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 11 refers

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

CJ015 - 02/06 MINUTES OF MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD 7 DECEMBER 2005 – [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

CJ060214_BRF.DOC:ITEM 15

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 Gngangara 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 Meeting of the Conservation Advisory Committee held 7 December 2005
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

MOVED Cmr Anderson, **SECONDED** Cmr Fox that Council:

- 1** **NOTES** the unconfirmed Minutes of the Conservation Advisory Committee held on 7 December 2005 forming Attachment 1 to Report CJ015-02/06;
- 2** **ENDORSES** the Conservation Advisory Committee's Draft Strategic Plan forming Attachment 2 to Report CJ015-02/06;
- 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 Report CJ015-02/06.

Cmr Anderson spoke to the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (4/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 12 refers

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

CJ016 - 02/06 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 DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060214_BRF.DOC:ITEM 16

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 eight (28) 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 nine (9) 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 (Attachment 4 refers). 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 eight (28) 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 nine (9) 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 (Attachment 4 refers). 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
- Potential for additional retail floor space within the Business Zone

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.

Potential for Additional floor space within the Business Zone.

Two submissions received raised concerns in regard to the potential for additional retail floor space to be approved in the Business Zone of the structure plan area, and the potential effect of this on other shopping centres, the Beaumaris Shopping Centre in particular.

In this regard, the structure plan does not propose to alter the existing provisions of DPS2 that relate to the ability for the Business zone to accommodate incidental retail floor space. It is noted that this DPS2 provision applies to all Business zones within the City, and is not specific to the Currambine centre. Therefore, the structure plan does not in itself encourage or permit retail floor space beyond that permitted under DPS2.

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
Attachment 5	Structure Plan Flowchart

VOTING REQUIREMENTS

Simple Majority

OFFICER'S 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 Report CJ016-02/06 and proposed modifications listed in Resolution 4 below to Report CJ016-02/06 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 Report CJ016-02/06 (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 Report CJ016-02/06 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 Report CJ016-02/06 being added to Appendix 2 of the structure plan document.

MOVED Cmr Fox, SECONDED Cmr Anderson 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 Report CJ016-02/06 and proposed modifications listed in Resolution 4 below to Report CJ016-02/06 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 Report CJ016-02/06 (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

Such design drawings to be made available for viewing and comment by the property owners in Delamere Avenue facing the site;

- (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 Report CJ016-02/06 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 Report CJ016-02/06 being added to Appendix 2 of the structure plan document.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmrns Paterson, Clough, Anderson and Fox

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn140206.pdf](#)

CJ017 - 02/06 PROPOSED AMENDMENTS TO THE JOONDALUP CITY CENTRE PLAN & MANUAL - ADDITIONAL PROVISIONS FOR THE CENTRAL BUSINESS DISTRICT (ECU JOONDALUP CITY CAMPUS) – [61558] [00152]

WARD: Lakeside

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060214_BRF.DOC:ITEM 17

PURPOSE

This report is for Council to consider advertising proposed amendments to the Joondalup City Centre Plan and Manual (JCCDPM) to include development provisions for the future Edith Cowan University Joondalup City Campus site, bounded by Grand Boulevard, Barron Parade and Collier Pass, Joondalup.

EXECUTIVE SUMMARY

The subject site (Lot 9000 Collier Pass, Joondalup) is located on the west side of Grand Boulevard, bounded by Barron Parade and Collier Pass, Joondalup. Lot 9000 is 7.89 hectares in area and is to be developed in the future for the ECU (Edith Cowan University) Joondalup City Campus. The main part of the ECU campus is located opposite the subject site on the east side of Grand Boulevard.

The subject site is a part of the Central Business District precinct of the JCCDPM. The proposed amendments to the JCCDPM include adding an 'Education/Mixed Use' precinct with acceptable land uses compatible with the education function of the ECU campus site. It also provides associated development provisions to provide the framework for the future ECU Joondalup City Campus development with its focus on educational land uses.

The traffic impacts of further development of the ECU campuses have not been assessed as a part of the Masterplan. A traffic study/management report is normally required at the structure plan stage and this could be submitted prior to further consideration of the proposed amendments to the JCCDPM.

In other respects, the proposal is satisfactory for the purpose of initiating public advertising.

It is recommended 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 28 days;

- 2 REQUIRES the submission of a traffic study/traffic management report relating to future development of Lot 9000 (40) Collier Pass, Joondalup prior to the completion of public advertising and further consideration of the proposed amendments by Council, to the satisfaction of the City of Joondalup.

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 (Attachment 1 refers). 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 (Attachment 2 refers). 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 (Attachment 3 refers) 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
Attachment 4	Structure Plan Flowchart

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson 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 Report CJ017-02/06 and make these available for public comment for a period of 28 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.**

Discussion ensued, with a query raised in relation to the current status of the review, in particular “land mark” buildings.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn140206.pdf](#)

CJ018 - 02/06 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 (25) SHEPPARD WAY, MARMION AND LOT 1 (23) WHILEY ROAD, MARMION – [18577] [88575]

WARD: South Coastal

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060214_BRF.DOC:ITEM 18

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.

COMMENTSuitability 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
Attachment 6	Structure Plan Flowchart

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox 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 Report CJ018-02/06 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.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15agn140206.pdf](#)

CJ019 - 02/06 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

CJ060214_BRF.DOC:ITEM 19

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

MOVED Cmr Clough, SECONDED Cmr Anderson that Council:

- 1 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:**
 - (a) 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;**
 - (b) 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;**
 - (c) 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;**

- (d) 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;
- (e) The acoustic noise barrier wall shall be adequately maintained all times, to the satisfaction of the Manager Approvals, Planning & Environmental Services.;
- (f) An on-site 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;
- (g) 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;
- (h) All works shall be contained entirely within the subject lot boundaries to the satisfaction of the Manager Approvals, Planning & Environmental Services;

2 REQUESTS the applicant to meet with the relevant City Officers as soon as possible to discuss appropriate timeframes for the proposal commencement and completion.

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 taken so that the relevant requirements are satisfactorily achieved.

Discussion ensued, with a query being raised in relation to timeframes with regard to noise testing to be undertaken upon completion of construction of the barrier wall.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson and Fox

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf140206.pdf](#)

CJ020 - 02/06 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

CJ060214_BRF.DOC:ITEM 20

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

MOVED Cmr Fox, SECONDED Cmr Anderson 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 R20**

are 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 metres**

are 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-20

are 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.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmrs Paterson, Clough, Anderson and Fox

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf140206.pdf](#)

CJ021 - 02/06 PROPOSED SINGLE STOREY SHOP AND TAKEAWAY FOOD OUTLET: LOT 10 (6) GLENGARRY DRIVE (CNR ARNISDALE ROAD) DUNCRAIG – 19236]

WARD: South Coastal

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060214_BRF.DOC:ITEM 21

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:	2,000m ²

- 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.

The Glengarry Tavern on Lot 10 has reciprocal carparking arrangements with the subject site. The last carparking survey undertaken indicated the utilisation of the tavern's carpark to be less than fifty percent however, it is accepted that this may increase if improvements to the tavern are made and promotions are undertaken.

It is considered that if these circumstances were to eventuate then the increased demand for carparking in the evening could be accommodated by the existing formal parking facilities either on the adjoining lots, or within the carparking facilities on the northern side of Arnisdale Road without people resorting to parking in the residential streets. In the event of a development application being lodged for changes to the tavern this matter would be examined in more detail.

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

MOVED Cmr Fox, SECONDED Cmr Anderson 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 of 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).**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmrns Paterson, Clough, Anderson and Fox

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf140206.pdf](#)

CJ022 - 02/06 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

CJ060214_BRF.DOC:ITEM 22

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 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

MOVED Cmr Anderson, SECONDED Cmr Clough 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;
- (d) 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.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf140206.pdf](#)

CJ023 - 02/06 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

CJ060214_BRF.DOC:ITEM 23

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

MOVED Cmr Clough, SECONDED Cmr Anderson 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.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson and Fox

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf140206.pdf](#)

CJ024 - 02/06 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – NOVEMBER AND DECEMBER 2005 - [07032]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060214_BRF.DOC:ITEM 24

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

MOVED Cmr Fox, SECONDED Cmr Clough that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ024-02/06 for the months of November and December 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21.brf140206.pdf](#)

CJ025 - 02/06 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

CJ060214_BRF.DOC:ITEM 25

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 Warrandyte. 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 in 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 made 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

OFFICER'S 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.

MOVED Cmr Anderson, SECONDED Cmr Clough 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 the sale price of \$360,000, based on the reason that the amount was the valuation of the land in June 2004;**
- 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.**

Discussion ensued, with Cmr Anderson making reference to page 157 of the agenda and a valuation carried out in June 2004 at an amount of \$360,000 for Lot 671.

The Motion was Put and

CARRIED UNANIMOUSLY (3/1)

In favour of the Motion: Cmr Paterson, Clough, Anderson **Against the Motion:** Cmr Fox

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf140206.pdf](#)

CJ026-02/06 PROPOSED LOCAL PLANNING POLICY IN REGARD TO THE HEIGHT OF DEVELOPMENTS IN NON-RESIDENTIAL ZONES ADJACENT TO THE COAST – CONSIDERATION FOLLOWING ADVERTISING – [24581]

WARD: South Coastal, Whitford, Marina, North Coastal

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060214_BRF.DOC:ITEM 26

PURPOSE

For Council to consider the submissions received following the advertising of the draft Local Planning Policy in regard to the height of developments in non-residential zones adjacent to the coast.

EXECUTIVE SUMMARY

At its December 2005 meeting Council, resolved to advertise a draft Local Planning Policy (Attachment 1 refers) in regard to the height of developments in non-residential zones adjacent to the coast. This is an interim policy while an amendment is progressed in regard to including the height provisions within the District Planning Scheme No 2 (DPS2).

It is proposed that the policy would introduce a height limit of 10 metres in the non-residential zones of the coastal strip. 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 proposed coastal area is shown in Attachment 1.

The draft policy was advertised for a period of 28 days, with the comment period concluding on 24 January 2006. During this period 278 submissions were received, with 270 in support of the draft policy, and 8 submissions not in support of the draft policy.

It is recommended that Council:

- 1 *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.*

BACKGROUND

At its 13 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-eight (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 refers) 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 eight (278) 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.

Eight (8) 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

OFFICER'S 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) forming Attachment 1 to Report CJ026-02/06 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.

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 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) (as amended and forming Appendix 27 hereto) for final approval;**
- 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.**

Discussion ensued. Cmr Anderson made reference to Policy 3-4, Stamped page 405, "Objective" and requested this be amended to read.

Objective: To ensure that the height of all development within the coastal area (non-residential zones) is sympathetic to the protection and enhancement of the amenity and streetscape character of the surrounding area.

The Motion was Put and**CARRIED BY AN
ABSOLUTE MAJORITY (4/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendices 23 and 27 refer

To access this attachment on electronic document, click here: [Attach23agn210206.pdf](#)
[Attach27min210206.pdf](#)

**CJ027 - 02/06 SUBDIVISION REFERRALS PROCESSED
BETWEEN 1 NOVEMBER 2005 AND 31 JANUARY
2006 – [05961]**

WARD: South, South Coastal, North Coastal, Lakeside, Pinnaroo

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

CJ060214_BRF.DOC:ITEM 27

PURPOSE

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1 November 2005 - 31 January 2006.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed from 1 November 2005 - 31 January 2006. Applications were dealt with in terms of the delegation adopted by the Council in October 2005.

BACKGROUND

Suburb/Location:	Refer Attachment 1
Applicant:	Refer Attachment 1
Owner:	Refer Attachment 1
Zoning:	DPS: Various
	MRS: Various

DETAILS

Issues and options considered:

Nineteen subdivision referrals were processed within the period. The average time taken to provide a response to the Western Australian Planning Commission was 19 days, which compares with the statutory timeframe of 30 working days. The subdivision applications processed enabled the potential creation of two hundred and ninety three (293) residential lots, 1 industrial lot, and twenty three (23) strata residential lots. One application was not supported as follows:

Ref: SU128759 – 50 Woodlake Retreat, Kingsley

This application was not supported for the following reasons:

- 1 The centre line of the proposed road reserve alignment does not follow the 30 metre AHD contour as previously required by the WAPC in its correspondence to the City dated 19 April 1999;
- 2 The proposed ceding of the POS reserve does not meet the requirements set out under the legal agreement over the subject land dated 28 October 1996 as it requires the ceding of the POS area below the modified 30 metre AHD contour.

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

MOVED Cmr Clough, SECONDED Cmr Fox that Council NOTES the action taken by the subdivision control unit in relation to the applications described in Report CJ027-02/06 for the months of November 2005, December 2005 and January 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf140206.pdf](#)

Disclosure of Financial Interests

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item CJ028-02/06 - Request for Annual Leave – Chief Executive Officer
Nature of interest	Financial
Extent of Interest	This item relates to Mr Hunt's contract of employment.

Chief Executive Officer left the Chamber, the time being 2036 hrs.

CJ028 - 02/06 REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER – [00384, 13399, 18058, 00561]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

CJ060214_BRF.DOC:ITEM 29

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

MOVED Cmr Fox, SECONDED Cmr Clough 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.

Cmr Fox spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Chief Executive Officer entered the Chamber, the time being 2037 hrs.

CJ029 - 02/06 REVIEW OF ANNUAL BUDGET FOR THE 2005/2006 FINANCIAL YEAR – [69581]

WARD: All

RESPONSIBLE DIRECTOR Mr Peter Schneider
Corporate Services

CJ060214_BRF.DOC:ITEM 30

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

OFFICER'S 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.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 **APPROVES** 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;
- 3 **in subsequent years, refers this review to the Strategic Financial Management Committee for assessment against the Strategic Financial Management Plan prior to its presentation to Council.**

Cmr Anderson spoke to the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (4/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26brf140206.pdf](#)

CJ030 - 02/06 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 DIRECTOR: Mr Clayton Higham
Director Planning and Community Development

This Item Is Confidential - Not For Publication

A full report was provided to Joint Commissioners under separate cover.

CEO advised that following legal advice and a briefing to Commissioners earlier today and additional action by the owners of this property, it is proposed to withdraw the recommendation that was forwarded to Commissioners under separate cover and submit an alternative recommendation.

MOVED Cmr Fox, SECONDED Cmr Anderson that Council, having received additional information on this matter:

- 1 NOTES that the owners of Lot 185 (19) Kirribilli Court, Kallaroo have authorised the submission of accurate and scaled plans and a planning application for retrospective approval for the loft addition, similar to the approved August 2004 plans;**
- 2 DELEGATES to the Director, Planning & Community Development under Clause 8.6.1 of the District Planning scheme No 2, the authority to determine the application for retrospective planning approval referred to in Part 1 above; and**
- 3 AUTHORISES the Director Planning & Community Development to take legal action under section 10 (3) of the Town Planning & Development Act 1928 if:**
 - (a) the City does not receive the accurate and scaled plans for the retrospective planning approval on or before the 16 March 2006; or**
 - (b) the approved works associated with the approved application for retrospective planning approval are not completed within 60 days of the issue of that retrospective planning approval.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (4/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 28 hereto in the official Minute Book

**C04-02/06 OPERATIONS EMPLOYEES - 2006 EBA
NEGOTIATIONS - [82570]**

WARD: All

RESPONSIBLE Garry Hunt
DIRECTOR: Chief Executive Officer

PURPOSE

To seek Council's endorsement of a new Enterprise Bargaining Agreement (EBA) for Operations employees covered by the Municipal Employees (Western Australia) Award 1999 and to approve its lodgement in the Australian Industrial Relations Commission.

EXECUTIVE SUMMARY

The new Enterprise Bargaining Agreement proposes to reward employees with pay increases of 4% or \$30 per week whichever is the greater for each year, providing flexible working arrangements underpinning the City's strategic Plan by promoting responsibility, commitment, safety, training and development.

It is recommended that Council:

- 1 *ENDORSES a salary increase of 4% or \$30 per week whichever is the greater for each employee covered by the attached Agreement to take effect from the first pay periods on or after 1 July 2005, 1 July 2006 and 1 July 2007.*
- 2 *AUTHORISES the lodgement of an application in the Australian Industrial Relations Commission to certify the City of Joondalup Operations Services Employees Agreement 2006.*
- 3 *AUTHORISES the lodgement of an application in the Australian Industrial Relations Commission to deregister the Operations Certified Agreement 2002.*

BACKGROUND

The previous Enterprise Bargaining Agreement expired at the end of June 2005 and a new agreement has now successfully been negotiated. The results of these negotiations are in the attached draft Agreement. After some consideration it was determined that it was in the City's best interests to maintain an Enterprise Bargaining Agreement with the union. Subsequent to that decision, negotiations commenced Operations employees and their representatives on a new Enterprise Bargaining Agreement.

Extensive consultation has taken place and staff representatives attended several negotiating meetings with management representatives. A number of meetings were held with the Chief Executive Officer and Executive to receive updates on the progress of the negotiations. Following the circulation of the Agreement to all eligible Operations Staff a ballot was conducted in accordance with the Australian Industrial Relations Commission rules. The results of the ballot endorsed the negotiated outcomes.

The next step in the process is that once Council has endorsed the new EBA a statutory declaration will be signed by the CEO indicating the City has followed the correct procedures and an application lodged in the Commission to certify the agreement.

DETAILS

Issues and options considered:

This Agreement will allow the organisation to enhance significant cultural changes by introducing more flexible working arrangements. Some of the issues considered in the negotiations included but not limited to;

- Hours of Work
- Banking of Ordinary Hours
- Inclement Weather Provisions
- The term of the agreement
- Filling of Vacant Permanent Positions
- Superannuation
- Leave provisions
- Redundancy
- Occupational Health and Safety issues and
- Other matters.

In addition the City agreed to preserve existing Award provisions in the Enterprise Bargaining Agreement and agreed with respect to the Wages offer, that the wages be backdated to the first pay period on or after 1st July 2005.

The negotiation process for the development of the Agreement is now completed with the negotiation committee in agreement with its terms and conditions. The main objectives of the EBA are to focus on meeting future business needs as it relates to customer service, life balance needs, and salary issues. In summary the Agreement consists of the following terms and conditions:

- A term of thirty months from the date of its certification.
- Specified objectives underpinning the Agreement of commitment, trust, employment security and training.
- A guaranteed salary increase of 4% or \$30 per week for each year of the Agreement.
- Incorporation of current award conditions.
- A new motivational rewards clause.
- Cashing out annual leave on the proviso that employees take two weeks annual leave in the preceding 12-month period.
- An enabling clause to provide employees with self funded leave.
- Paid parental leave of 6 weeks.
- An opportunity at the City's discretion to provide leave without pay.
- A dispute resolution procedure.
- Salary packaging clause.
- Refined training provisions.

This new EBA should offer the City the vehicle to retain operational staff thereby reducing recruitment costs.

Link to Strategic Plan:

The Strategic Plan clearly identifies through the Key Result Area of Organisation Culture and the accompanying objectives, performance measures and strategies of developing and maintaining a best practice working environment and becoming an employer of choice.

In terms of the Strategic Plan one of the objectives is to:

“To manage our workforce as a strategic business resource”.

The Performance Measures associated with this include:

- Develop a corporate workforce management plan.
- Progress the implementation of a corporate performance management system.
- Implement best practice people management policies and tools that assist in the achievement of the City's workforce objectives.
- Implement a structured employee training and development plan.

The provisions within this EBA give the City the industrial instrument to move in this direction.

Legislation – Statutory Provisions:

The City will comply with the Industrial Relations Commission Rules and regulations to have the EBA certified pursuant to the appropriate sections of the Industrial Relations Act 1996. A statutory declaration will be signed by the CEO to indicate the appropriate processes have been adhered to.

Risk management considerations:

Nil.

Financial/Budget Implications:

In determining whether the amount of salary increases of 4% or \$30 per week is justified it is critical to note what the City will receive in return for offering these salary increases.

- The term of thirty months will give the City some certainty about salary increases for that period. A guaranteed salary increase of 4% or \$30 per week for each year of the Agreement will allow the City to budget these increases and allow the appropriate budgeting to be fixed.
- A new motivational reward clause may assist in retaining some employees and thereby reducing recruitment costs.
- Cashing out annual leave on the proviso that employees take two weeks annual leave in the preceding 12-month period may assist the City in reducing its annual leave liability.
- An enabling clause to provide employees with self-funded leave will in most cases be cost neutral and not be an impost on the City. It may be a flexible alternative for employees to take leave.
- Pay out of unused sick leave under certain conditions will involve a cost to the City. However cost is projected to be minimal to the City that may result in reducing the incidents of taking sick leave.
- Paid maternity leave of 6 weeks in accordance with the award conditions.
- Training provisions is a cost to the City but training enhances employees' skills. New and improved competencies are fundamental to any organisation of this size. The cost benefits are realised by an increase in skills and competencies.

The financial implications to the City for its offer of 4% or \$30 per week for each year and is within the City's financial forecasts.

Policy implications:

There will be a number of new policies required to implement changes with respect to work life balance facilities, cashing out annual leave and self funded leave.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Unions and employees have been in discussions over the last several months. Time off for meetings has been granted to employees and intensive consultation has taken place.

All eligible employees were given a hard copy of the Agreement on 27 January 2006. They were invited to vote on the Agreement on 15 February 2006 following the 14 day timeframe as set down by the Australian Industrial Relations Commission's rules. There were 147 eligible employees members that could vote. There was a resounding vote in support of the Agreement. There were 103 employees who voted, 74 voted in favour, 29 voted against and nil were spoilt.

COMMENT

The City of Joondalup management has consulted widely and gained wide support by the employees the onus is on management to actually 'make it happen'. Organisationally, there needs to be a shared vision and sense of direction to which people management strategies can attach. These shared directions need to be consistently reflected in all business planning which should in turn reflect measures and accountabilities.

The attached EBA can deliver positive outcomes for both the City and its employees. Reviewing key activities such as training and ensuring that the principles of equity, fairness and excellence are applied in all aspects of employment will encourage employee commitment to major change.

ATTACHMENTS

Attachment 1 The City of Joondalup Agreement Operations Services Enterprise Agreement 2006 – Appendix 28 refers as appended hereto in the Official Minute Book

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 ENDORSES a salary increase of 4% or \$30 per week whichever is the greater for each employee covered by the Agreement forming Appendix 29 as appended hereto in the official Minute Book, to take effect from the first pay periods on or after 1 July 2005, 1 July 2006 and 1 July 2007;**
- 2 AUTHORISES the lodgement of an application in the Australian Industrial Relations Commission to certify the City of Joondalup Operations Services Employees Agreement 2006;**
- 3 AUTHORISES the lodgement of an application in the Australian Industrial Relations Commission to deregister the Operations Certified Agreement 2002.**

Cmr Fox spoke to the Motion and offered congratulations to officers and staff who liaised with the Unions in progressing this matter.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 29 hereto in the official Minute Book

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	C05-02/06 - Appointment of Director Governance and Strategy
Nature of interest	Interest that may affect impartiality
Extent of Interest	The recommended candidate is known to the CEO and was seconded on short term assignments on an overseas capacity building project prior to the CEO's appointment at the City

C05-02/06 APPOINTMENT OF DIRECTOR GOVERNANCE AND STRATEGY - [85577]

WARD - All

PURPOSE

To seek Council's endorsement of the Chief Executive Officer's recommendation for the appointment of the Director Governance and Strategy.

EXECUTIVE SUMMARY

At its meeting on 11 October 2005, whilst considering a proposal to modify the organisational structure at an Executive level, Council endorsed the establishment of a new position of Director Governance and Strategy and authorised the CEO to commence recruitment of a person to fill this role. In accordance with the Local Government Act, 1995, the Chief Executive Officer is required to inform the Council of the appointment of a senior officer, and this recommendation requires the endorsement of the Council.

BACKGROUND

Following the appointment of a new CEO in February 2005, an organisational review was initiated in June 2005, with the aim of establishing whether the goals and resources of the City were appropriately aligned to the strategic direction set by the Council.

As part of that review, an analysis was undertaken of the then organisational structure which was considered to be logistically problematic having three Directors and four Managers reporting directly to the CEO. It was believed that the time needed for the CEO to provide support to these direct reports was extensive and had resulted in the CEO assuming major responsibility for operational matters. This had also resulted in reduced time to focus on leadership, stakeholder liaison, change management and strategic oversight.

Following extensive consideration it was proposed that an additional Senior Executive be employed to overcome these perceived issues and to provide the CEO with the necessary structure and support to enable greater focus on strategic direction and proprieties and preparing the organisation to meet and manage community needs and expectations.

At its meeting on 11 October 2005, it was resolved that Council:

- 1 ADOPTS the organisational structure shown as Appendix 1 to Report C57-10/05;
- 2 ENDORSES the establishment of a new position of Director Governance & Strategy, and that this position be assigned Senior Employee status, in accordance with Section 5.37 of the Local Government Act 1995;

- 3 AUTHORISES budget funds to be made available from the 2005/06 financial year for this new position;
- 4 AUTHORISES the CEO to commence recruitment of this position;
- 5 RETITLES the position of Director, Corporate Services and Resource Management to Director, Corporate Services;
- 6 RETITLES the position of Director Infrastructure and Operations to Director, Infrastructure Services.

A process was then put in place to recruit a suitable person as the Director for this important portfolio. After calling for quotations for a recruitment consultant, Lester Blades Executive Search was appointed to assist the CEO in this process. The position was advertised locally in The West Australian newspaper and nationally through the National Local government Jobs Directory.

As a result of advertising the position, 42 applicants were received by Lester Blades Executive Search and, following detailed analysis of these applications, an list of six were presented to the CEO for initial consideration. No internal applications were received for the position. Four candidates were then shortlisted and interviewed on 30 January 2006 by Mr Geoff Blades of Lester Blades Executive Search and the CEO.

As a result of the interview process, it was considered that two candidates were considered capable of meeting all the requirements of the position, being Applicant A and Applicant B.

On 10 February a memo was issued to Commissioners by the Chief Executive Officer, outlining the process which had been undertaken and enclosing a strictly private and confidential Candidates Report and resume on the six initially shortlisted candidates by Lester Blades Executive Search.

The Chairman and Commissioners have been provided with detailed resumes of the shortlisted candidates, notes from the interviews undertaken with shortlisted candidates, the report prepared by the interview panel and confirmation that all reference checks have been undertaken.

In accordance with the Local Government Act, 1995, Council has previously resolved that all Directors are deemed senior officers of Council. Section 5.14 of the Act stipulates that one of the functions of the Chief Executive Officer is to be responsible for the employment, management, supervision, direction and dismissal of employees. However, in respect of designated senior officers, the Chief Executive Officer is required to:

“.....inform the Council of each proposal to employ or dismiss a senior employee. The Council may accept or reject the CEO’s recommendation, but if the Council rejects a recommendation it has to inform the CEO of the reasons for its doing so”

As a result of the interview process that has taken place, and the comprehensive analysis of the four shortlisted applicants, it is considered that **Candidate A**, is the most appropriate applicant to be appointed to the position of Director. This opinion is formed having regard to his qualifications and general experience and having given due regard to the role that this person is required to undertake as Director Governance and Strategy.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council, in accordance with the provisions of Section 5.37 (2) of the Local Government Act, 1995, ENDORSES the Chief Executive Officer's intention to appoint Applicant A, Mr Ian Cowie, to the position of Director Governance & Strategy, on a performance-based contract for a maximum period of five years, at a commencing remuneration package of \$165,000.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENT OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2050 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR A FOX