



City of  
**Joondalup**

# **DRAFT AGENDA FOR BRIEFING SESSION**

to be held on

**TUESDAY, 28 MARCH 2006**

**in Conference Room 1,  
Joondalup Civic Centre, Boas Avenue, Joondalup  
commencing at 6.30 pm**

## **Public Question Time**

**Members of the public are requested to lodge questions  
in writing by close of business on Monday, 27 March 2006  
Answers to those questions received within that timeframe will,  
where practicable, be provided in hard copy form  
at the Briefing Session.**

**GARRY HUNT  
Chief Executive Officer  
24 March 2006**

# **PROTOCOLS FOR BRIEFING SESSIONS**

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

## **INTRODUCTION**

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

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

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

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

## **PURPOSE OF BRIEFING SESSIONS**

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

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

## **Protocols for Briefing Sessions**

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

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 The Presiding Member at the commencement of each Briefing Session shall:
  - (a) Advise Elected Members that there will be no debate on any matters raised during the Sessions;
  - (b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Session;
  - (c) Encourage all Elected Members present to participate in the sharing and gathering of information;
  - (d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Session; and
  - (e) Ensure the time available for the Session is liberal enough to allow for all matters of relevance to be identified;
- 6 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following should be considered:
  - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct;
  - (b) Persons disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - (c) An exception shall be applied to the disclosing of interests by consultants where the consultant will be providing information only, and will be able to remain in the Session;
  - (d) As matters raised at a Briefing Session are not completely predictable, there is some flexibility in the disclosures of interests. A person may disclose an interest at such time as an issue is raised that is not specifically listed on the agenda for the Session.
- 7 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session by:
  - (a) A request to the Chief Executive Officer; or
  - (b) A request made during the Briefing Session.
- 8 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

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

## **PUBLIC QUESTION TIME**

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

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

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

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

## **PROCEDURE FOR PUBLIC QUESTION TIME**

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

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

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

## **PUBLIC STATEMENT TIME**

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

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

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

### **PROCEDURE FOR PUBLIC STATEMENT TIME**

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

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

### **DISCLAIMER**

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

## **DEPUTATION SESSIONS**

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

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

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

## CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 28 MARCH 2006** commencing at **6.30 pm**

### ORDER OF BUSINESS

#### **1 OPEN AND WELCOME**

#### **2 DEPUTATIONS**

#### **3 PUBLIC QUESTION TIME**

The following questions were submitted to the Briefing Session on 7 March 2006.

**Mr S Magyar, Heathridge:**

Q1 *What goods and services did the City receive for the following payments:*

- (a) *Payment of \$26,328.10 to Business Objects Australia Pty Ltd;*
- (b) *Payment of \$161,671.55 to IPA Personnel Pty Ltd*
- (c) *Payment of \$4,893.33 to JB Hi-fi.*

- A1
- (a) Maintenance renewal relating to computer systems.
  - (b) Various temporary staff, mainly for Craigie Leisure Centre.
  - (c) Purchase of CDs and DVDs for libraries.

**Mr S Kobelke, Sorrento:**

Q1 *Re: Outstanding Business – D Carlos, Request for payment of legal costs. Will the announcement that former Mayor Don Carlos will not be a candidate for the elections impact on this outstanding business item?*

A1 This will not impact on the outstanding business item.

#### **4 PUBLIC STATEMENT TIME**

Nil.

#### **5 APOLOGIES AND LEAVE OF ABSENCE**



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

### **Disclosure of Financial Interests**

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

Nil.

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

Commissioners and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Commissioner/employee is also encouraged to disclose the nature of the interest.

Nil.

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

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

[Additional Information 280306.pdf](#)

## **ITEM 1                    SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Office of the CEO

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### **PURPOSE**

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 16 November 2005 to 7 March 2006.

### **EXECUTIVE SUMMARY**

The City of Joondalup enters various agreements by affixing its Common Seal. The Local Government Act 1995 states that the City is a body corporate with perpetual succession and a common seal. Those documents that are executed by affixing the Common Seal are reported to the Council for information on a regular basis.

### **BACKGROUND**

Not Applicable.

### **DETAILS**

Document: Covenant  
Parties: City of Joondalup and Roman Catholic Archbishop of Perth  
Description: Restrictive Covenant to satisfy condition of approval re vehicular access for Stage 13A, Phase 1, Iluka  
Date: 16.11.05

Document: District Planning Scheme (DPS) Amendment  
Parties: City of Joondalup  
Description: Final approval of DPS Amendment 30 – rezoning, Lot 200 Kinross Drive, Kinross  
Date: 16.11.05

Document: District Planning Scheme (DPS) Amendment  
Parties: City of Joondalup  
Description: Final approval of DPS Amendment 24 – rezoning of Lot 61 (14) Leach Street, Marmion  
Date: 22.11.05

Document: Local Law  
Parties: City of Joondalup  
Description: Standing Orders Local Law  
Date: 06.12.05

Document: Copyright  
Parties: City of Joondalup and Bob Ruscoe  
Description: Recording of historical importance  
Date: 06.12.05

Document: Covenant  
Parties: City of Joondalup and Roman Catholic Archbishop of Perth  
Description: Restrictive covenant (vehicular access restriction) – Stage 13A, Phase 2, Iluka  
Date: 06.12.05

Document: Notification  
Parties: City of Joondalup and P and L Milton  
Description: Section 70A Notification – 134 Dampier Avenue, Mullaloo  
Date: 06.12.05

Document: Covenant  
Parties: City of Joondalup and Investa Residential  
Description: Restrictive covenant for vehicular access – Lot 124 (92) Cook, Avenue, Hillarys  
Date: 13.12.05

Document: District Planning Scheme (DPS) Amendment  
Parties: City of Joondalup  
Description: DPS Amendment 32 – Council adoption only – height and scale of development in non-residential zones  
Date: 16.12.05

Document: District Planning Scheme (DPS) Amendment  
Parties: City of Joondalup  
Description: DPS Amendment 34 – Council adoption only – increase of retail floor space – Kinross Shopping Centre  
Date: 23.12.05

Document: Establishment Agreement  
Parties: Tamala Park Regional Council Establishment Agreement  
Description: Tamala Park Establishment Agreement – Cities of Joondalup, Wanneroo, Stirling, Perth, Towns of Vincent, Victoria Park, Cambridge. “Newly created Regional Council for the sale of Mindarie Land Holdings  
Date: 06.01.06

Document: Section 70A  
Parties: City of Joondalup and F and J Moodie  
Description: Notification under S70A – Ancillary accommodation – 10 Monterey Drive, Woodvale  
Date: 19.01.06

Document: Copyright  
Parties: City of Joondalup and Sandy Biagioni  
Description: Recording of historical importance  
Date: 19.01.06

Document: Caveat  
Parties: City of Joondalup and Robert Winter  
Description: Temporary withdrawal of caveat to enable mortgage registration – 40 Raleigh Road, Sorrento  
Date: 19.01.06

Document: Caveat  
Parties: City of Joondalup and Boudra P/L  
Description: Withdrawal of Caveat to enable mortgage registration – Lot 7 (265) Eddystone Avenue, Beldon  
Date: 30.01.06

Document: Lease  
Parties: City of Joondalup and Cities of Perth, Stirling and Wanneroo, Towns of Cambridge, Victoria Park and Vincent  
Description: Deed of Extension, Variation and partial surrender of lease – Tamala Park, Marmion Avenue, Mindarie  
Date: 08.01.06

Document: Section 70A  
Parties: City of Joondalup and Rencana Pty Ltd  
Description: Notification under S70A – Ancillary accommodation – 13 Alice Drive, Mullaloo  
Date: 17.02.06

Document: Restrictive Covenant  
Parties: City of Joondalup and Minister for Training (DET)  
Description: Vehicle access onto Grand Boulevard – No 35 (Lot 500) Kendrew Crescent, Joondalup  
Date: 17.02.06

Document: Copyright  
Parties: City of Joondalup and Keith Field  
Description: Recording of historical importance  
Date: 07.03.06

Document: District Planning Scheme (DPS) Amendment  
Parties: City of Joondalup and Western Australian Planning Commission (WAPC)  
Description: Amendment 33 to DPS 2 and Structure Plan No 7 – Lot 4 (25) Sheppard Way Marmion and Lot 1 (23) Whiley Road, Marmion  
Date: 07.03.06

Document: Modifications – Joondalup City Centre Development Plan and Manual  
Parties: City of Joondalup and Western Australian Planning Commission (WAPC)  
Description: Adoption of modifications to Joondalup City Centre Development Plan and Manual  
Date: 07.03.06

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

**Legislation – Statutory Provisions:**

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Some of the documents executed by the City may have financial and budget implications.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The various documents have been executed by affixing the Common Seal of the City of Joondalup and are submitted to the Council for information.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the schedule of documents executed by means of affixing the Common Seal for the period 16 November 2005 to 7 March 2006 be NOTED.**

## **ITEM 2                      REVIEW OF LOCAL LAWS – [05885]**

**WARD:**                      All

**RESPONSIBLE**              Mr Garry Hunt  
**DIRECTOR:**                Office of CEO

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### **PURPOSE**

To advise the Council of the completion of the review of a number of local laws in accordance with Section 3.16 of the Local Government Act 1995.

### **EXECUTIVE SUMMARY**

The Council resolved at its meeting of 13 December 2005 in accordance with Section 3.16 of the Local Government Act 1995 to undertake a period review of the following local laws:

- 1     Animal Local Law 1999
- 2     Bushfires Prevention and Control Local Law 1998
- 3     Extractive Industries Local Law 1998
- 4     Health Local Law 1999
- 5     Local Government and Public Property Local Law
- 6     Parking Local Law 1998
- 7     Private Property Local Law 1998
- 8     Signs Local Law 1999; and
- 9     Trading in Public Places Local Law 1999

This review is now complete with no public submissions made to the City during the period 20 December 2005 to 24 February 2006. All public notifications were adhered to with notices appearing in the West Australian and the Wanneroo Times.

### **BACKGROUND**

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup on its creation on 1 July 1998. During 1998 and 1999 a concerted effort was undertaken to review the local laws of the former City of Wanneroo to ensure that the City of Joondalup had a revised set of enforceable and modern local laws. The review also saw the drastic reduction from approximately thirty-five (35) by-laws of the former City of Wanneroo to a far more manageable number of ten (10) local laws for the City of Joondalup.

The following are the current local laws operated by the City of Joondalup:

- Animal Local Law 1999 (gazetted 15 January 2002);
- Bushfires Prevention and Control Local Law 1998 (gazetted 8 January 1999);
- Extractive Industries Local Law 1998 (gazetted 8 March 1999);
- Health Local Law 1999 (gazetted 27 August 1999);
- Local Government and Public Property Local Law (gazetted 18 January 2000);
- Local Law S5 – Standing Orders (repealed by the Council at its meeting held on 22 November 2005);
- Parking Local Law 1998 (gazetted 9 November 1998);
- Private Property Local Law 1998 (gazetted 8 March 1998);
- Signs Local Law 1999 (gazetted 27 August 1999); and
- Trading in Public Places Local Law 1999 (gazetted 27 August 1999).

On 18 January 2000 a local law was gazetted on behalf of the City of Joondalup that repealed all of its obsolete local laws following the split from the former City of Wanneroo.

These were as follows:

- By Law B3: Relating to Building Lines, published in the Government Gazette - 16 January, 1963;
- By Law E1: Eating Houses, published in the Government Gazette – 12 August 1988;
- By Law H2: Holiday Accommodation No 18, published in the Government Gazette - 21 February, 1975;
- By Law M3: Construction, Establishment, Operation and Maintenance of Motels, published in the Government Gazette - 27 October, 1960;
- By Law O1: Removal and Disposal of Obstructing Animals or Vehicles, published in the Government Gazette – 29 August 1963;
- By Law O2: Old Refrigerators and Cabinets, published in the Government Gazette - 1 May, 1962;
- By Law P3: Pest Plants, published in the Government Gazette - 18 March, 1985;
- By Law R1: Deposit of Refuse and Litter, published in the Government Gazette - 12 April, 1967;
- By Law R2: Removal of Refuse and Rubbish, published in the Government Gazette - 20 July, 1979;
- By Law R4: Payment of Rates, published in the Government Gazette - 19 May, 1989;
- By Law R5: Removal of Refuse, Rubbish or Disused Material, published in the Government Gazette - 21 December, 1990;
- By Law S1: Sewerage, published in the Government Gazette - 13 April 1973.
- By Law S4: Stallholders, published in the Government Gazette - 31 October 1986.

Since the gazettal of the revised local laws, two (2) amendment local laws have been gazetted that made various amendments to the local laws of the City of Joondalup.

Amendment Local Law 2000 (gazetted 10 July 2000)

*The purpose of this local law was to amend various clauses in the City of Joondalup Parking, Private Property, Signs, Animals, Trading in Public Places and Health Local laws, to remove difficulties identified in their application and better clarify the requirements of the local laws.*

Amendment Local Law 2001 (gazetted 15 January 2002)

*The purpose of this local law was to amend various clauses in the Parking, Private Property, Animals, Local Government and Public Property, Health and Bushfire Prevention and Control Local Laws to ensure information was current with prevailing legislation and better clarify the requirement of the local laws.*

The Council resolved at its meeting of 22 November 2005 in accordance with Section 3.16 of the Local Government Act 1995 to undertake a period review of the following local laws:

- 1 Animal Local Law 1999
- 2 Bushfires Prevention and Control Local Law 1998
- 3 Extractive Industries Local Law 1998
- 4 Health Local Law 1999
- 5 Local Government and Public Property Local Law
- 6 Parking Local Law 1998
- 7 Private Property Local Law 1998
- 8 Signs Local Law 1999; and
- 9 Trading in Public Places Local Law 1999



This review is now complete with no public submissions made to the City during the period 20 December 2005 to 24 February 2006. All public notifications were adhered to with notices appearing in the West Australian and the Wanneroo Times.

## **DETAILS**

### **Issues and options considered:**

The Local Government Act 1995 places a statutory obligation on the City to conduct periodic reviews of its local laws. At the conclusion of the public submission period, the Council may determine to retain, repeal or amend any or all of its local laws.

Amending a local law in accordance with Section 3.12 of the Local Government Act 1995 does not constitute a periodic review as required by Section 3.16 of the Local Government Act.

The review of local laws seeking public submission was advertised in the West Australian on 21 and 30 December 2005 and the local newspaper on 20 December 2005. Public Submissions were open for a period of 10 weeks and during that time the City has received no public submissions for the review of the local laws.

### **Link to Strategic Plan:**

Outcomes:

The City of Joondalup is an interactive community.

Objectives:

4.3 To ensure the City responds to and communicates with the community.

Strategies:

4.3.3. Provide fair and transparent decision-making processes.

### **Legislation – Statutory Provisions:**

Section 3.16 of the Local Government Act 1995 states:

#### **3.16 Periodic review of local laws**

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that:*
  - (a) *the local government proposes to review the local law;*
  - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
  - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*

- (2a) *A Notice under subsection (2) is also to be published and exhibited as if it were a local public notice;*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine\* whether or not it considers that the local law should be repealed or amended.*

*\* absolute majority required.*

Following the completion of the review of the local law, if the Council determines that the local law is to be amended or repealed it must commence the process as required by Section 3.12 of the Local Government Act 1995, which states:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
  - (2) *At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
  - (3) *The local government is to:*
    - (a) *give Statewide public notice stating that:*
      - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
      - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
      - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
    - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
    - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
  - (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
  - (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.*
- \* absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister, and if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*

- (6) *After the local law has been published in the Gazette the local government is to give local public notice:*
- (a) *stating the title of the local law;*
  - (b) *summarising the purpose and effect of the local law (specifying the day on which it comes into operations); and*
  - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section:*

*“making” in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

#### **Risk Management considerations:**

The risk associated with not undertaking the periodic reviews as required by the Local Government Act 1995 will result in the City of Joondalup being non-compliant with the legislation and may question the validity of the local law.

#### **Financial/Budget Implications:**

<b>Account No:</b>	1.1320.3702.0001 9999
<b>Budget Item:</b>	Advertising – Public Statutory
<b>Budget Amount:</b>	\$10,000
<b>YTD Amount:</b>	\$4,433
<b>Actual Cost:</b>	\$500

The initial costs associated with the review as required by Section 3.16 of the Local Government Act 1995 are related to general advertising.

#### **Policy implications:**

Not applicable.

#### **Regional Significance:**

There is no regional significance as a result of undertaking the review, as the local laws are only applicable to the district of the City of Joondalup.

#### **Sustainability implications:**

A revised and current set of local laws for the City of Joondalup will greatly assist in the lifestyle for the residents of the City.

#### **Consultation:**

The level of consultation will be dictated by the requirements of the Local Government Act 1995. Advertising of the periodic review is by notice in the stateside and local newspapers and made available on the City's website.

**COMMENT**

The review of the City's nine local laws is now complete and no public submissions were received.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES that no submissions were received as part of the review of the City's nine local laws being:**

- 1 Animal Local Law 1999;**
- 2 Bushfires Prevention and Control Local Law 1998;**
- 3 Extractive Industries Local Law 1998;**
- 4 Health Local Law 1999;**
- 5 Local Government and Public Property Local Law;**
- 6 Parking Local Law 1998;**
- 7 Private Property Local Law 1998;**
- 8 Signs Local Law 1999;**
- 9 Trading in Public Places Local Law 1999;**

**as undertaken in accordance with Section 3.16 of the Local Government Act 1995.**

## **ITEM 3                      KEY PERFORMANCE INDICATORS – [20560]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Garry Hunt  
Office of CEO

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### **PURPOSE**

To provide the Council with a report on recommendations for a revised set of Key Performance Indicators for the Strategic Plan 2003 – 2008.

### **EXECUTIVE SUMMARY**

On 30 August 2005 the Council requested that the Chief Executive Officer provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced.

The Strategic Plan Key Performance indicators have been developed to provide an assessment of achievement against the outcomes included in the Strategic Plan 2003 – 2008. The Key Performance Indicators are outcome measures, and in addition to these measures, the organisation collects a range of operational level data to ensure that performance is on track, and that early remedial action can be taken where necessary.

The current number of Strategic Plan Key Performance Indicators (63) is arguably too high to present a clear and succinct picture of progress against the Strategic Plan, and this report recommends a significant reduction in the number of Strategic Plan Key Performance Indicators.

The development of Key Performance Indicators based on consolidation of those Key Performance Indicators with parallel objectives would require significant rework, as the construction of composite indicators would involve assigning weightings to each indicator in the formula.

Given that the Strategic Plan is due for a major review due to commence in 2006/07, at which time the Key Performance Indicators will also be reviewed, it is considered that this is the appropriate time to undertake a review of the Strategic Plan Key Performance Indicators (including consideration of consolidation of indicators with parallel objectives).

This report provides the Council with a revised (and reduced) list of Key Performance Indicators against the Strategic Plan 2003 – 2008 as an interim measure, and recommends that Council receive a further report following the review of the Strategic Plan.

### **BACKGROUND**

At the meeting of 14 December 2004, Council endorsed a new *Corporate Reporting Framework* that incorporated:

- Regular progress reports against the Annual Plan;
- Key Performance Indicators against the Strategic Plan, and annual reports on the achievement of the Strategic Plan Key Performance Indicators. (*Item CJ307-12/04 refers*).

The Council received the first quarterly progress report against the Annual Plan in March 2005 (Item *CJ029-03/05 refers*) and have continued to receive progress reports on a quarterly basis.

The Council received the initial report against the Strategic Plan Key Performance Indicators on 30 August 2005 and at that time accepted the report and requested that the Chief Executive Officer provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced. (*Item CJ 171 – 08/05 refers*)

The key performance indicators have been developed to measure overall performance against the outcomes articulated in the Strategic Plan.

The key performance indicators against the Strategic Plan are one part of a suite of performance measures. Measures against project milestones are provided to the Council via the Quarterly Progress Reports against the Annual Plan. A range of operational reports are also prepared containing performance measures to assist operational performance.

The Strategic Plan Key Performance Indicators are reported on an annual basis, project milestones on a quarterly basis, and a range of more operational performance measures are also reported on a monthly and quarterly basis to the CEO.

The Quarterly Progress Reports against the Annual Plan relate to projects and programs and focus on the milestones developed in project plans. The reports provide the Council and the community with information on whether milestones and associated target dates have been met.

The format for the Quarterly Progress Report has been recently revised and the Council received the most recent report in February (*CJ 001 – 02/06 refers*). It is not intended to make alterations to these reports as they are providing the Council and the community with regular reports against project and program milestones and explanations where targets have not been met.

## **DETAILS**

There are currently sixty-three key performance indicators to measure progress against the Strategic Plan. A triple bottom line approach has been applied and therefore each of the indicators have been categorised as social, economic and/or environmental.

### **Issues and options considered:**

#### **Issues**

The Strategic Plan Key Performance Indicators have been deliberately designed to provide the Council and the community with an overall assessment of progress towards strategic priorities.

Considerable effort has gone into presenting the key performance indicators in an accessible format through the use of:

- Rationale for the Indicators;
- Collection Methodology;
- Graphical Representation (including comparison with previous year's performance where available); and
- Commentary to provide an explanation to provide the CEO and Council with useful additional information particularly when targets are not being met.

The Strategic Plan Key Performance Indicator reports are supplemented by the Quarterly Progress Reports against the Annual Plan that have been designed to provide the Council and the community with regular reports on progress against the annual priorities in the delivery of projects, programs and activities. The Quarterly Progress Reports provide the Council with information on progress against pre-determined milestones.

Performance measurement is a vital component to improving service delivery. The suite of performance reports developed as part of the Corporate Reporting Framework have been developed to provide the Council and the CEO with the information they need to monitor progress, and to make any necessary adjustment to the delivery of services or to the operations of the organisation.

The Strategic Plan Key Performance indicators have been developed to provide a clear picture of overall performance. The Key Performance Indicators are outcome measures, and in addition to these measures, the organisation also collects operational level data for managers to use to ensure that performance is on track, and that early remedial action can be taken where necessary.

It is important that the Strategic Plan Key Performance Indicators do measure the overall progress against the Strategic Plan outcomes, and are used for accountability purposes to the Council and the community. The Strategic Plan Key Performance Indicators should provide a balanced picture of achievement of all outcomes in the Plan.

The number of Strategic Plan Key Performance Indicators (63) is arguably too high to present a clear and succinct picture of progress against the Strategic Plan. Whilst it is important for a range of performance indicators to be collected to manage the operations of the organisation the Strategic Plan Key Performance Indicators need to be limited in order to provide clarity for the Council and the community.

In order to provide meaningful Key Performance Indicators based on consolidation of those Key Performance Indicators with parallel objectives, the City would be required to undertake significant rework. The construction of composite indicators involves ascribing weightings to each indicator in the formula, and this can be contentious and the interpretation of composite indicators can also mask differences in performance of the areas clustered together.

## **Options**

Given that the Strategic Plan is due of review (to commence in 2006/07) it is considered prudent, in the short term, to reduce the number of indicators in order to provide the Council with a clearer and more concise report on outcomes achieved as set out in the Strategic Plan 2003 – 2008, and to look at using composite or illustrative indicators when the new Strategic Plan (and therefore revised Key Performance Indicators) are being developed.

The Strategic Plan is due for a major review that will commence in 2006/07. At this time it will be necessary to review the Key Performance Indicators to ensure alignment with the new Council priorities and strategies. It is considered that this review will provide the Council with the ideal opportunity to review and rationalise the Strategic Plan Key Performance Indicators.

The Customer Satisfaction Monitor (which is used to provide data for a number of the Key Performance Indicators) is also currently under review and it is likely that some questions will be deleted, and additional questions will be included which will impact on the Strategic Plan Key Performance Indicators.

In summary, It is achievable, to review the current set of Key Performance Indicators for the Strategic Plan 2003 – 2008 with a view to rationalising them in order to achieve a more succinct picture of progress against the current Strategic Plan. The current set of Key Performance Indicators includes a number of indicators that can be best utilised for

operational purposes, and it is therefore recommended that these indicators be removed from the Strategic Plan KPI's. (*These KPI's are shown as Attachment 2 to this report*).

The Strategic Plan 2003 – 2008 is delivered via three interrelated Key Focus Areas:

- Community Wellbeing
- Caring for the Environment
- City Development

These Key Focus Areas are supported by responsible management of the organisation and delivered through the Key Focus Area, Organisational Development.

The outcomes articulated in the current Strategic Plan relate to:

### **Community Wellbeing**

- Lifelong learning
- Cultural Centre
- Provision of Social Opportunities
- Safe and Healthy City of Joondalup

### **Caring for the Environment**

- Environmental Responsibility
- Well maintained assets and build environment

### **City Development**

- Tourism
- Meeting changing community needs
- Effective integrated transport system
- Investment and business development opportunities

### **Organisational Development**

- Financial responsibility
- Quality and efficient service delivery
- Interactive community
- Community pride and identity
- Being a preferred employer

Broadly speaking, it is recommended that the following be applied to measure the outcomes for the Key Result Areas in the Strategic Plan:

### **Community Wellbeing**

- Levels of community satisfaction with services and lifestyle characteristics of the City
- Levels of usage and/or participation of City Services/Events
- Quality and Efficient service delivery
- Achievement of public health standards

### **Caring for the Environment**

- Level of community satisfaction with the City's natural environment
- Effective management of waste



## City Development

- Level of community satisfaction with the City's built environment
- Level of usage of the City's community facilities
- Tourism visits
- Level of community satisfaction with economic development of the City
- Employment levels
- Level of investment in the City

## Organisational Development

- Adherence to long term financial plans and budget
- Adherence to Customer Service Standards
- Community satisfaction with communication/participation
- Positive media items
- Levels of staff satisfaction

A number of the current Key Performance Indicators against the Strategic Plan are more appropriate for use in managing the operations of the organisation rather than demonstrating achievement against the Strategic Plan outcomes, and as such have been removed from the Strategic Plan Key Performance Indicators however will still be collected and utilised to manage the operations of the City.

The revised set of Key Performance Indicators is shown as *Attachment 1* to this report. The format for the presentation of the Key Performance Indicators with the methodology, source, and categorisation as social, economic and/or environmental is recommended for continuation.

### Link to Strategic Plan:

Key Focus Area 4: Organisational Development

Outcome:

The City of Joondalup is a sustainable and accountable business

Objective 4.1:

To manage the business in a responsible and accountable manner

Strategy 4.1.2:

Develop a corporate reporting framework based on sustainable indicators

### 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 decisions 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:**

It is important that the Council and the community have a clear understanding of how the Council is performing and whether it is meeting its objectives.

Equally, it is critical that Council reviews the performance against objectives with a view to improving outcomes for the community.

The Strategic Plan Key Performance Indicators should:

- Measure progress towards achieving corporate outcomes and objectives;
- Promote accountability to the community and other stakeholders and the publication of the Indicators can raise awareness in the community of the levels of services received, and whether the organisation is meeting its commitments; and
- Compare performance with previous years to identify opportunities for improvement

**Financial/Budget Implications:**

Nil

**Policy implications:**

The stated objective of Council's Communication Policy 2.3.2 is:

To indicate the City's high level of commitment to public consultation and to provide good, open and accountable government.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

The Strategic Plan Key Performance Indicators have been categorised as social, environmental and/or economic and are therefore applying a sustainable approach to the measurement of progress against the Strategic Plan 2003 – 2008.

**Consultation:**

Not Applicable

**COMMENT**

The Strategic Plan Key Performance Indicators are intended to focus on the overall performance of the organisation and progress towards achievement of the Strategic Plan outcomes. These Key Performance Indicators are complemented by the quarterly progress reports against the Annual Plan that provide measurement against project milestones.

The major review of the Strategic Plan that is scheduled to commence in 2006/07 will provide the Council with an opportunity to develop a new set of Key Performance Indicators (and targets) to align with the revised priorities and associated outcomes and objectives of the new Strategic Plan.

It is, however, important to regularly refine Key Performance Indicators to ensure that the original indicators are still relevant and meaningful, or to ascertain whether new and better data has become available.

As an interim measure, the current list of Key Performance Indicators (63 in total) has been reviewed and rationalised to allow the Council to simply and succinctly communicate the successes/challenges and progress towards sustainability to the Joondalup community.

In the long term, and as part of the review of the Strategic Plan, the Key Performance Indicators and associated targets will be reviewed with the Council to measure the achievement of the Strategic Plan and therefore progress towards sustainability of the Joondalup community.

The revised Key Performance Indicators are shown as *Attachment 1* to this report.

The Key Performance Indicators recommended for deletion from the Strategic Plan Key Performance Indicators are shown as *Attachment 2* to this report.

## **ATTACHMENTS**

Attachment 1	Revised Key Performance Indicators.
Attachment 2	List of Key Performance Indicators recommended for deletion

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 APPROVES the revised set of Key Performance Indicators to measure progress against the Strategic Plan 2003 – 2008 shown as Attachment 1 to this Report;**
- 2 RECEIVES a further report on a new set of Key Performance Indicators following development of the new 20-Year Strategic Plan.**

*Appendix 1 refers.*

To access this attachment on electronic document, click here: [Attach1brf280306.pdf](#)

## **ITEM 4 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2006 – [07882]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Peter Schneider Director Corporate Services

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### **PURPOSE**

The February 2006 financial activity statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The February 2006 year to date report shows an overall variance (under spend) of \$14.1m when compared to the year to date revised budget approved by Council at its meeting of 21 February 2006 (CJ029-02-06).

This variance can be analysed as follows:

- The **Operating Surplus** is \$27.9m compared to a budgeted surplus of \$24.4m at the end of February 2006. The \$3.5m variance is primarily due to interest income and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from government grants and subsidies.
- **Capital Expenditure** is \$12.3m against the year to date budget of \$22.9m. The \$10.6m 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 28 February 2006.*

### **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 28 February 2006 is appended as Attachment A.

### **Issues and options considered:**

Not Applicable

### **Link to Strategic Plan:**

Objective 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 expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2005/06 Annual Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 28 February 2006.

**VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 28 February 2006 as shown in Attachment 1 to this Report.**

*Appendix 2 refers.*

*To access this attachment on electronic document, click here: [Attach2brf280306.pdf](#)*

## ITEM 5 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2006 – [09882]

**WARD:** All

**RESPONSIBLE DIRECTOR** Mr Peter Schneider  
Corporate Services

### PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of February 2006 to note.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of February 2006, totalling \$5,257,951.94.

*It is recommended that Council NOTES the CEO's list of accounts for February 2006 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 \$5,257,951.94.*

### 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 February 2006. 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	<b>Cheques</b> 74352 - 74632 &	3,285,487.91
	<b>EFT</b> 5271 - 5543	
	<b>Vouchers</b> 132A-135A, 137A-138A	
Trust Account		Nil
		\$ 5,257,951.94

### Issues and Options Considered:

Not Applicable

### Link to Strategic Plan:

Strategy 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 as revised by Council at its meeting of 21 February 2006, 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 as revised by Council at its meeting of 21 February 2006, or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A	CEO's Delegated Payment List for the month of February 2006
Attachment B	Municipal Fund Vouchers for the month of February 2006

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the CEO's List of Accounts for February 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 at Attachments A and B to this Report, totalling \$5,257,951.94.**

*Appendix 3 refers.*

*To access this attachment on electronic document, click here: [Attach3brf280306.pdf](#)*



## **ITEM 6                   BORROWINGS FOR THE SORRENTO BEACH FORESHORE ENHANCEMENT PROJECT – [67573]**

**WARD:** All

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

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### **PURPOSE**

To seek the approval of Council to borrow \$900,000 to partially fund the Sorrento Beach Foreshore Enhancement project

### **EXECUTIVE SUMMARY**

During the 2005/2006 budget process, Council identified the need to fund 50% of the Sorrento Beach Foreshore project by borrowings and a new \$900,000 loan for this purpose was included in the budget.

The City obtained funding quotations for the loan from three financial institutions, being the Commonwealth Bank of Australia, Westpac Banking Corporation and the WA Treasury Corporation (WATC) and the preferred institution was determined to be the WATC.

It is therefore recommended that Council:

- 1     *CHOOSES WA Treasury Corporation as the provider of a fixed interest loan of \$900,000.00 for a period of ten years, under their normal lending conditions;*
- 2     *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to accept the quoted rate of 5.73% inclusive of the state government guarantee fee provided by WA Treasury Corporation, which may be varied on the day of funding, subject to the rate not exceeding a maximum increase of 0.50% and to execute the relevant loan documentation accordingly.*

### **BACKGROUND**

The 2005/06 adopted budget includes borrowings of \$900,000.00 to fund 50% of the Sorrento Beach Foreshore Enhancement project. The project timetable indicates that these funds will be required between April and June 2006.

The City invited three financial institutions to quote for the provision of the loan. Invitations were extended to the Commonwealth Bank of Australia, Westpac Banking Corporation (our current bankers) and the WA Treasury Corporation and quotations were received from all three organisations.

### **DETAILS**

#### **Issues and options considered:**

The timetable and projected cash flow for the Sorrento Beach Foreshore Enhancement project indicates that loan funding will be required between April and June 2006.

The City requested and received quotations for the loan from the Commonwealth Bank of Australia, Westpac Banking Corporation and the WA Treasury Corporation. The fixed interest

rates quoted by each of the above corporations ranged from 5.73% to 6.10% with the lowest rate being that of WATC. The WA Treasury Corporation rate of 5.73% includes a Guarantee Fee charged by the Department of Treasury and Finance, collected by WATC. The fee is currently levied at 0.10% per annum and is subject to change according to government policy. The guarantee fee is indicative only, although it has not changed since its introduction in 1989, and does not form part of the WATC's agreed fixed lending rate, ie WATC lending rate is 5.63% exclusive of the guarantee fee.

Interest rates quoted are indicative only and may vary with changes in market conditions on the day of funding. It is clear however that borrowing through WATC is more economical with simpler documentation than borrowing from other financial institutions

#### **Link to Strategic Plan:**

#### 4. Organisational Development

##### Objective 4.1

To manage the business in a responsible and accountable manner.

##### Strategy 4.1.1

Ensure financial viability and alignment to plan.

#### **Legislation – Statutory Provisions:**

Council is empowered to borrow money under section 6.20 of the Local Government Act 1995 (the Act). Section 6.21 of the Act as amended provides that the Security offered for the borrowings by a local government is limited to security over “general funds” which is defined to mean revenue from general rates, government grants which were not given to the local government for a specific purpose; and such other sources as prescribed. Local Government no longer requires the Treasurer’s approval to obtain credit.

#### **Risk Management considerations:**

By taking out a fixed interest rate loan the City is able to mitigate the risk of future upward movements in interest rates.

#### **Financial/Budget Implications:**

The 2005/06 revised budget provides for an interest expenditure accrual of \$10,825 related to the Sorrento Beach Foreshore Enhancement loan, covering the period from the expected draw down date in mid April till the end of the current financial year, as calculated based on the quotation received from WATC.

It is expected that the loan will not be drawn before mid April with the first quarterly repayment due mid July in the 2006/07 financial year.

The total interest payable on this loan at the WATC quoted interest rate of 5.73% is estimated to be \$288,183 over the ten year period, which may differ depending on the interest rate applicable on the funding date.

#### **Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

The City's financial projections have considered the need to borrow funds to complete the Sorrento Beach Foreshore Enhancement project. The repayment of principal and interest over a 10-year period effectively spreads the costs of the project over the period during which the community is expected to benefit from it.

**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**

WATC has been identified as the lowest cost provider of loan funds to the City for the Sorrento Beach Foreshore Enhancement Project and is therefore recommended. The WA Treasury Corporation quoted a fixed interest rate of 5.73% (as at 24 February 2006) for 10 years, inclusive of the 0.10% State Government Guarantee Fee.

Following Council's approval, the City will seek a firm quotation on the day of funding before completing the contractual documents and drawing down the funds. Whilst the actual contracted interest rate will differ from the rate quoted above, it is unlikely that such a change will result in a significant variance to the total cost of the loan, all finance providers will be impacted by interest rates change (if any) in the same way and the comparative advantage of WATC, as evidenced from this quotation, is expected to be maintained.

It is proposed that a 10-year fixed interest loan with a quarterly repayment of principal and interest would be most suitable for this purpose. The consensus view among economists and market commentators is that interest rates will remain steady for the remaining part of this calendar year and that any possible movement in rates is likely to be up rather than down. Fixed interest rate borrowings under these circumstances, is therefore recommended.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council:**

- 1**      **CHOOSES** WA Treasury Corporation as the provider of a fixed interest loan of \$900,000.00 for a period of 10 years, under their normal lending conditions;
  
- 2**      **AUTHORISES** the Chief Executive Officer (CEO), on behalf of the City, to accept the quoted rate of 5.73% inclusive of the state government guarantee fee provided by WA Treasury Corporation, which may be varied on the day of funding, subject to the rate not exceeding a maximum increase of 0.50% and to execute the relevant loan documentation accordingly.

## **ITEM 7                    TENDER 028-05/06 SUPPLY & DELIVERY OF VARIOUS SIGNS WITHIN THE CITY OF JOONDALUP –[76576]**

**WARD:** All

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

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### **PURPOSE**

This report is to seek the approval of Council to choose Sunny Sign Company Pty Ltd as the successful tenderer for the Supply & Delivery of Various Signs within the City of Joondalup (Tender 028-05/06).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 03 December 2005 through statewide public notice for the Supply & Delivery of Various Signs within the City of Joondalup. Tenders closed on 21 December 2005. Four submissions were received from:

- Compac Marketing Pty Ltd;
- Deneffe Signs;
- Jason Signmakers;
- Sunny Sign Company Pty Ltd.

It is recommended, in relation to Tender Number 028-05/06 that Council:

- 1 *CHOOSES Sunny Sign Company Pty Ltd as the successful tenderer for the Supply & Delivery of Various Signs within the City of Joondalup (Tender 028-05/06) 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 Sunny Sign Company Pty Ltd in accordance with its submitted tender, subject to minor variations that may be agreed between the CEO and Sunny Sign Company 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 Supply & Delivery of Various Signs to the City of Joondalup. The City installs Road and Traffic Safety Signage and maintains the signage in a condition that ensures, to the highest degree possible, the safety of vehicles and pedestrians. Signage damaged by vehicle accidents or vandalism is replaced as a priority and additional or modified signage is installed as a result of the City's traffic and pedestrian management procedures and also, following investigation and confirmation, as a result of community concerns.

## DETAILS

Tenders were advertised on 03 December 2005 in the West Australian newspaper with the tenders closing on 21 December 2005. Four submissions were received from:

- Compac Marketing Pty Ltd;
- Deneffe Signs;
- Jason Signmakers;
- Sunny Sign Company 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.

All four submissions received were considered compliant and remained for further consideration.

The four submissions met all the essential requirements for Supply & Delivery of Various Signs were 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 submissions 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 028-05/06 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 and concluded that the Offer submitted by Sunny Sign Company Pty Ltd represented value for money to the City.

**Issues and options considered:**

The City has a requirement for both traffic and pedestrian signage to cater for traffic flows, population increases, road and path modifications and temporary signage to facilitate a variety of works projects and also to cover all works and weather related conditions plus emergencies.

**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, 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 Provisions:**

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. Whilst the expected base consideration for this contract is not estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000, if there is a need for additional signs above the estimated requirement, then this Contract may well exceed the delegated authority of the Chief Executive Officer, hence the approval of Council is sought.

**Risk Management considerations:**

It is considered that the contract will represent a low risk to the City based on previous experience with the provision of similar goods from the recommended supplier. Referee checks support this view with comments that their prices are competitive, the quality of good provided is high and delivery times are prompt.

The Sunny Sign Company Pty Ltd is also providing signs to a number of State and Local Government Authorities.

**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:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The Sunny Sign Company Pty Ltd located in Malaga achieved the highest weighted score in the evaluation process and is a WA manufacturer of Road and Traffic Safety Signage.

They are currently providing signs to a number of WA Local Government and State Authorities, and has an established satisfactory performance with the City. This has been confirmed by referee checks with other WA Local Government and State Authorities who have indicated that their prices are competitive; the quality of the Goods are of a high standard and the delivery times are excellent. For example, referees have stated that the turn around time and delivery for emergency requirements is less than one day from the placement of a purchase order.

The Evaluation Panel considered that the Sunny Sign Company Pty Ltd have the capability, expertise and associated resources to provide the required signs on a value for money basis and therefore recommend them as the preferred supplier.

**ATTACHMENTS**

Attachment 1            Schedule of Rates

**VOTING REQUIREMENTS**

Simple majority.



## **RECOMMENDATION**

**That Council, in relation to Tender 028-05/06:**

- 1**      **CHOOSES** Sunny Sign Company Pty Ltd as the successful Tenderer for the Supply & Delivery of Various Signs within the City of Joondalup (Tender 028-05/06) 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 Sunny Sign Company Pty Ltd in accordance with its submitted tender, subject to minor variations that may be agreed between the CEO and Sunny Sign Company Pty Ltd;
- 3**      **DETERMINES** that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the Contract not to exceed three (3) years.

*Appendix 4 refers.*

*To access this attachment on electronic document, click here: [Attach4brf280306.pdf](#)*

## **ITEM 8                      BROADBEACH PARK LAKE NO 2, HILLARYS - WATER QUALITY MANAGEMENT – [01525]**

**WARD:**                      South West

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

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### **PURPOSE**

To provide the Council with the Consultant's report for Broadbeach Park Lake No 2, Hillarys - Water Quality Management.

### **EXECUTIVE SUMMARY**

In accordance with the recommendation of the Broadbeach Park Lake No 2 Water Quality Management Report of 15 March 2005, the Consultant's report recommendations were distributed to involved residents for comment.

Two resident responses were received.

The Consultant's report provides a number of Management Options for consideration to reduce the nutrient loading.

*It is recommended that Council:*

- 1        *RECEIVES the Consultant's report for Urban Lakes Water Quality Management for Broadbeach Park Lake No 2;*
- 2        *LISTS for consideration as part of the 2006/07 Draft Budget deliberations, modified practices as recommended in the report;*
- 3        *UNDERTAKES an awareness and educational programme involving local residents within the Broadbeach Park catchment area in relation to nutrient loading practices within residential gardens.*

### **BACKGROUND**

Council, at its meeting of 22 February 2005, received a petition from 132 residents of Hillarys requesting that Council:

- 1        Return the lake known as Broadbeach Park Lake No 2, in Hillarys to a clean and healthy state and eradicate the algal bloom as soon as possible. At present this is a health hazard to all of us who live or walk in this area.
- 2        Reinstall the fountain or similar aeration device to this lake to maintain the water quality.
- 3        Find a solution to the problem of the direct entry of the storm water drain on the west side of the lake, which is causing the algae to bloom in spring and summer.

The report to the Council Meeting of 15 March 2005 (Report CJ034-03/05 refers) recommended that a suitably qualified and experienced groundwater hydro geologist be

engaged on behalf of the City to undertake such a study, and that a petitioners' representatives group be consulted on the study findings before reporting to Council on the outcomes.

*"It is recommended that Council:*

- 1 *ENDORSE a groundwater hydro geologist be engaged to undertake a review of current best practices in managing water quality for Broadbeach Park Lake No 2;*
- 2 *ADVISE the petitioners accordingly and seek their comments on the study outcomes prior to reporting to Council on the finding."*

Consultant, Connell Wagner Pty Ltd, was engaged to investigate and prepare an Urban Lakes Water Quality Management Report for Broadbeach Park Lake No 2.

The City of Joondalup requested that the Consultant to undertake a number of tasks:

- 1 Project implementation, management and community consultation.
- 2 Collation of available data and literature review.
- 3 Background investigation of the lake hydrology and sediment chemistry.
- 4 Assessment of local groundwater hydrology.
- 5 Specification of management/monitoring programmes.
- 6 Reporting and study presentation.

## **DETAILS**

### **Issues and options considered:**

The Consultant's report was received on 21 September 2005 (refer Attachment 1 – Summary of Report). The recommendations were distributed to 125 local residents to inform them of the study results and requesting any comment on the recommendations.

Two written comments were received and both acknowledged that "fertiliser" application is the primary problem for long-term improvements.

The report encompasses a number of factors:

- Environmental description
- Methodology
- Results
- Management options
- References

The recommended Management Options have been reviewed by officers as follows:

### **5.1 General**

No comments/agreed.

## **5.2 Catchment Management**

### **5.2.1 Reduction in Nutrient Loading to Urban Lawns and Gardens**

Fertiliser input from residential property will continue to be a problem as residents offset irrigation with fertiliser to maintain aesthetic appearance of turf. Community education is being addressed by various sections of the Turf industry and Water Corporation. This topic will also be covered in future community information brochures distributed by the City.

### **5.2.2 Removal of Parkland Lawn Clippings**

- (a) This would require replacement of existing tractor mowers as existing units are not designed for picking up leaf thatch.
- (b) Identify a process and facility to dispose of clippings / cartage process.
- (c) Alternatively, mow a specific area around the lake with a purpose built mower / catcher system. This would need to be expanded for all 7 groundwater lakes within the City.

## **5.3 Lake Biology Management**

### **5.3.1 Remediation of Water Fowl Numbers**

This is a seasonal problem and numbers vary subject to water in Lake Joondalup. There is limited opportunity to control migration. Public assistance in “No Feeding” would be progressed.

### **5.3.2 Removal of Exotic Fish**

This has been achieved and monitoring will continue.

## **5.4 Chemical Control**

### **5.4.1 Removal of existing Lake Sediments**

Work has been programmed for April 2006. Excavated material requires a specific disposal plan and this is currently being investigated.

### **5.4.2 Chemical Dosing with Aluminium Sulphate**

Application proposed in accordance with water analysis results. Water monitoring occurs every quarter and January 2006 results will be available late February 2006.

### **5.4.3 Application of Barley Straw**

This proposal requires further investigation in regard to supply and handling options. Various other local authorities have trialled this option with mixed results.

## **5.5 Lake Management Schedule**

Timeframes for treatment were agreed and will be implemented in 2006.

**Link to Strategic Plan:**Key Focus Areas**2. Caring for the Environment**

Outcome: The City of Joondalup is environmentally responsible in its activities.

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

**2.1.1** Maintain and protect natural assets to retain biodiversity.

**Legislation – Statutory Provisions:**

Not Applicable

**Risk Management considerations:**

Lake water quality is of concern in regard to algae bloom and public health issues should a member of the public enter the water.

Where analysis identifies a problem the sample is referred to the Health Department of Western Australia for confirmation and signage is erected if the analysis confirms blue/green algae are present.

**Financial/Budget Implications:**

The impact on the operational budget is yet to be determined and will be listed for consideration as part of the 2006/07 Draft Budget deliberations.

**Policy implications:**

Not Applicable

**Regional Significance:**

Groundwater management is an issue for all local authorities along the Swan Coastal Plan.

There are various studies in progress within the metro area that will be monitored to assist with long-term management of groundwater lakes within the City's boundaries.

**Sustainability implications:**

Enhancements in catchment management involving an education and awareness programme for local residents and modified operational practices by the City are the suggested way forward in improving the long-term viability of lake water quality and appearance.

**Consultation:**

Property owners who link to the Broadbeach Park No 2 lake stormwater catchment will continue to be informed of all maintenance works. This may assist in increasing long-term awareness of the problems associated with nutrient runoff.

**COMMENT**

The Consultant's report has confirmed various factors:

- (a) Nutrient loading from residential properties will continue to require an education and awareness programme by the City to mitigate this issue.
- (b) There are limited options to modify the existing stormwater inflows due to area and in ground drainage systems, however modified operational practices by the City will assist in mitigating this issue.
- (c) Programmed excavation in a 3-5 year cycle will provide a cost effective solution.

**ATTACHMENTS**

Attachment 1            Summary Extract from Urban Lakes Water Quality Management Report - Broadbeach Park Lake No 2

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION****That Council:**

- 1        RECEIVES the Consultant's report for Urban Lakes Water Quality Management for Broadbeach Park Lake No 2;**
- 2        LISTS for consideration as part of the 2006/07 Draft Budget deliberations, modified practices as recommended in the report;**
- 3        UNDERTAKES an awareness and educational programme involving local residents within the Broadbeach Park catchment area in relation to nutrient loading practices within residential gardens.**

*Appendix 5 refers.*

To access this attachment on electronic document, click here: [Attach5brf280306.pdf](#)

## **ITEM 9                    MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD ON 22 FEBRUARY 2006 – [12168]**

**WARD:**                    All

**RESPONSIBLE DIRECTOR:**        Mr David Djulbic  
Director Infrastructure and Operations

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### **PURPOSE**

To submit the unconfirmed minutes of the Conservation Advisory Committee held on 22 February 2006 for endorsement by Council.

### **EXECUTIVE SUMMARY**

The intention of this report is to inform Council of the proceedings of the Conservation Advisory Committee Meeting held on the 22 February 2006.

There was one report on the February agenda, Standing Orders Local Law 2005 (01369).

An overview on the local law and the implications it will have on the workings of the Conservation Advisory Committee was provided.

Members expressed concerns that the Standing Orders Local Law (01369) will restrict debate and discussion on issues raised at the Conservation Advisory Committee.

The Committee resolved the following recommendation:

- 1        That the Conservation Advisory Committee is of the opinion that the interpretation of the Standing Orders Local Law is extremely restrictive and interferes with the ability of the Committee to perform its functions, therefore the Committee requests the Commissioners to review Section 14(2) of the Standing Orders Local Law and its interpretation to allow the Committee to include an additional item in the order of business to allow exchange of information and progress reports.

It is recommended that Council NOTES:

- 1        *the unconfirmed Minutes of the Conservation Advisory Committee held on 22 February 2006 forming Attachment 1 to this Report;*
- 2        *that the Conservation Advisory Committee is of the opinion that the interpretation of the Standing Orders Local Law is extremely restrictive and interferes with the ability of the Committee to perform its functions, therefore the Committee REQUESTS the Commissioners to review Section 14(2) of the Standing Orders Local Law and its interpretation to allow the Committee to include an additional item in the order of business to allow exchange of information and progress report;*
- 3        *that the Standing Orders Local Law 2005 was recently significantly amended, which established protocols for the control of Council and Committee Meetings and DOES NOT SUPPORT the request to alter the order of business for Committee Meetings.*

## **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 Conservation Advisory Committee meets on a monthly basis.

The Committee membership comprises of a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues.

## **DETAILS**

### **Issues and options considered:**

At the 22 February 2006 Conservation Advisory Committee Meeting, members expressed concern that the recently introduced Standing Orders Local Law 2005 will "restrict debate and have a deleterious influence on the effectiveness of the Committee". Discussion amongst the members centred on the fact that the Standing Orders Local Law 2005 does not contain a provision for General Business, and that with the new agenda format there would not be an opportunity to discuss the range of items that had been included under the provisions of the previous Standing Orders.

These concerns are acknowledged and informed members that the Standing Orders Local Law 2005 encompassed Council meetings as well as Advisory Committee Meetings and that the local law had been based on best practice principles with the intent to "*assist in the good conduct of meetings of the Council, of Committees and of the electors*"

### **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:**Environmental

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

Social

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 review of the Standing Orders Local Law 2005 was completed after many years of review and research. The review was completed in accordance with the Local Government Act 1995, which included a six (6) week public comment period with only three (3) submissions received during that period. The Council subsequently considered the submissions and resolved to adopt a revised set of Standing Orders on 22 November 2005, which were subsequently gazetted on 20 December 2005.

The order of business contained within the Standing Orders follows very closely to that as recommended by the then Department of Local Government (now Department of Local Government and Regional Development - DLGRD). The advice from the DLGRD is not to include an item of business titled 'general business' as it allows for at times irrelevant debate and issues to be raised on the spot and debated without adequate background information, which may lead to ill informed decisions being made.

The revised Standing Orders Local Law provides a well-structured items of business listing for Council and Committees that allows for an efficient and effective meeting and subsequently leads to good decisions/recommendations being made.

The order of business allows for reports to be presented to the committee prior to it formulating a recommendation to the Council. This allows the committee to remain focused on the reports that are within the agreed terms of reference.

**ATTACHMENTS**

Attachment 1                      Minutes of the 22 February 2006 meeting of the Conservation Advisory Committee.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council NOTES:**

- 1** the unconfirmed Minutes of the Conservation Advisory Committee held on 22 February 2006 forming Attachment 1 to this Report;
- 2** that the Conservation Advisory Committee is of the opinion that the interpretation of the Standing Orders Local Law is extremely restrictive and interferes with the ability of the Committee to perform its functions, therefore the Committee REQUESTS the Commissioners to review Section 14(2) of the Standing Orders Local Law and its interpretation to allow the Committee to include an additional item in the order of business to allow exchange of information and progress report;
- 3** that the Standing Orders Local Law 2005 was recently significantly amended, which established protocols for the control of Council and Committee Meetings and DOES NOT SUPPORT the request to alter the order of business for Committee Meetings.

*Appendix 6 refers.*

To access this attachment on electronic document, click here: [Attach6brf280306.pdf](#)

## **ITEM 10                    DAVALLIA KINDERGARTEN AND CHILD HEALTH CENTRE PROPOSED CAR PARK, 487L (LOT 159) BEACH ROAD, DUNCRAIG – [09127] [03398]**

**WARD:**                    South

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

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### **PURPOSE**

The purpose of this report is to present Council with the background to the proposed car park, the consultation process undertaken with the user groups and adjacent property owners and the final proposed concept for the car park.

### **EXECUTIVE SUMMARY**

The Council approved as part of the Capital Works Program the construction of a car park for the Davallia Kindergarten and Child Health Centre. The City commenced preliminary concept design and consultation in January 2005. However, local residents in Juniper Way whose properties back onto the reserve adjacent to the Kindergarten Site objected to the proposal.

The City has undertaken extensive investigation and consultation and this report outlines the consultation process and steps taken to mitigate the residents concerns whilst addressing the needs of the user groups.

In view of the outcomes of the investigation and consultation this report recommends that Council:

- 1        *APPROVES the construction of a 10 bay lockable car park on 487L (Lot 159) Beach Road, Duncraig;*
  
- 2        *ADVISES the residents and user groups accordingly.*

### **BACKGROUND**

A proposed 18 bay car park for the Davallia Kindergarten and Child Health Centre was approved in the Five-Year Capital Works Program. The user groups consisting of the Davallia Kindergarten and Child Health Centre requested the car park as there is no dedicated parking for this centre and users were required to park in the adjacent shopping centre car park, which is privately owned.

Investigations were carried out to determine the most suitable location and access for the car park and the long-term needs of the user groups. It was determined that the most appropriate location would be on the western side of the building where the land parcel is zoned Local Reserve for Public Use. This was considered an appropriate use of the land, and more importantly provided appropriate access to the building for the user groups, which consist of young children and mothers with babies, with regard to the access to the building. Lot 159 is zoned for Public Purposes-School and the building is owned by City of Joondalup and is leased by Department of Education and Training for Davallia Kindergarten and an area of the 'pre-school building' is used as a child health clinic.

The land to the north, west and east of this lot is Juniper Reserve, Crown Land under City of Joondalup Management (refer Attachment 1).

Lot 739 south of the kindergarten is zoned Commercial and was developed for car parking as a requirement of the development of the Network Video premises (Lot 10).

The commercial complex is a seven-day a week shopping centre with a pedestrian count of approximately 43,000 per week (as provided by shopping centre management). The swimming pool, which is adjacent to the Kindergarten/Child Health Centre, is very busy particularly between the hours of 7.30am to noon and then 3pm to 7.30pm, with the pool open for public swimming from noon to 3 pm weekdays. Swimming classes are 30 minutes and there is a changeover period at the end of each batch when students for the next class arrive. This compounds the parking problem.

Parking is considered to be at a premium throughout the commercial centre by users and the various owners. Parents attending the Kindergarten and/or Child Health Centre have complained about lack of parking for the facility.

Funding for this project was approved in the 2004/05 Budget and the City began consultation to develop the concept for the car park in November 2005.

In March 2005 four of the residents whose properties back onto Juniper Reserve, adjacent to the Kindergarten building, raised objections to the proposed car park.

In order to address their concerns, the City undertook to investigate various issues that were raised following site meetings and written submissions.

A site meeting was held on 9 December 2005 at the Kindergarten with the affected residents, user group representatives, City representatives and MLA for Carine Ms Katie Hodson-Thomas. At this meeting the proposed car park design was discussed in detail. The City was asked to investigate additional issues, including the possibility of a path through the vegetated area in the Carine Tavern Car Park, security lighting for the reserve and car park, redesign of the car park and fencing. Attachment 2 provides an aerial view of the area.

These areas were subsequently investigated and a modified proposal was presented to all 6 affected stakeholders. Attachment 3 shows the proposal as presented to the stakeholders.

The final feedback for this has shown mixed support in that 3 residents continued to object to the proposal whilst the Kindergarten, Child Health centre and one adjacent resident supported the proposal.

In addition a 71-signature petition from the clients of the Kindergarten and Child Health Centre in support of the car park development was tabled at the Council meeting of 21 February 2006.

The owners of the adjacent shopping centre, swimming pool, tavern and Network Video support the proposed car park.

## **DETAILS**

### **Issues and options considered:**

Initial investigations prior to listing of the project in the Capital Works Program included options to provide access from Plumosa Mews with the car park on the eastern side of the building, on street parking in Juniper Way and a car park on the western side of building with access off existing car park in the shopping centre complex. However, this option was not

considered acceptable, as it required the car park to be constructed on Juniper Reserve and the access would also have impinged on parkland.

The project approved in the 2004/05 Budget was to provide parking bays (based on the user groups needs) on the western side of the Kindergarten building with access from lot 739.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

The land on which the Kindergarten building is located is zoned Local Reserve for Public Use. It was transferred to the City on 10 September 1973, as freehold land for the purposes of a Kindergarten, by the developer as required under the conditions of subdivision (known as lot 159).

Noting the age of the building, there was no particular car-parking requirement under COW Town Planning Scheme 1. Coupled with the shopping centre development at the same time, it was considered acceptable that the Kindergarten parking would be met through the shopping centre parking provisions.

Due to growth and development of the area, parking provisions for the Kindergarten and Child Health Centre are now considered necessary and under DPS2 provision of parking is required to be provided to service the use of the building.

Therefore construction of a dedicated car park for the users of the existing facility on Lot 159 is considered consistent with the intention of the zoning of Local Reserve for Public Use.

**Risk Management considerations:**

There is a significant demand for the car parking facility dedicated to the Kindergarten and Child Health Centre. Occupational Health and Safety requirements for Child Care Services require that no child is to be left unattended in vehicles whilst dropping off or picking up children from the facility and in addition children are required to be dropped off inside the classroom under duty of care.

The user groups have requested a safe drop off and pick up location where the conflict zone with other shopping centre traffic is limited.

A car park is a requirement for any new facility being developed. Providing a car park for this facility would bring it in line with requirements of District Planning Scheme 2.

**Financial/Budget Implications:**

<b>Account No:</b>	6656
<b>Budget Item:</b>	
<b>Budget Amount:</b>	\$55,000
<b>YTD Amount:</b>	\$
<b>Actual Cost:</b>	\$

**Policy implications:**

The building currently has no dedicated car park. However, Urban Design and Policy has advised that a maximum of fifteen (15) bays would be required under the District Planning

Scheme 2 for this type of facility. However, given that the Kindergarten runs two batches of 20 students each the maximum number of bays could be reduced to ten (10) bays.

**Regional Significance:**

The Davallia Primary School and Kindergarten takes admissions from within their catchment area of south Duncraig and East Carine. The boundary for the catchment is Mitchell Freeway, Warwick Rd, east of Dava St, Beach Rd, Duffy Rd and the north side of North Beach Rd. In addition the school has 41% of its admissions from outside of the catchment area from suburbs as far as Woodvale, Sorrento and Kingsley.

The Child Health Clinic services the suburbs of Carine, Marmion, North Beach, Trigg, Waterman and the southeastern part of Duncraig.

As this facility is located on the boundary of the City of Joondalup and the City of Stirling, it provides services to the communities of both councils. The majority of the catchment for this clinic is such that clients have to use vehicles to get there.

**Sustainability implications:**

Encouraging residents to walk and cycle to such facilities is desirable and there are paths provided for access through Juniper Reserve. The only other access for pedestrians is through the privately owned shopping centre and tavern car parks. However, as there are many users of this facility from outside the immediate catchment area the mode of transport most used is vehicular.

**Consultation:**

The consultation process undertaken by the City included meetings with all stakeholders and the local MLA, and proposed concept plans and consultation forms distributed for feedback and comment. The comments and feedback has been incorporated into each revised concept plan in an attempt to mitigate the majority of the concerns of the residents.

Once funding had been approved as part of the 2004/05 budgeted Capital Works Program, a more detailed concept plan was developed and consultation with residents, user groups, and adjacent commercial property owners was undertaken.

The approach road to the proposed car park is through Lot 200, the swimming pool. Access to the car park is off the existing car park, Lot 739. In order to provide an access that met with design standards one car-parking bay would be lost from Lot 739, currently owned by the Marshall's (owners of Network Video).

The concept was discussed at site meetings with the owners of Lot 200 and 739 to ensure acceptance of the access details. The owners of Lot 739 advised that the loss of one car-parking bay in their property would be acceptable, however, they required an assurance that they would not be penalised for this in any future development applications for Lot 10. [Lot 739 is a car park built as part of the development requirements of Lot 10 (Network Video)]

Once access was finalised the plan was shown to user groups to ensure it met with their needs. It was then presented to the four residential properties behind the reserve adjacent to the proposed car park for their comments and feedback.

The residents were concerned about the impact of the car park on their properties, in particular the "antisocial" behaviour of people who may use it at night, as well as the noise and pollution of cars close to their back yards. Some questioned the need for the car park and pointed out that there was ample parking in Lot 739 and the Tavern car park for the times when the Kindergarten was in use. They also suggested an alternative location for the

car park, on the eastern side of the Kindergarten building away from their properties, but with Juniper Reserve.

The City agreed to investigate their suggestions and concerns and to follow up on various planning issues that arose out of the discussions. The City also proposed additional vegetation and screen planting between the car park and the residents back property fences.

In the meantime the City received a 35-signature letter in May 2005 in support of the speedy construction of the proposed car park from the users of the facility.

A second meeting was held in December 2005 between the City and the residents, user groups and local MLA, to present the modified concept and proposals to mitigate the concerns of the residents and to discuss any other issues.

At this meeting the Kindergarten pointed out the duty of care and occupational health and safety concerns for the childcare centres when dropping off and picking up children to the facility because of the lack of parking adjacent to the building.

The residents raised concerns about security, the size of the car park and the necessity for the car park. In addition they requested the City to investigate the option of constructing a path through the vegetated area (refer Attachment 2) in the Carine Tavern (Lot 12) to provide a direct access for parents to the Kindergarten and Child Health Centre if they parked in the Tavern car park.

A final concept was sent to the residents and user groups and the added features to address the concerns of residents and user groups are shown in Table 1 below:

<b>Concern/Issue</b>	<b>Proposal to address</b>
Cars driving through car park into Juniper Reserve	Bollards installed around car park
Anti social behaviour in park as a result of the car park providing a "space" for people to loiter	Security lighting of car park and the corner of Juniper reserve adjacent to 30 Juniper Way
Path through Juniper reserve will be too close to properties because of car park	Path will be relocated from the north east corner of car park to link into existing keeping it away from the properties
Car park will be used at night by tavern customers and during the day by shopping centre users	The car park can be locked after hours and weekends and only opened when the facility is in use. Bays can be dedicated, for daytime use only. The management of the car park access will be by the Kindergarten and Child Health Centre
Original proposal impinges into Juniper reserve	The Car park layout has been optimised and the number of bays reduced, noting that it is now all located within Lot 159, which is zoned Local Reserve for Public Use and as such a car park is considered an appropriate use.
Car Park not necessary	35-signature letter from user group received May 2005 in support of car park construction  Refer to 71 signature petition from user groups tabled at Council meeting 21 February 2006

TABLE 1: Issues and proposals to address issues

The feedback from this proposed concept showed mixed support in that 3 residents continued to object to the proposal on the basis that it was not necessary, whilst the Kindergarten and Child Health Centre supported the proposal fully. One adjacent resident

supported the proposal subject to some additional security lighting to be continued along the public access way in Juniper Reserve. In addition, a 71-signature petition from the user groups in support of the construction of the proposed car park was tabled at Council Meeting held on 21 February 2006.

## **COMMENT**

The City has continued a dialogue with all stakeholders with regard to the proposed car park since late 2004, and investigated each issue raised. The last proposal sent to stakeholders for approval, addressed most of the concerns of the residents. The City had previously stated that screen planting would be provided in consultation with the residents. In addition, the request for security lighting to be continued along the path in Juniper Reserve has been investigated and will be listed for budget consideration in 2006/07.

In response to the suggestion from the residents that the car park be located to the east of the building it was found that the land to the east of the Kindergarten fence is zoned Parks and Recreation and would require rezoning to permit a car park. Access to a car park on the eastern side, if possible, would require the loss of at least 2 bays from the existing car park in Lot 739. There is a PAW strip restricting access to Juniper Reserve east of Lot 159 from Lot 739 as shown in Attachment 1. Finally the number of bays suggested by the residents (6-8), was less than required based on the advice of the City's Urban Design and Policy Unit.

The proposal to construct a path through the vegetated area in Carine Tavern to allow easier access for users of the Kindergarten and Child Health Centre facility, when parking in the tavern car park, was not acceptable to the user groups due to safety concerns.

It is acknowledged that there may be times when there are bays available in Lot 739 for the user group parking, however, parking availability is sporadic and in any case this does not address the safety concerns for the drop off and pick up of children from Family Day Care and Child Care Centres. Reciprocal parking occurs throughout the entire complex as people park where possible to access the various shops and facilities in the area, and it is generally recognised that parking is at a premium in this area.

A dedicated lockable car park for this facility is in keeping with the zoning of Lot 159 and would improve the safety and accessibility for the centre. The concerns raised by the residents have been incorporated into the final proposal. The City has extended the consultation to try and mitigate all the concerns of the four adjacent residents.

This year the Kindergarten received more applications than they had positions for and had to turn students away. It is a popular school. The Child Health Centre provides services to a number of suburbs from Joondalup and Stirling and is of regional significance.

On 20 February 2006 the City received a 71-signature petition from the user group requesting the Joondalup Council to progress the construction of the dedicated Kindy/Child Health Centre Car Park.

This indicates an identified need for the car park and thus it is recommended that the construction of a lockable 10 bay car park, as depicted in Attachment 3, be progressed as soon as practically convenient.

## **ATTACHMENTS**

- Attachment 1 Plan of area showing lot numbers
- Attachment 2 Aerial view of site
- Attachment 3 Proposed 10 bay car park



## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council:**

- 1 APPROVES the construction of a 10 bay lockable car park on 487L (Lot 159) Beach Road, Duncraig;**
- 2 ADVISES the residents and user groups accordingly.**

*Appendix 7 refers.*

*To access this attachment on electronic document, click here: [Attach7brf280306.pdf](#)*

## **ITEM 11                    LEASE OF LAND AND CONSTRUCTION OF A WORKS DEPOT – [80513] [58498]**

**WARD:**                    All

**RESPONSIBLE  
DIRECTOR:**            Mr Garry Hunt  
                                 Office of CEO

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### **PURPOSE**

To consider proceeding with the development of a new works depot on land proposed to be leased from the Water Corporation.

### **EXECUTIVE SUMMARY**

The City has entered into a lease agreement with the City of Wanneroo for operating from the depot in Ashby since 27 June 2000. The requirements for the proposed depot were reviewed identifying that a site of 2.5 to 3.0 hectares would be suitable. A review of available sites either within or in close proximity to the City has revealed that the most suitable site is a Water Corporation site located on Ocean Reef Road that forms part of the Water Corporation waste treatment site known as Beenyup. The land is currently vested with Water Corporation. Water Corporation has advised that they are looking for a tenant for the proposed site however are not prepared to transfer the vesting or sell the site to the City.

Council at its meeting held on 13 December 2005 resolved that the site at Beenyup was the preferred site for a works depot.

A Business Plan was developed and advertised in The West Australian and Joondalup Community Newspaper with a closing date of 3 April 2006. To date no written submissions have been received.

It is noted that it would be inappropriate to formulate the officers' recommendation prior to the closure of the public comment period for the advertised Business Plan scheduled for 3 April 2006. Accordingly the officers' recommendation will be presented to Council at its meeting scheduled for 4 April 2006.

### **BACKGROUND**

The City has entered into a lease agreement with the City of Wanneroo for operating from the depot in Ashby since 27 June 2000.

The City has sought to address the long-term need for the establishment of a Works Depot within the City of Joondalup.

While the lease agreement with the City of Wanneroo for part use of the Wanneroo Works Depot has addressed the immediate need, that lease agreement only provides facilities until 30 June 2008 assuming available options are exercised. Due to the expected growth of the Wanneroo region and subsequent demands on depot facilities, there are no guarantees that these existing facilities will be made available by the City of Wanneroo for lease in the longer term.

In addition, there is potential for efficiency gains in having a centrally located depot within the City of Joondalup.

## DETAILS

The matter was last considered by the Council at its meeting held on 13 December 2005 (CJ295-12/05 refers) when it was resolved that Council:

- 1 *DETERMINES that the Water Corporation site of approximately 2.5 hectares known as Beenyup on Ocean Reef Road Craigie is the preferred site for the proposed works depot;*
- 2 *AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of the lease with the Water Corporation and to finalise and advertise a business plan inviting public comment;*
- 3 *NOTES that LandCorp has agreed to pay the City \$648,098 in relation to interest on the Normalisation Agreement payments.*

Prior to investigating alternative sites a review of the depot requirements was undertaken which revealed that a 2.5 hectare site would be suitable for current needs. Based on this information a review of available sites was undertaken identifying a site on Hodges Drive and the Water Corporation site on Ocean Reef Road that forms part of the Water Corporation's waste treatment plant known as Beenyup were the most appropriate sites.

Water Corporation have advised that they are looking for a suitable tenant for the Beenyup site however are not prepared to sell or transfer the vesting of the site to the City. Water Corporation has prepared a draft lease for the site for the City's consideration. The site has been valued based on the proposed lease and use of the site at \$8.00/sqm. The lease of 2.5 hectares will initially cost the City \$200,000 per annum. The City currently pays the City of Wanneroo \$80,810 per annum for the Ashby lease. The Ashby site has also been identified as having operational inefficiencies of \$536,000 per annum, which are expected to increase over time.

The proposed Beenyup site was previously used by the Water Corporation as a depot and over the past couple of years by a demolition company. There are a number of buildings and sheds on the site that vary in condition but would require substantial works if retained.

The pertinent terms and conditions of the proposed lease are summarised as follows:

- The proposed Lessor is Water Corporation of 629 Newcastle Street, Leederville, Western Australia.
- The proposed Lessee is City of Joondalup of 90 Boas Avenue, Joondalup, Western Australia.
- The City of Joondalup is to prepare a diagram identifying the proposed lease area and which is to be surveyed at the Lessor's expense. This area is identified on the plan attached to this report and is estimated to contain an area of approximately 2.5 hectares.
- The lease term is to be limited to 21 years. The lease is to contain a clause dealing with future use of the site and both parties' intentions to enter into a further lease of the premises.
- The proposed date of commencement for the lease is 1 July 2006.
- The leased premises are to include all buildings and structures on the land.

- Prior to commencement of the lease, the Water Corporation at its own expense, will conduct an environmental survey and take any action required to remediate pre-existing contamination. In the event that the projected cost of remediation is such that it is not financially viable, the Corporation reserves the right not to proceed with the matter.
- The Corporation will also arrange for removal of substances containing harmful asbestos.
- In the event that the Corporation is unable to conclude remediation of contamination and removal of asbestos prior to the proposed commencement date of 1 July 2006, commencement date of the lease is to be postponed until such time as remediation and asbestos removal works are completed.
- Rent free of 12 months to apply from commencement date of the lease and the Lessee undertakes to take possession of the premises in “as is” condition (subject to above).
- The Lessee shall construct buildings/improvements as required by the Lessee’s operation and having obtained prior Lessor’s approval.
- At termination of the Lessee’s occupancy, the Lessor may require at the Lessor’s discretion, that certain improvements be removed by the Lessee and the area be cleaned up to the Lessor’s reasonable satisfaction.
- Base rent has been determined by a jointly appointed valuer. The cost of the valuer determining a fair market rent is to be paid by the City of Joondalup however, half of such cost is to be refunded by the Corporation once the formal lease agreement is entered into by the parties.
- The initial rent as determined is to be fixed for the first two years and then followed by annual CPI adjustments, except after six years, and every five years thereafter when reviews to market shall apply.
- The Lessee shall pay all statutory outgoings assessed by the relevant authorities in relation to the lettable area.
- The Lessee shall reimburse the Corporation for legal costs involving preparation of the formal lease document.
- The first rental payment is due on the anniversary of the Commencement Date, with each succeeding payment being due and payable on the first day of each month during the Term.
- To the extent that any supply made under or in connection with the lease is a taxable supply, the consideration for the supply is increased by the rate at which GST is imposed in respect of the supply.

Water Corporation has commenced an environmental survey of the site and have agreed to take any action required to remediate any contamination including removal of any asbestos. Water Corporation has reserved the right not to proceed with the lease for a depot should the cost of removal not be financially viable.

**Issues and options considered:**

A review of available sites for the proposed works depot has identified two options being the purchase of a Hodges Drive site and the lease of the Beenyup site. Base NPV indicated that the lease option was the preferred financial option however the City would not own the land and would have to negotiate a new lease at the expiry of the proposed lease or find an alternative location. Both these sites are located close to the centre of the City.

Staying at the current Ashby site is not a long-term option. The construction of residential properties adjacent to the boundary of the City's leased area will hasten the push to close the depot operation.

The City has also investigated other sites within the City or within close proximity of the City over the past few years however no sites were pursued.

**Link to Strategic Plan:**

Development of the a new works depot will be consistent with each of the four key focus areas of the City's Strategic Plan as follows:

*Caring for the Environment:* The concept plan for the new depot will be designed taking into account the latest Environmentally Sensitive Design principles where the Ashby depot is 30 years old and is in need of a major overhaul.

*Community Wellbeing:* The development of a new depot will assist in providing a more efficient and environmentally friendly service to the community.

*City Development:* A new depot within the City boundaries will encourage local employment and economic development.

*Organisational Development:* Manage the development to provide a maximum return on the investment to benefit the City's ratepayers and community by the reduction in operational inefficiencies that have been identified with the depot in Ashby.

**Legislation – Statutory Provisions:**

The proposed lease transaction is an exempt land transaction however it is considered appropriate to comply with the provisions of Section 3.59 of the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996. Section 5.42 of the Local Government Act 1995 allows a local government to delegate some of its powers and duties to the Chief Executive Officer.

**Risk Management considerations:**

At some stage in the future the City will be moving out of the Ashby site and without an available parcel of land, acquiring a location within the City would be difficult. The current lease with the City of Wanneroo expires in June 2007.

The lease of the Beenyup site is for a fixed period of 21 years. At that point negotiations with Water Corporation would be required if the City wanted to remain on the site or a new site may be required. Additionally Water Corporation may determine that the cost of any required remediation on the site is not financially viable to continue with the proposed lease to the City.

**Financial/Budget Implications:**

Hodges Drive – Original Project Estimates - endorsed by Council on 20 July 2004

<b>ITEM</b>	<b>Original Budget 4 Hectare Site</b>
	<b>\$</b>
Building Works (rate per sq. metre)	2,665,000
Communication cabling, IT items, Two Way Radio and Reticulation Control.	150,000
Gateway Allowance (strategic location)	250,000
Site Works (significant cross fall)	2,970,000
Environmentally Sensitive Design Allowance	200,000
Escalation (to July 04)	200,000
Escalation Premium due to Market Condition	150,000
Consultant Fees	600,000
Land Acquisition	2,800,000
FF&E (furniture, fittings and equipment)	600,000
HV Relocation	415,000
<b>TOTAL:</b>	<b>11,000,000</b>

Cost estimate for Construction of Depot at Beenyup

<b>ITEM</b>	<b>Beenyup Budget 2.5 Hectare Site</b>
	<b>\$</b>
Building Works (rate per sq. metre)	2,250,000
Site Works (including parking, lighting, security, landscaping etc.)	1,400,000
Escalation (to September 2006 - construction commencement)	250,000
Consultant Fees	400,000
FF&E (furniture, fittings and equipment, relocation costs)	500,000
Project Contingency	200,000
<b>TOTAL:</b>	<b>5,000,000</b>

After reviewing the current buildings and site conditions Quantity Surveyor, Ralph Beattie Bosworth has advised that a budget of \$5.0 million will be sufficient for this project.

Delegating to the Chief Executive Officer the power to accept tenders within budget will help limit the impact of construction market escalation.

The lease fee for the site will commence at \$200,000 increasing annually to CPI with a market valuation review in year six and each five years after. The City currently pays a lease fee of \$80,810 to the City of Wanneroo for the current depot site in Ashby.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Remaining at Ashby depot for a period of at least ten years is not considered to be a sustainable solution to the requirements of the City. The City of Wanneroo has advised that they have a ten-year plan to remain at their current location. With residential development reaching the southern boundary of the Ashby depot site it is a matter of time before complaints are received about noise levels.

The new depot will be designed taking into account the latest Environmentally Sensitive Design principles where the Ashby depot is 30 years old and is in need of a major overhaul. The Ashby site has been identified as having operational inefficiencies of \$536,000 per annum, which are likely to increase over time. The Ashby site has no potential for expansion to meet future needs unless the City of Wanneroo move out of their site.

**Consultation:**

A business plan was advertised in The West Australian and Joondalup Community Newspaper with a closing date of 3 April 2006. To date no written submissions have been received.

**COMMENT**

The City has sought to address the long-term need for the establishment of a Works Depot within the City of Joondalup.

While the lease agreement with the City of Wanneroo for part use of the Wanneroo Works Depot has addressed the immediate need, that lease agreement only provides facilities until 30 June 2008 assuming available options are exercised. Due to the expected growth of Wanneroo and subsequent demands on depot facilities, there are no guarantees that these existing facilities will be available for lease in the longer term.

In addition, there is potential for efficiency gains in having a centrally located depot within the City of Joondalup.

Delegating to the Chief Executive Officer the power to accept tenders within budget will help limit the impact of construction market escalation.

It is noted that it would be inappropriate to formulate the officers' recommendation prior to the closure of the public comment period for the advertised Business Plan scheduled for 3 April 2006 forming Attachment 1 to this Report. Accordingly the officers' recommendation will be presented to Council at its meeting scheduled for 4 April 2006.

**ATTACHMENTS**

Attachment 1                      Business Plan as advertised

**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION**

**To be submitted to the Council Meeting to be held on 4 April 2006.**

*Appendix 8 refers.*

To access this attachment on electronic document, click here: [Attach8brf280306.pdf](#)

## **ITEM 12                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – FEBRUARY 2006– [07032] [05961]**

**WARD:** All

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

### **PURPOSE**

To report on the number and nature of applications considered under Delegated Authority.

### **EXECUTIVE SUMMARY**

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, 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 two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications
- 2 Residential Design Codes
- 3 Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of February 2006 (see Attachment 1 and 2 respectively) for those matters identified in points 1-3 above.

### **BACKGROUND**

The number of development and subdivision applications determined for February 2006 under delegated authority and those applications dealt with as an “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of February 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	100	\$10,813,248
R-Code variations (Single Houses)	37	2,598,495
<b>Total</b>	<b>137</b>	<b>\$13,411,743</b>



In addition, there were 5 development applications determined by Council during this month at a value of \$2,035,000.

The number of development applications received in February 2006 was 105 (This figure does not include any applications that may become the subject of the R-Code variation process).

<b>Subdivision Approvals Determined Under Delegated Authority – Month of February 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	6	114 residential lots
Strata Subdivision Applications	1	2 strata residential lots

**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 Council, at its meeting of 13 December 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. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk Management considerations:**

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

### **Financial/Budget Implications:**

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 100 development applications determined during February 2006, consultation was undertaken for 30 of those applications. Of the 7 subdivision applications determined during February 2006, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

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	February 2006 decisions – Development Applications
Attachment 2	February 2006 decisions – Subdivision Applications

**VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 development applications described in this report for the month of February 2006;**
- 2 subdivision applications described in this report for the month of February 2006.**

*Appendix 9 refers.*

*To access this attachment on electronic document, click here: [Attach9brf280306.pdf](#)*

## **ITEM 13                      BROOKMOUNT RAMBLE, PADBURY - (WESTERN SECTION) PROPOSED CLOSURE TO VEHICULAR TRAFFIC – [76556]**

**WARD:**                              South-West

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

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### **PURPOSE**

The purpose of this report is for Council to consider submissions received during the advertising period, and to consider the closure of the western portion of Brookmount Ramble to vehicles.

### **EXECUTIVE SUMMARY**

The City has received complaints from residents who have properties which back onto or are in close proximity to the western section of Brookmount Ramble, Padbury, near the North City Christian Centre. There is a cul-de-sac at the western end of Brookmount Ramble that has a record of misuse for antisocial car driving behaviour.

The proposed closure does not seek to alter the tenure of the land, however seeks to facilitate the erection of lockable bollards approximately 150 metres east of the cul-de-sac, along with an associated traffic calming treatment, which would assist to curtail the current antisocial activity occurring. The location of the proposed treatment is shown in Attachment 1. The bollards, once erected and locked, it will restrict vehicular access of the 150 metre western section of Brookmount Avenue.

Council at its meeting of 22 November 2005 (CJ255-11/05 refers) resolved to initiate the road closure for public advertising. A total of thirteen (13) submissions were received of which one (1) submissions was an objection to the proposal, and twelve (12) submissions were in support of the closure. It should be noted that there was originally two objections, however, as a result of discussions with one of the objectors, that objection was withdrawn and is now considered to be in support of the closure.

The remaining objection relates to potential increased traffic on Walter Padbury Boulevard. The Al Hiyada Mosque would be provided with a key to the lockable bollards, enabling them to open Brookmount Ramble to vehicles. Other landowners such as the North City Christian Centre could also be provided with a key if required.

It is recommended that Council:

- 1        *SUPPORTS the closure of the western portion of Brookmount Ramble as shown in Attachment 1 to this Report in accordance with section 3.50 (1a) of the Local Government Act;*
- 2        *ADVISES that in accordance with section 3.50 (2) of the Local Government Act, the road as shown in Attachment 1 to this Report will be closed for vehicular access, except for events on adjacent land or for access by service (including emergency service) authorities;*
- 3        *COMMUNICATES its decision to Main Roads WA in accordance with Clause 3.50 (5) of the Local Government Act;*

- 4 *Considers and NOTES the submissions received and ADVISES the submitters of Council's decision accordingly.*

## **BACKGROUND**

Brookmount Ramble was originally constructed to alleviate traffic and parking issues which were being experienced by residents in Walter Padbury Boulevard and Chadlington Drive, Padbury by providing an alternative route for vehicles to access places of worship that have been developed along Chadlington Drive. The places of public worship are the Anglo Indian Association, North City Christian Centre and Al Hidayah Mosque.

Brookmount Ramble is located in an isolated location that backs onto remnant bushland on its northern side and has little passive surveillance available from the places of public worship located on its southern side. Brookmount Ramble a long and straight section of road and it is experiencing antisocial driver behaviour which can be evidenced through the existence of several 'burn out' tyre marks upon the road. The cul-de-sac head located at the western end of the road is subjected to vehicles doing 'donuts' and vandalism to infrastructure in this area.

Following consultation with residents backing onto this cul-de-sac head and representatives from the Al Hiyada Mosque, it was agreed that the installation of lockable bollards approximately 150 metres east of the cul-de-sac head, along with an associated traffic calming treatment, would assist to curtail the current antisocial activity occurring. The location of the proposed treatment is shown in Attachment 1. The proposal includes a provision that the mosque would be supplied with keys for the bollards to allow access to its rear driveway and car park. Other adjacent landowners, such as the North City Christian Centre, could also be provided with a key upon request.

## **DETAILS**

### **Issues and options considered:**

A number of options, including the installation of additional traffic management treatments and increased patrols by City Watch were explored, however closure to vehicular traffic at the western section of Brookmount Ramble is deemed the most appropriate course of action.

### **Link to Strategic Plan:**

The proposal is in line with adopted strategies as follows;

- 1.4 To work with the community and enhance safety and security in a healthy environment
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.2 To provide quality services with the best resources

### **Legislation – Statutory Provisions:**

Although the road is not a dedicated public road, under the Local Government Act 1995 (Section 3.50) the Local Government may, by public notice, order that a thoroughfare that it manages be closed to the passage of vehicles for a period exceeding 4 weeks.

Before Council resolves to make an order to close any thoroughfare it manages to the passage of vehicles, it is required to give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why

it would be closed, and inviting submissions from any person who wishes to make a submission. It is also required to give written notice to adjoining landowners and is obligated to allow a reasonable time for submissions to be made and to consider such submissions.

Once Council resolves to make an order to close the thoroughfare, it is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the public notice.

It should be noted that should Council make such an order, this Council report, attachments and minutes of the Council meeting pertaining to this item are intended be sent to the Commissioner of Main Roads for information purposes.

**Risk Management considerations:**

As a risk management strategy, the partial closure will exclude vehicles from a location, which due to its remote location, is experiencing antisocial driver behaviour and property damage.

**Financial/Budget Implications:**

The installation of lockable bollards and associated traffic calming treatment is estimated at \$5000.

**Policy implications:**

Not applicable

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation:**

The proposed closure has been advertised for a period of 35 days. Adjacent owners were notified in writing and signs were placed at the entrance of the road. An advertisement was also placed in the community newspaper and on the City's website. A total of thirteen (13) submissions were received, one (1) of which objected to the proposal and twelve (12) of which supported it. The submissions have been summarised in the schedule (Attachment 2) and all submissions are available in the Councillors reading room for information.

**COMMENT**

Due to the isolated location of Brookmount Ramble and the limited impact on the general public using this road, a closure to vehicular traffic along its western section is considered the most appropriate treatment to alleviate the problems being encountered by nearby residents and organisations.

Most of the submissions supported the closure, however the objection received related to concerns that traffic may increase on Walter Padbury Boulevard. The means by which Brookmount Ramble would be closed to vehicles is via lockable, removable bollards. The Al Hiyada Mosque would be supplied with keys for the bollards to allow access to its rear driveway and car park. Accordingly, it is not expected that there will be increased traffic on Walter Padbury Boulevard.

It is noted that a submission of objection was initially received from the Al Hiyada Mosque, however correspondence has now been received from the Mosque that accepts the proposal to install lockable bollards.

Given that a non objection and objection were initially received from the mosque, the author of the objection was contacted and the intent of the proposal explained in further detail. As a result of those verbal discussions, written confirmation has been received that the objection is now to be withdrawn, provided the closure is effected by lockable bollards and a key is issued to the mosque occupant so that the road could be opened for access and egress to and from the car park for events.

This is in accordance with the intent of the officer recommendation, therefore it is considered that the mosque now supports the proposed closure.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Schedule of Submissions

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 SUPPORTS the closure of the western portion of Brookmount Ramble as shown in Attachment 1 to this Report in accordance with section 3.50 (1a) of the Local Government Act;**
- 2 ADVISES that in accordance with section 3.50 (2) of the Local Government Act, the road as shown in Attachment 1 to this Report will be closed for vehicular access, except for events on adjacent land or for access by service (including emergency service) authorities;**
- 3 COMMUNICATES its decision to Main Roads WA in accordance with Clause 3.50 (5) of the Local Government Act;**
- 4 Considers and NOTES the submissions received and ADVISES the submitters of Council's decision accordingly.**

*Appendix 10 refers.*

To access this attachment on electronic document, click here: [Attach10brf280306.pdf](#)

## **ITEM 14                    PROPOSED AMENDMENT TO APPROVED PLANS FOR A THREE-STOREY OFFICE DEVELOPMENT - LOT 458 (10) REID PROMENADE, JOONDALUP – [61509]**

**WARD:**                    North

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

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### **PURPOSE**

To request Council's determination of an amended application for planning approval for a multi-storey office development at Lot 458 (10) Reid Promenade, Joondalup including a request for a cash-in-lieu payment for a shortfall of 2 car bays.

### **EXECUTIVE SUMMARY**

A three-storey commercial building, incorporating 20 offices, was approved by Council at its meeting held on 15 March 2005 (CJ040 – 03/05 refers). As part of this approval it was acknowledged that there was a shortfall on 9 car bays. The determination of Council resolved that a cash-in-lieu payment of \$72,900 for the 9 car parking bays was appropriate. The applicant has submitted amended plans requesting an increase in the car parking shortfall on the site, from 9 car bays to 11.

The reason for the loss of 2 additional car bays is due to the requirement for a Western Power Transformer and compound to be located on-site, for which the applicant has stated was not a requirement during the design and documentation stage.

It is noted that the three-storey commercial office building is substantially commenced, minimising the possibility for an alternative site to locate the transformer.

It is recommended that Council approve the amended plans, requiring the applicant/owner to pay a further cash-in-lieu component of \$16,200 for the shortfall of 2 car bays.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 459 (10) Reid Promenade, Joondalup
<b>Applicant:</b>	Meyer Shircore & Associates
<b>Owner:</b>	Brian Swain
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> City Centre
<b>Site Area:</b>	0.1395 ha
<b>Structure Plan:</b>	Joondalup City Centre Development Plan & Manual (JCCDPM)

The application was received on 21 December 2005.

The subject development (DA04/0607) was presented to Council on 15 March 2005 (CJ040 – 03/05 refers), where it was resolved to grant planning approval for the proposal, which included the following conditions; that Council:



- 1 *DETERMINES that a cash-in-lieu payment of \$72,900 for 9 car parking bays is appropriate in this instance;*
- 2 *APPROVES the application for Planning Consent dated 6 August 2004, submitted by Meyer Shircore and Associates for an office development comprising 20 office units on Lot 458 (10) Reid Promenade, Joondalup subject to the following conditions:*
  - (f) *the provision of 45 bays to be provided on site, of which, Council is prepared to accept a cash in lieu payment of nine spaces at \$8 100 each.*

*Footnote:*

- 2 *The cash value that will be accepted for each car parking bay is the sum of the construction cost and land component. A sum of \$8,100 has been adopted for this purpose. Cash-in-lieu parking will contribute towards a fund for the Council to meet future parking demand within the locality;*

## **DETAILS**

The applicant has requested approval for an amendment to the existing development approval that will require the loss of 2 on-site car bays. As part of the original approval 45 bays were required to be provided as per the JCCDPM. The loss of 2 additional car bays would mean that the total shortfall of parking on the site, would be 11 car bays.

Information which has been provided by the applicant, states that 2 car bays are required to be used for the location of a Western Power transformer and compound, consisting of a high-voltage kiosk, low voltage kiosk and transformer. No fencing is proposed around the transformer.

A transformer was not incorporated into the original development proposal as the applicant has stated that Western Power did not require a transformer on site. The applicant has since been advised by Western Power, that an on site transformer is required. To satisfy the requirements of Western Power, the applicant has explained that there is no alternative position deemed to be acceptable. The options are also limited by the fact that the development is nearing completion.

The applicant has suggested that the solution to this issue is to increase the number of cash-in-lieu parking bays from 9 to 11 car bays (2 additional car bays).

### **Issues and options considered:**

Council has the discretion to:

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

### **Link to Strategic Plan:**

The development will assist the facilitation of local employment opportunities.

**Legislation – Statutory Provisions:**

The City of Joondalup District Planning Scheme No 2 (DPS2) and Joondalup City Centre Development Plan and Manual (JCCDPM) are relevant documents. The relevant clauses of these documents, are illustrated below:

*City of Joondalup District Planning Scheme No 2 (DPS2)***4.11 CAR PARKING – CASH IN LIEU OR STAGING**

- 4.11.1 *The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council;*
- 4.11.2 *Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development;*
- 4.11.3 *The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine;*
- 4.11.4 *Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by Council.*

**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 has not been advertised, as it constitutes a very minor change to the approved development. Additionally, the development reflects the form of development expected in the City Centre as contained in the preferred land-uses stipulated in the JCCDPM.

**COMMENT**

The location of the proposed Western Power transformer will encompass 2 car bays, reducing the total number of on-site car bays to 34 bays, being a shortfall of 11 car bays (45 bays required). It is considered that as the development is substantially commenced, the opportunities to locate the transformer on-site are limited. Although not ideal, the loss of 2 additional car bays may be the only solution, in this instance. This is due to the limited opportunity and space available on-site as the development has been substantially commenced.

In the previous report to Council (CJ040 – 03/05) for the subject development, it was noted that there are 137 bays available at the existing car parking station to the rear of the site, being accessible from McLarty Avenue. The station is intended to complement the car parking requirements of the lots adjacent, including the subject lot. It is also expected that through eventual redevelopment, the station could include multi-decked parking bays as detailed in the Joondalup City Centre Parking Strategy. The cash-in-lieu payment from this development could be used for the future development of this parking station.

It is also noted that the development is in close proximity to the Joondalup Train Station and public transport (including the new Joondalup CAT bus service), for which the utilisation of these services is encouraged.

The Joondalup City Centre is not currently subject to Council's Planning Policy 7-10, Cash-in Lieu of Car Parking. This area is subject to the Joondalup City Centre Parking Strategy, which aims to meet the specific needs of the City Centre environment. Council is currently considering an amendment to include the Joondalup City Centre area within Council's Planning Policy 7-10 – Cash-in Lieu of Car Parking.

Council at its meeting held on 9 October 2001 (Report CJ354-10/01 refers) resolved that the cash-in-lieu payment for a bay within the Joondalup City Centre would total \$8,100 per bay. The previous approval for the subject development recommended that a cash-in-lieu component of \$72,900 be paid for 9 car parking bays, equaling \$8,100 per bay. In this instance the total cash component for a shortfall of 11 car bays, would equal \$89,100 (addition of \$16,200 for 2 car bays).

In accordance with Clause 4.11 of DPS2, it is recommended that Council determines the proposed car parking provisions and cash-in-lieu payment for the further shortfall of 2 car bays, is appropriate as the nearby car parking station will alleviate demand and will not have an adverse impact upon the occupiers of the development or on the locality. Additionally, the proximity of the development to public transport services will assist in the accessibility of the site to potential occupiers. The construction of the Western Power transformer and compound is therefore recommended for approval subject to a cash-in-lieu payment, calculated at \$8,100 per bay, totaling \$16,200 be applied as a condition of approval.

## ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Site plans, floor plans

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 NOTES that Western Power requires the applicant to provide the transformer and compound during the course of construction;**
- 2 DETERMINES that a cash-in-lieu payment of \$16,200 for the loss of the two (2) car parking bays is appropriate in this instance;**
- 3 APPROVES the application for Planning Approval dated 21 December 2005, submitted by Meyer Shircore and Associates for the deletion of two car parking spaces and the construction of a Western Power Transformer and Compound as shown on the accompanying plans, for an office development at on Lot 458 (10) Reid Promenade, Joondalup subject to the payment of a cash-in-lieu component for the loss of two car parking spaces.**

### Footnote:

- 1 The cash value that will be accepted for each car parking bay is the sum of the construction cost and land component. A sum of \$8,100 has been adopted for this purpose. Cash-in-lieu parking will contribute towards a fund for the Council to meet future parking demand within the locality.**

*Appendix 11 refers.*

To access this attachment on electronic document, click here: [Attach11brf280306.pdf](#)

## **ITEM 15                    REVIEW OF CASH-IN-LIEU OF CAR PARKING POLICY 7-10 – [72020]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Clayton Higham Planning and Community Development

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### **PURPOSE**

The purpose of this report is for Council to consider adopting as final the reviewed Cash-in-Lieu of Parking Policy, following advertising, and adopt new car parking bay valuations.

### **EXECUTIVE SUMMARY**

The Cash-in-Lieu of Parking Policy provides parameters for Council to consider the payment of cash-in-lieu of the provision of on-site car parking bays for a proposed development. The funds received through cash-in-lieu payments are intended to contribute to the construction and management of future car parking demand within the vicinity of a proposed development.

It is considered that the policy has been operating adequately, however changes are proposed to update references within the policy to align it with the City's District Planning Scheme No 2 (DPS2) and to review the value of land which is included within the calculation of cash-in-lieu parking.

At its meeting of 13 December 2005 Council resolved to adopt the changes to the policy for public comment. No submissions were received during the advertising period.

It is recommended that Council:

- 1        ADOPTS as final the revised Cash-in-Lieu of Car Parking Policy 7-10 outlined in Attachment 1 to this Report in accordance with Clause 4.11 of District Planning Scheme No 2;*
- 2        AMENDS the Schedule of Fees and Charges to include an amount of cash-in-lieu payments under Clause 4.11 of DPS2 under the following categories:*  
  
*Joondalup City Centre - \$25,440*  
*Standard District Centres (Service Industrial/Commercial Land) - \$10,750*  
*Beachfront Commercial - \$40,750*
- 3        REQUIRES that the cash-in-lieu values to the reviewed on an annual basis;*
- 4        DETERMINES that development applications received prior to the final adoption by Council of the revised Cash-in-Lieu of Car Parking Policy 7-10 shall be determined in accordance with the policy and cash-in-lieu figures applying at the date of lodgement, except where Council has specifically determined the cash-in-lieu figure applicable to a development application.*

### **BACKGROUND**

Clause 4.11 of DPS2 allows Council to consider accepting a payment in lieu of the on-site provision of car parking. Cash-in-lieu of car parking provides a potential alternative to the

development of on-site car parking should there be a shortfall in the provision of car parking bays as outlined under Table 2 of DPS2. The DPS2 provision does not replace the developers responsibility to provide on-site parking, but rather is a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided on-site, to proceed. However in accordance with Clause 4.11, there must be an adequate provision for public car parking in the proximity of the proposed development.

The Cash-in-Lieu of Car Parking Policy provides guidance as to when such payment will be accepted and the value of the payment. The contribution rate of cash-in-lieu is based on the appropriate land valuation that is acceptable to the zoning and the estimated cost of construction of a car bay. Both the estimated cost of construction of a car bay and the land valuation is calculated at a per square metre rate.

The current policy was adopted by Council in June 1999 (CJ213-06/99 refers) and it is appropriate that it be reviewed due to parts of the current policy referring to Council's previous Town Planning Scheme No 1 and an increase of land values within the locality.

The Cash-in-Lieu of Car Parking Policy applies to all areas within the City of Joondalup with the exception of the City Centre. Given the specific circumstances and needs relating to car parking within the City Centre, a separate Car Parking Strategy applies to the City Centre. This strategy is currently being reviewed.

## **DETAILS**

### **Issues and options considered:**

#### Land Valuation Review

The City commissioned an independent licensed land valuer to undertake a study of current commercial and industrial land values within the City of Joondalup. At the completion of the reviewed land valuations within the locality, a report was provided to the City outlining the current land values. The figures forwarded were calculated at a rate per square metre and broken down into three land use categories. These land use categories and per square metre land values are:

- Joondalup City Centre - \$600 per square metre of land
- Standard District Centres (Service Industrial/Commercial Land) - \$300 per square metre of land
- Beachfront Commercial - \$1,300 per square metre of land

The current policy states that a car bay (at-grade) is assumed to require 30m<sup>2</sup> in area. A bay within a multi-level car park (applicable to the City Centre) requires 32m<sup>2</sup>. Construction costs are also added to the cash-in-lieu figure, which are currently estimated to be \$1,750 for an at-grade bay, and \$19,040 for a bay within a multi-level car park (applicable to the City Centre). Given these parameters, the current value per car bay have been assessed to be:

- Joondalup City Centre - \$25,440
- Standard District Centres (Service Industrial/Commercial Land) - \$10,750
- Beachfront Commercial - \$40,750

In regard to the Joondalup City Centre figure, the land value component has been based on the development of a 3 storey multi-deck car park, whereby the land value would be amortised over the total development. The land value has therefore been reduced one-third (i.e. \$200 m<sup>2</sup>).

### Current Policy

The Cash-in-Lieu of Car Parking Policy supplements DPS2 by providing relevant details with regards to the acceptance and valuation of proposed Cash-in-Lieu car parking arrangements.

This includes:

- Parking Bay Valuations.
- Policy Exceptions.
- Details regarding delegated authority in approving development applications that propose cash-in-lieu payments.
- Car parking requirements for Royce Court, located on the western side of Joondalup Drive, which is zoned 'Service Industrial' under the DPS2.

Whilst the policy is performing satisfactorily, some changes are proposed to provide reviewed land valuations for calculating proposed cash-in-lieu car parking and to align the current policy to the appropriate clauses of DPS2.

The cash-in-lieu figure is contained within the current policy. It is considered more appropriate that such figures are set within the Schedule of Fees and Charges and referenced from the policy.

### Proposed Amendments

The amendments proposed to the current policy and car bay valuations are as follows:

- Replacing reference to Part 9 of Council's Town Planning Scheme to read:  
*Part 4.8 of Council's District Planning Scheme No.2*
- Replacing references to Town Planning Scheme to read:  
*District Planning Scheme No.2*
- Omit reference to land values for Residential and General Industrial land.
- Delete reference to car bay valuations within the policy and include revised valuations within the schedule of fees and charges as follows:  
*Service Industrial/Commercial Land - \$10,750*  
*Beachfront Commercial - \$40,750*
- Deletion of the section headed Delegation
- Additional and expanded criteria to Royce Court Policy Statement to read:  
*Should the applicant provide on-site car parking for the equivalent portion of the proposed development that is above a plot ratio of 0.70, a cash-in-lieu payment is not required.*

Separate to the policy amendments, Council is also requested to amend the current cash-in-lieu figure for the Joondalup City Centre from \$8,100 per bay, to \$25,440 per bay.

**Link to Strategic Plan:**

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

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

**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.

*Section 6.16 of the Local Government Act 1995 states:*

- (1) *A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*  
*\* Absolute majority required.*
- 2(d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*

*Section 6.17 of the Local Government Act 1995 states:*

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors:*
- (a) *the cost to the local government of providing the service or goods;*
  - (b) *the importance of the service or goods to the community; and*
  - (c) *the price at which the service or goods could be provided by an alternative provider.*
- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*
- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service:*
- (a) *under section 5.96;*
  - (b) *under section 6.16(2)(d); or*
  - (c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*
- (4) *Regulations may:*
- (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
  - (b) *limit the amount of a fee or charge in prescribed circumstances.*

*Section 6.19 of the Local Government Act states:*

*If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of*



- (a) *its intention to do so;*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

**Risk Management considerations:**

As Council has the ability to accept cash-in-lieu of the provision of car parking, the dollar amount accepted must reflect the cost to the City of providing that car parking. There is a risk that the City would not be able to fund the provision of car parking should the amount accepted not reflect the costs involved.

**Financial/Budget Implications:**

The funds received by the City from cash-in-lieu car parking arrangements contributes towards the provision and management of future car parking facilities within the locality.

All funds received from cash in lieu payments are placed in a Reserve fund for that specific purpose.

**Policy implications:**

To improve the performance of the Cash-in-Lieu of Car Parking Policy by:

- Providing reviewed costs for parking bay valuations.
- To align the current Cash-In-Lieu Policy with DPS2.

**Regional Significance:**

Not applicable

**Sustainability implications:**

Cash-in-lieu of car parking enables public car parking to be provided in strategic locations, and assists in reducing the amount of private land that is given over to car parking, and which could be used for other development.

Regulating the amount of car parking in the City Centre will also assist in encouraging other forms of transport to access the Central Business District.

**Consultation:**

The draft revised policy was advertised for public comment from 19 January to 16 February 2006. The policy was advertised for two consecutive weeks in the local newspaper, and advertised on Council's website. No submissions were received during the advertising period.

## COMMENT

The policy has been operating for approximately six (6) years and is considered to function adequately, however it is intended to review the policy to provide current land valuations for calculating proposed cash-in-lieu car parking arrangements. Changes are also proposed to update references within the policy to align it with the City's DPS2.

An addition is proposed to the policy to clarify the term 'Beachfront Commercial' used within the policy. It is considered that a Beachfront Commercial lot is any lot that is directly opposite the coastal Regional Parks and Recreation reservation.

It is considered appropriate that a transition period be adopted whereby development applications received prior to the new cash-in-lieu figures coming into effect be subject to be current fees. An exception to this would be where Council has specifically resolved the cash-in-lieu fee that would apply to a particular development.

No submissions were received during the advertising period. It is considered appropriate that Council adopts the revised policy as final and amends the Schedule of Fees and Charges to include the revised car bay valuations.

## ATTACHMENTS

Attachment 1                      Cash-in-Lieu of Car Parking Policy

## VOTING REQUIREMENTS

Absolute majority

## RECOMMENDATION

### That Council:

- 1        **ADOPTS as final the revised Cash in Lieu of Car Parking Policy 7-10 outlined in Attachment 1 to this Report in accordance with Clause 4.11 of District Planning Scheme No 2, with the following addition:**

**Within Clause 2 (b), insert the words "*being any lot which is directly opposite the coastal Regional Parks and Recreation reservation.*" after the words 'Beachfront Commercial';**

- 2        **BY AN ABSOLUTE MAJORITY AGREES to impose a fee relating to cash-in-lieu payments for car parking effective from 17 April 2006, under Clause 4.11 of the District Planning Scheme under the following categories:**

<b>Joondalup City Centre</b>	<b>\$25,440</b>
<b>Standard District Centres (Services Industrial/Commercial Land)</b>	<b>\$10,750</b>
<b>Beachfront Commercial</b>	<b>\$40,750</b>

- 3        **in accordance with Section 6.19 of the Local Government Act 1995, GIVES local public notice of the fees imposed in (2) above;**
- 4        **DETERMINES that development applications received prior to the date from which the proposed fees in (2) above will be imposed being Monday 17 April 2006, shall be determined in accordance with the policy and cash-on-lieu figures applying at the date of lodgement, except where Council has**

- specifically determined the cash-in-lieu figure applicable to a development application;**
- 5 REQUIRES that the cash-in-lieu policy and associated fees be reviewed on an annual basis;**
- 6 NOTES that all funds received from cash-in-lieu payments are placed in a Reserve fund for that specific purpose.**

*Appendix 12 refers.*

*To access this attachment on electronic document, click here: [Attach12brf280306.pdf](#)*

**ITEM 16                    PROPOSED AMENDMENT NO 34 TO DISTRICT PLANNING SCHEME NO 2 AND MODIFICATION TO THE KINROSS NEIGHBOURHOOD CENTRE STRUCTURE PLAN – CONSIDERATION FOLLOWING ADVERTISING – [89577]**

**WARD:**                    North

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

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**PURPOSE**

The purpose of this report is for Council to consider submissions received during the advertising period, and to consider adopting as final Amendment No 34 to District Planning Scheme No 2 and amendments to the Kinross Neighbourhood Centre Structure Plan, without modification.

**EXECUTIVE SUMMARY**

The District Planning Scheme No 2 (DPS2) and the Kinross Neighbourhood Centre Structure Plan currently limit the retail floor space of the Kinross Shopping Centre site, Selkirk Drive, Kinross, to 3,000m<sup>2</sup>. Amendment No 34 and associated amendment to the structure plan proposes to increase the retail floor space of the centre to 4,000m<sup>2</sup>.

Until recently, the Kinross area was intended to be served by three retail centre locations, those being:

- Edinburgh Avenue - 1000 m<sup>2</sup> retail floor space limit. (identified as 59 Kinross Drive on Attachment 1).
- Selkirk Drive - 3000m<sup>2</sup> retail floor space limit.
- Kinross Drive - 500m<sup>2</sup> retail floor space limit. (identified as 157 Kinross Drive on Attachment 1).

In November 2005, Council supported the rezoning of the minor retail site (157 Kinross Drive) for residential purposes. The Minister for Planning and Infrastructure has subsequently approved this rezoning.

Retail modelling for Kinross suggests that additional retail floor space would be required. The proposal is to reallocate the 500m<sup>2</sup> (spare) retail space into the Kinross Neighbourhood Centre land, and to allow a further 500m<sup>2</sup> retail floor space on that site. The net effect would be that two neighbourhood commercial sites would be provided in Kinross, with a total retail capacity of 5000m<sup>2</sup>.

Council at its meeting of 13 December 2005 (CJ 279 – 12/05 refers) resolved to advertise concurrently the proposed Amendment 34 and structure plan amendment. Five (5) submissions were received during the advertising period, with two (2) being objections mainly on traffic related issues, and three (3) non-objections.

Analysis of the application leads to the conclusion that the consolidation of retail floor space will assist with the viability of the centre, and may also encourage a greater range of services

than might otherwise occur. The amendment to DPS2 and the Kinross Neighbourhood Structure Plan are therefore supported without modification.

It is recommended that Council:

- 1 *Pursuant to Section 7 of the Town Planning and Development Act 1928, ADOPTS Amendment No. 34 to the City of Joondalup District Planning Scheme No. 2 to modify Schedule 3 of the Scheme text to increase the Net Lettable Area of Portion Lot 2 (400) Burns Beach Road, Kinross from 3000m<sup>2</sup> to 4000m<sup>2</sup>;*
- 2 *AUTHORISES the signing of and the affixation of the Common Seal to the amendment documents;*
- 3 *Pursuant to Clause 9.7 of the City of Joondalup District Planning Scheme No 2 ADOPTS modifications to the Kinross Neighbourhood Centre Structure Plan by modifying Clause 4.0 by replacing the figure '3,000' with the figure '4,000', be submitted to the Western Australian Planning Commission for final adoption and certification;*
- 4 *Subject to certification by the Western Australian Planning Commission, ADOPTS the Kinross Neighbourhood Structure Plan an Agreed Structure Plan and authorises the signing of and the affixation of the Common Seal to the structure plan document;*
- 5 *NOTES the submissions received and ADVISES the submitters of the Council's decision.*

## BACKGROUND

<b>Suburb/Location:</b>	Kinross
<b>Applicant:</b>	Shrapnell Urban Planning
<b>Owner:</b>	Adriatic United Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Urban
<b>Site Area:</b>	1.3876ha
<b>Structure Plan:</b>	Kinross Neighbourhood Centre

There are three (3) commercial centres currently planned in the Kinross area. Each centre (Attachment 1) has a retail net lettable area (NLA) floor space limit specified in Schedule 3 of DPS2 as follows:

- Corner of Kinross Drive and Edinburgh Avenue at Lot 1255 (59) Kinross Drive, Kinross, – 1000m<sup>2</sup>
- Kinross Neighbourhood Centre at 3 Selkirk Drive, Kinross, (described as Portion Lot 2 (400) Burns Beach Road (East) in DPS2) – 3000m<sup>2</sup> (the subject site)
- Lot 200 (157) Kinross Drive, Kinross, (described as Portion Lot 2 (400) Burns Beach Rd (North) in DPS2) - 500m<sup>2</sup>

The centre on the corner of Kinross Drive and Edinburgh Avenue, Kinross is currently the only existing centre and consists of a small number of shops and services, including a deli, fish and chip shop, chemist, real estate agent, and vet.

Council at its meeting of 11 October 2005 granted planning approval for the Kinross Neighbourhood Shopping Centre, which includes a supermarket, restaurant/shop (café),

liquor store, two takeaway food outlets, eleven non-retail tenancies and two automatic teller machines (CJ217-10/05 refers). The total floor space proposed is 4,116m<sup>2</sup>, consisting of:

- the retail component being a supermarket, café, liquor store and two take away food outlets with a maximum retail floor space of 3,000 m<sup>2</sup>;
- 1,116m<sup>2</sup> floor space for 11 non-retail tenancies and 2 ATMs.

Construction of the shopping centre has recently commenced.

On 1 November 2005 Council adopted Amendment No 30 to DPS2 which sought to rezone Lot 200 (157) Kinross Drive (North) from Commercial (R20) to Residential R30 (CJ237-11/05 refers). It was argued that the subject site did not appear to be viable for Commercial purposes given its location and size. This application has recently been approved by the Minister for Planning and Infrastructure, and has the effect of removing 500m<sup>2</sup> of retail floor space from that site.

## DETAILS

### Issues and options considered:

The applicant is proposing to increase the retail floor space of the Kinross Neighbourhood Centre from 3000m<sup>2</sup> to 4000m<sup>2</sup>. The proposal entails the following modification to statutory documents.

- *DPS2 Amendment*

If adopted, DPS2 would be amended by modifying 'Schedule 3 – Commercial and Centre Zones: Retail Net Lettable Area' to increase the retail floor space of the Kinross Neighbourhood Centre from 3000m<sup>2</sup> to 4000m<sup>2</sup>.

- *Structure Plan Amendment*

If adopted, the Kinross Neighbourhood Structure Plan would be amended by modifying section 4.0 to read '4000m<sup>2</sup>' in lieu of '3000m<sup>2</sup>'.

Relevant considerations in regard to this request are:

- Council Policy
- WAPC Policy
- The amount of retail floor space available within the Kinross area
- The effect of the increase in retail floor space on the Kinross Neighbourhood Centre

### Applicant's Justification

In order to justify the request, the applicant submitted a Retail Floorspace Assessment prepared by a planning consultant specialising in retail assessments. The report recommends:

- The 500m<sup>2</sup> currently allocated to the local centre at Lot 200 (157) Kinross Drive, Kinross, should be reallocated to the planned Kinross Neighbourhood Centre, and
- An additional 500m<sup>2</sup> should be allocated to the Kinross Neighbourhood Centre to compensate for the current and future under provision of neighbourhood level retail floor space in the northern section of Kinross.

The applicant's report submitted raises the following points with regard to existing and proposed retail areas in the near vicinity, which have been summarised below:

### *Currambine*

Currambine District has a NLA limit of 10,000m<sup>2</sup>. There are no neighbourhood centres although a 'Centre' zone does cover a large area in the vicinity of Connolly Drive and Ascot Way. 3000m<sup>2</sup> has been allocated to this area, however it is unlikely that it will be developed for retail purposes.

### *Burns Beach*

The Burns Beach Structure Plan provides for a small 'Local Shop' precinct. A population estimate indicates approximately 4640 people. The allocated area has the potential to accommodate between 1000m<sup>2</sup> and 1500m<sup>2</sup> NLA at most and is therefore under provided with retail floor space.

### *Iluka*

A neighbourhood centre below 5000m<sup>2</sup> is allocated to Iluka, however due to the peripheral location of this suburb and its close proximity to the Currambine District Centre, it is likely that any future centre would be considerably less than 5000m<sup>2</sup>.

### *Joondalup*

The neighbourhood is currently serviced by Candlewood Village which has a NLA limit of 2000m<sup>2</sup>. The Joondalup Strategic Regional Centre does not provide good access for daily and even weekly food and groceries, as it is less convenient due to increased traffic as the centre expands.

### Options

In considering the proposed amendment to DPS2 and the Kinross Neighbourhood Structure Plan, Council can:

- Not adopt the proposed amendments,
- Adopt as final the proposed amendments
- Adopt as final the proposed amendments, with modifications.

### **Link to Strategic Plan:**

Key Focus Area: City Development

Outcome: To continue to meet changing Demographic needs

Objective: Integrate plans to support community and business development.

Outcome: The City of Joondalup is recognised for investment and business opportunities

Objective: To provide and maintain sustainable economic development

**Legislation – Statutory Provisions:**Scheme Amendment

Section 7 of the Town Planning and Development Act 1928 (TP&D Act 1928) together with Section 25 of the Town Planning Regulations 1967 enable Local Authorities to Amend a Town Planning Scheme and sets out the process to be followed.

Upon closure of the 42 day advertising period, the Council considers all submissions received and can 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) who 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.

Agreed Structure Plan Amendments

Under clause 9.7 of the Scheme, Council may amend an Agreed Structure Plan subject to approval of the WAPC. 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:**

Not applicable

**Policy implications:**

The City's Centres Strategy (Policy 3-3) recommends that the expansion of a neighbourhood centre be considered in the context of an approved structure plan based on main street principles, particularly if the expansion is over 3,000m<sup>2</sup>. In this regard, the Kinross Neighbourhood Structure Plan applies to the land, and the design of the recently approved Kinross Shopping Centre encompasses 'main street' principles as required by the structure plan. The proposed increase in retail floor space therefore accords with Policy 3-3.

The WAPC Policy 4.2 - 'Metropolitan Centres Policy Statement for the Perth Metropolitan Region' states that Neighbourhood Centres' retail floor space should generally be confined to below 4,500m<sup>2</sup>, unless consistent with a WAPC endorsed local strategy. In this instance, the proposal is to increase the Kinross Neighbourhood Centre retail floor space to 4,000m<sup>2</sup>, which complies with the WAPC Policy.

**Regional Significance:**

The proposal has significance to the local neighbourhood and to the provision of retail floor space within the neighbourhood. The proposal is therefore unlikely to have any regional significance.

**Sustainability implications:**

The increase in retail floor space is considered desirable, as it would increase the range of facilities that could be utilised by the local community. These facilities can add to the social wellbeing of the community and provide additional employment opportunities. There are economic benefits by attracting small businesses to the area.



**Consultation:**

The proposed amendments were advertised for a period of 42 days. An advertisement was placed in the West Australian, the community paper, and on the City's web site, and a sign was erected on the site. A total of five (5) submissions were received, two (2) of which objected to the proposal and three (3) that had no objection. The submissions have been summarised in Attachment 2. Copies of all submissions have been placed in the Commissioners reading room for their information.

**COMMENT**

The two objections received during the advertising period relate primarily to traffic issues, including the location of vehicle entrances and exits. The shopping centre, which is currently under construction, was approved in accordance with the provisions of the existing Kinross Neighbourhood Centre Structure Plan. The traffic issues have been raised with the applicant and a revised traffic impact assessment giving due consideration to the maximum 4,000m<sup>2</sup> NLA has been prepared.

The findings of the addendum to the traffic impact report are that the proposed increase in retail floor space and the decrease in non-retail floor space are not expected to have any adverse impacts on the traffic operations of the shopping centre ingress/egress and on the Connolly Drive and Selkirk Drive intersection. Notwithstanding, within the shopping centre site, the traffic impact report recommends that the right hand turn lane into Selkirk Drive would need to be lengthened from 31 metres to 38 metres. This aspect can be addressed when a planning application is lodged for a change of use to increase the retail floor space within the shopping centre.

It is noted that, if approved, the increase in retail floor space at the Kinross Neighbourhood Shopping Centre would not necessarily translate into the development of a larger shopping centre. It may mean that the existing approved floor space would be utilised for retail purposes, as opposed to, say, office uses.

It is considered that the retail assessment report submitted with the application provides significant justification for the increase in retail floor space for the Kinross Centre. It is apparent that the Kinross area and the soon to be developed Burns Beach subdivision do not contain significant retail floor space allocations.

Part of the justification for the increase in retail floor space comes from the reallocation of 500m<sup>2</sup> of retail floor space proposed to be removed from the site located at Lot 200 (157) Kinross Drive. The Minister for Planning and Infrastructure has now approved the deletion of the 500 m<sup>2</sup> allocated to Lot 200, and the rezoning of that site to Residential. On this basis, the validity of this justification is confirmed.

It is recommended that Council adopt the proposed amendments to DPS2 and the Kinross Neighbourhood Structure Plan for final approval without modification.

**ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Schedule of Submissions

**VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 Pursuant to Section 7 of the Town Planning and Development Act 1928, **ADOPTS** Amendment No. 34 to the City of Joondalup District Planning Scheme No. 2 to modify Schedule 3 of the Scheme text to increase the Net Lettable Area of Portion Lot 2 (400) Burns Beach Road, Kinross from 3000m<sup>2</sup> to 4000m<sup>2</sup>;
- 2 Pursuant to Clause 9.7 of the City of Joondalup District Planning Scheme No 2 **ADOPTS** modifications to the Kinross Neighbourhood Centre Structure Plan by modifying Clause 4.0 by replacing the figure '3,000' with the figure '4,000', be submitted to the Western Australian Planning Commission for final adoption and certification;
- 3 Subject to certification by the Western Australian Planning Commission, **ADOPTS** the Kinross Neighbourhood Structure Plan an Agreed Structure Plan and authorises the signing of and the affixation of the Common Seal to the structure plan document;
- 4 **AUTHORISES** the signing of and the affixation of the Common Seal to the amendment documents;
- 5 **NOTES** the submissions received and **ADVISES** the submitters of the Council's decision.

*Appendix 13 refers.*

*To access this attachment on electronic document, click here: [Attach13brf280306.pdf](#)*

**ITEM 17                    PROPOSED MARMION STRUCTURE PLAN NO 9 &  
VEGETATION MANAGEMENT PLAN – LOT 61  
LEACH STREET, MARMION (FORMER CSIRO SITE)  
– [84563] [85558]**

**WARD:**                    South-West

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

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**PURPOSE**

The purpose of this report is to seek Council's consent to:

- 1     Initiate Marmion Structure Plan No 9 for the purposes of public advertising;
- 2     To consider the Vegetation Management Plan prepared for the proposed Public Open Space that forms part of the structure plan area.

**EXECUTIVE SUMMARY**

The proposed structure plan relates to Lot 61 (14) Leach Street, Marmion, which is bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south (Attachment 1 refers). This land was formerly owned and used by the CSIRO as a marine research facility from 1975 to July 2002. In 2003 the CSIRO sold the site to Marmion Estates Pty Ltd.

Amendment No 24 to the District Planning Scheme No 2 (DPS2) sought to rezone the site from 'Local Reserve – Parks and Recreation (R20)' to 'Urban Development (R20)'. The amendment was first initiated for the purposes of public advertising by Council on 31 August 2004 (CJ200 – 08/04 refers), considered by Council for final approval on 5 April 2005 (CJ051 – 04/05 refers) and subsequently approved by the Hon Minister for Planning and Infrastructure and published in the Government Gazette on 5 and 9 December 2005 respectively.

The site contains existing buildings and structures comprising laboratories, sheds, storerooms and an aquarium facility. A demolition license has been issued and these structures are to be removed to facilitate future redevelopment of the site.

The intent of this structure plan is to guide the future subdivision and development of the land to create approximately 35 single residential lots ranging in size from 441m<sup>2</sup> to 700m<sup>2</sup> and a 2191m<sup>2</sup> Public Open Space (POS) lot.

The proposed structure plan design is considered appropriate from an urban design perspective, as it has been formulated on the principles of the traditional neighbourhood design existing in the area. The subdivision layout is considered appropriate as it recognises constraints imposed by topography, vehicular sight line distances along Cliff Street, and protection of existing amenity. The proposed lot sizes and lot frontages comply with the R-Codes under the R20 residential density code applicable to the subject land and structure plan provisions require development to be undertaken in accordance with the R-Codes and relevant Council policies.

In approving Amendment 24 to DPS2, the Minister for Planning and Infrastructure required the preparation of a Vegetation Management Plan (VMP) to be prepared in accordance with

the City's Public Participation Policy. The VMP has now been developed in accordance with that process and has been evaluated as satisfactory.

The draft structure plan is 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 Marmion Structure Plan (Structure Plan No 9) as per attachment 2 to this report for the purpose of public advertising and make it available for public comment for 21 days;*
- 2 *NOTES that the Vegetation Management Plan has been developed in accordance with the City's public participation strategy and forms an appendix to the structure plan document, which will be publicly advertised.*

## BACKGROUND

<b>Suburb/Location:</b>	Lot 61 (No. 14) Leach Street, Marmion
<b>Applicant:</b>	Chappell & Lambert
<b>Owner:</b>	Marmion Estates Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Urban Development (R20)
	<b>MRS:</b> Urban
<b>Site Area:</b>	2.1885 hectares or 21,885m <sup>2</sup>
<b>Structure Plan:</b>	Draft Marmion Structure Plan No 9

### History of Amendment 24 to DPS2

On 31 August 2004 (CJ200 – 08/04 refers) Council resolved to initiate Amendment No 24 for the purpose of public advertising.

The amendment was advertised and the submissions were considered by Council on 5 April 2005 (CJ051 – 04/05 refers), where Council resolved;

- 1 *Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 24 to the City of Joondalup's District Planning Scheme No 2 without modification for the purposes of rezoning Lot 61 (No 14) Leach Street, Marmion from Local Reserves 'Parks and Recreation' to 'Urban Development';*
- 2 *AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;*
- 3 *NOTES the submissions received and advise the submitters of the Council decision;*
- 4 *NOTES that a Structure Plan will need to be prepared in accordance with Part 9 of District Planning Scheme No 2. The Structure Plan process involves a separate detailed application and approvals process, will require further public consultation to be undertaken, and consideration by Council;*
- 5 *ADVISES the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to the City, and undertaken at the applicant's cost, to supplement the formal consultation process required under the City's District Planning Scheme No 2;*

- 6 *ADVISES the applicant that the indicative subdivision plan submitted with the Amendment application shall form the basis in preparing a structure plan over the site and should:*
- (a) *clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);*
  - (b) *have particular regard to the retention of significant stands of natural vegetation within road reserves and straddling lot boundaries where possible;*
  - (c) *ensure that built form outcomes prescribed under the structure plan for the site is generally consistent with the provisions of the Residential Design Codes of Western Australia under the R20 density code, which applies to the site, particularly with respect to building height and bulk;*
  - (d) *ensure that the structure plan contains provisions to ensure the finished lot levels proposed under any future subdivision application over the site is sympathetic to the natural topography of the land prior to it being developed as a marine research facility, with such levels being coordinated with adjacent roads and development, particularly for lots that seek to obtain vehicular access from these existing roads;*
  - (e) *ensure the structure plan contains details relating to the upgrading of all existing streetscapes along the length of the subject lots frontage of Cliff and Leach Streets, Ozone Road and Troy Avenue, which may include, but not limited to, the provision of intersection and traffic calming treatments, on street car parking, street trees, lighting and dual use paths;*
  - (f) *ensure that the Structure Plan requires buildings to be constructed on the site to be in conformity with sustainable energy and environmental design, including grey water treatment processes on site, if feasible;*
- 7 *NOTES that should Amendment 24 to the City’s District Planning Scheme No 2 be granted final approval by the Minister for Planning and Infrastructure, Council seeks the Western Australian Planning Commission’s support for the landowner to provide 10% of the site for public open space purposes, to be provided within the subject site, to include the remnant bushland.;*
- 8 *DIRECTS the CEO to investigate the implementation of a suitable traffic management treatment within the laneway linking West Coast Highway through to Leach Street in conjunction with the preparation of the draft Structure Plan.*

With respect to resolution No 8 above, on 14 March 2006 (CJ 037 – 03/06 refers) Council considered a report that addressed this issue.

Amendment 24 to DPS2 was subsequently approved by the Hon Minister for Planning and Infrastructure and published in the Government Gazette on 5 and 9 December 2005 respectively. The Minister’s determination was as follows:

- 1 *Unreserving Lot 61 (14) Leach Street, Marmion from Local Reserves Parks and Recreation and zoning it to Urban Development;*
- 2 *Inserting additional Clause 3.12.4 as follows:*  
  
*3.12.4 Specific Matters to be included in Structure Plans within the Urban Development Zone*

3.12.4.1 *Structure Plan No 9 – Lot 61 (No 14) Leach Street, Marmion;*

- (a) *The preparation of a Vegetation Management Plan by the landowner over the Public Open Space and approved by the Council, prior to the approval of a Structure Plan for the entire site is required. The public open space is intended to be located within the treed Northeast section of the lot;*
- (b) *The Vegetation Management Plan shall be prepared in accordance with the City of Joondalup's Council Policy 1-2 'Public Participation' and shall aim to protect and enhance the area for bush conservation purposes for the long term enjoyment by the local community;*
- (c) *The rehabilitation of the Public Open Space area shall be undertaken by the landowner following the approval by the Western Australian Planning Commission of the Structure Plan and prior to approval of any subdivision application over the land;*
- (d) *An agreement being entered into between the City of Joondalup and the landowner. The agreement shall detail the landowner's commitment to \$10,000 for the preparation of the Vegetation Management Plan, and a further \$100,000 for the protection and further enhancement of the bushland on the proposed Public Open Space area;*
- (e) *The landowner is advised that sub clause (d) above is additional to the standard statutory requirements that may be placed on the landowner at the time of subdivision and/or development.*

The Minister did not require the developer to provide more than 10% Public Open Space (POS) on the site, however did specify where the POS was to be provided.

Community Consultation Process Outcome

Council at its meeting on 5 April 2005 (CJ051 – 04/05 refers) resolved that a community consultation process be undertaken by the applicant to supplement the formal structure plan advertising process required under DPS2. A community involvement and consultation plan was submitted by the applicant, approved by the City and subsequently undertaken at the applicant's cost. Three workshops were conducted prior to finalisation and submission of the draft structure plan to the City. A community consultation report forms Appendix C to the draft structure plan document.

The main outcomes of this consultation process as advised by the applicant were as follows:

Points Agreed to by the Stakeholder Reference Group & Satterley Property Group

- Allocation of 10% public open space at the northern end of the site protecting remnant bushland;
- Mix of lot sizes with smaller lots located in the middle of the site;
- No through road access from Cliff Street to Leach Street;
- Internal cul-de-sac road providing rear access to most lots/houses fronting Cliff Street;
- Extensive landscaping of Troy Avenue;
- At grade housing;
- Modification of main intersections with brick paved treatment to act as a traffic calming mechanism;

- Preparation of a Detailed Area Plan (DAP) to control residential development and ensure the creation of efficient housing design, streetscapes and to control the interface between the proposed open space and future lots;
- Reduce visual impact of retaining walls;
- Boundary fencing erected at northern end of site to separate public open space from houses fronting the public open space.

Points raised by stakeholder reference group but not agreed to by Satterley Property Group

- The City of Joondalup purchase 20% of the land at the southern end of the site and retain as public open space;
- Average lot size of 600m<sup>2</sup>;
- All housing fronting Cliff Street and Troy Avenue to have rear access;
- 18 metre frontage of proposed lots to be compatible with lot frontages/housing opposite the site.

At the final workshop, the stakeholder reference group requested that it be formally noted that residents who support public open space at the southern end of the site would approach the City of Joondalup seeking its support to purchase a minimum 10% of the land for public open space. The landowner advised that the decision to purchase such land is at the City's discretion. At this point in time, no such formal request has been lodged with the City.

It should also be noted that the City's DPS2 does not have provisions relating to the use of Detailed Area Plans (DAPs). The draft structure plan has therefore been modified to ensure that provisions which would otherwise be included in a DAP are provided within Part 1 of the structure plan document.

## **DETAILS**

### **Vegetation Management Plan**

In approving Amendment 24 to DPS2, the Minister for Planning and Infrastructure required the preparation of a Vegetation Management Plan (VMP) to be prepared in accordance with the City's Public Participation Policy.

The landowner's consultant prepared a community consultation process which was considered and endorsed by the City to ensure it aligned with its Public Participation Policy. The main components of the community consultation process were as follows:

- Identification of key issues and the role of the community in developing the VMP.
- Identification of key representatives from various community groups to comprise representatives of the Vegetation Management Plan Stakeholder Group (VMPSG).
- Completion of two workshops with the VMPSG.
- Developing a VMP for the CSIRO Site for City of Joondalup endorsement.

The consultation process was used to inform the development of the VMP.

The VMP has been prepared by the Joondalup Community Coast Care Forum (JCCCF) at the landowners cost for the proposed POS area to the north of the site and also includes the road verges immediately adjacent. Both areas are referred to in the VMP as a 'Park'. The objectives listed in the VMP for the POS are as follows;

- Develop the area to be used for passive recreation only – low impact pathways, seats and fencing.
- Protect remnant native vegetation and established trees (including during earthworks and building phases outside of the POS).

- Retain trees and prune them to maximise landscaping values.
- Retain native understorey where it exists.
- Replant with local native trees and understorey plants (ie. use only local seed and cuttings). Develop a bushland setting.
- Encourage the establishment of a Friends Group to assist with the long term maintenance of the park.

The VMP provides a total of 28 recommendations with respect to fire and weed control, retention and pruning of trees, rehabilitation plantings, access control and rubbish dumping, signage and handover. These recommendations have been prioritised and an implementation list provided within the VMP.

### Structure Plan Document

The proposed structure plan consists of two parts, Part 1 and Part 2. Due to the size of the document, including accompanying technical reports, only Part 1 of the structure plan document has been attached to this Council report (Refer attachment 2). Full copies of the structure plan document, including all accompanying technical reports, have been made available in the Commissioner's reading room. Full copies of the structure plan document, including all accompanying technical reports, will also be made available for inspection by the public during the public comment period should Council consent to it being advertised. It will also be made available for viewing on the City's website.

Significant elements of this proposal have been advertised and assessed previously through Council's consideration of Amendment No 24 to DPS2.

The environmental report within the appendix section of Part 2 of the structure plan document is identical to that previously provided to the City, publicly advertised, commented upon and considered by the Council through Amendment 24 to DPS2. The traffic report initially considered by the Council through Amendment 24 to DPS2 has been updated to reflect the draft structure plan and specifically, the proposed internal cul-de-sac road.

Three new reports have been prepared and are attached as appendices to Part 2 of the structure plan document. These are the Vegetation Management Plan (VMP) and two separate reports relating to the community consultation exercises undertaken in preparing the structure plan and VMP.

Part 1 of the structure plan document is the statutory planning section setting out the objectives and development provisions that determine the intended overall form of development on the subject land, particularly where these provisions differ from those required under the Residential Design Codes (R Codes).

Part 2 of the structure plan document is the explanatory report, which provides background to the objective, purpose and intentions of the proposed structure plan. It also includes background information (including traffic, environmental, community consultation and Vegetation Management Plan reports), the processes proposed for implementation and administration of the structure plan.

### Proposed Structure Plan & Maps

The draft structure plan seeks to create a total of thirty five (35) single residential lots ranging in size from 441m<sup>2</sup> to 700m<sup>2</sup> in area, together with a public open space area at the northern end of the site of approximately 2191m<sup>2</sup> in area.

An internal cul-de-sac road is proposed from Cliff Street with a road reserve width of 14 metres. A total of seventeen (17) residential lots obtain vehicular access directly from this



internal cul-de-sac road. The remaining eighteen (18) lots obtain vehicular access directly from the existing road network, being Leach Street, Cliff Street and Troy Avenue.

Five (5) lots have dual frontage to both Cliff Street and the proposed internal cul-de-sac road and vehicular access to Cliff Street is to be restricted for these five (5) lots so that vehicular access is obtained from the internal cul-de-sac road only.

Given that the configuration of these five (5) lots differ from other lots within the structure plan area, these lots have been separated from the other lots and comprise Precinct A.

A setback variation to R Codes standards is proposed for these lots in Precinct A only, whereby a minimum 3 metre setback from Cliff street is proposed in lieu of 6 metres with no setback averaging requirement.

The above setback variation is to allow future residential dwellings on each of the five (5) lots to be sited closer to Cliff Street as no garages will be constructed that front Cliff Street as vehicular access is to be restricted. This variation will also facilitate the siting of future dwellings to improve passive surveillance of Braden Park, which is directly opposite these lots.

The structure plan requires that future residential development upon all lots be in accordance with the Residential Design Codes of Western Australia (R Codes). No other-Code variations are proposed other than that proposed for Precinct A.

A lot level plan is included within the structure plan that nominates finished lot levels and shows the location and height of proposed retaining walls. Council Policy 3.2 - Height and Scale of Buildings within Residential Areas will apply to development within the structure plan area and lot levels/contours shown on the plan are proposed to be used to calculate building height.

The structure plan contains several objectives relating to sustainable development outcomes and other specific matters that seek to address the requirements of Council's resolution to recommend approval of Amendment 24 to DPS2.

Other structure plan provisions relate to future subdivision of the site. Appropriate conditions can be imposed at the future land subdivision approval stage to ensure that these requirements are satisfactorily addressed.

### Options

The issues associated with the proposed structure plan include:

- Suitability of draft structure plan provisions to create appropriate built forms that integrate with surrounding area.
- Suitability of the VMP provisions to rehabilitate the POS area for bush conservation purposes.

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:**

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 for a minimum period of 21 days. 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 (refer attachment 3).

**Risk Management considerations:**

Not applicable

**Financial/Budget Implications:**

Not applicable

**Policy implications:**

The proposal does not have any policy implications.

**Regional Significance:**

The proposal is unlikely to have any regional significance.

**Sustainability implications:**

The proposed structure plan would enable the City to consider future subdivision and development on the site that will provide a diversity of lot sizes and residential dwellings promoting both economic and social 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. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. Advertising would consist of notification of all adjoining landowners, two (2) signs erected in prominent locations on the site, a notice being placed in the Joondalup Community newspaper and on the Council website.

## COMMENT

### Vegetation Management Plan

The Vegetation Management Plan has been prepared in accordance with the City of Joondalup's Council Policy 1-2 'Public Participation' and aims to protect and enhance the proposed POS and adjacent road reserve/verge area for bush conservation purposes for the long term enjoyment by the local community. The VMP has been evaluated as satisfactory.

The VMP requires that the developer undertakes the required POS development works as set out in the VMP over a three year period, with the \$100,000 developer commitment being used to fund these works. The City will be responsible for the long term management of the park and formal handover of the park to the city will occur at the end of the three year period subject to the park being developed in accordance with the VMP.

The landowner has advised that its preference is to pay \$100,000 to the City up front and for the City to develop/rehabilitate the POS in accordance with the VMP using those funds.

However, the Minister for Planning and Infrastructure requires the landowner to develop/rehabilitate the POS following the WAPC's approval of the structure plan and prior to approval of any subdivision application over the land in approving Amendment 24 to DPS2.

Generally, a landowner is responsible for the development of POS created within its subdivision. The City assumes responsibility for the long term management and maintenance of the POS once formal handover occurs at the end of a three year period. This is subject to the POS being developed in accordance with plans approved by the City.

It is therefore recommended that, should Council adopt the structure plan and VMP following advertising, that the landowner be advised that the City is not prepared to depart from accepted practice, and expects the landowner/developer to develop and maintain the POS for a period of three (3) years.

### Structure Plan

The draft structure plan was derived from the community consultation process and the indicative subdivision plans advertised as part of the previous rezoning application over the site (Amendment 24 to DPS2).

The structure plan and VMP have been subject to negotiations between the City, consultants and the landowner. Both documents have been prepared in consultation with community stakeholder groups as required by Council and the Hon Minister for Planning and Infrastructure.

The proposed structure plan design is considered appropriate from an urban design perspective, as it has been formulated on the principles of the traditional neighbourhood design existing in the area. The subdivision layout is considered appropriate as it recognises constraints imposed by topography, vehicular sight line distances along Cliff Street, and protection of existing amenity.

The proposed lot sizes and lot frontages comply with the R-Codes under the R20 residential density code applicable to the subject land. Lots are configured to ensure appropriate solar access/orientation is achieved through east/west and north/south orientation of all lots.

The lot level plan and corresponding structure plan provisions are appropriate as they provide certainty as to the final lot levels that will be the basis for calculating building height

in accordance with Council Policy 3.2 - Height and Scale of Buildings within Residential Areas.

### Conclusion

The draft structure plan and VMP have been assessed and are considered to address the requirements of both Council and Minister's requirements relating to the rezoning application over the site (Amendment 24 to DPS2) as outlined in the background section of this report.

The draft structure plan, together with the provisions of the R-Codes, DPS2 and references to existing City policies will create a planning framework to guide the development of the site to achieve integration and compatibility with existing development and residential land use adjacent to the site.

Should Council resolve to initiate the draft Structure Plan for the purposes of public advertising, consultation required under DPS2 is undertaken by the City and the outcomes reported to the Council upon closure of the advertising period.

The draft structure plan is considered to be in a form suitable for the purposes of public advertising in accordance with the provisions of DPS2

### **ATTACHMENTS**

Attachment 1	Aerial Site/Location Plan
Attachment 2	Draft Marmion Structure Plan No 9 – Part 1
Attachment 3	Structure Plan Process Flowchart

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That Council:**

- 1 Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Marmion Structure Plan (Structure Plan No 9) as shown on Attachment 2 to this Report for the purpose of public advertising and make it available for public comment for 21 days;**
- 2 NOTES that the Vegetation Management Plan has been developed in accordance with the City's public participation strategy and forms an appendix to the structure plan document, which will be publicly advertised.**

*Appendix 14 refers.*

*To access this attachment on electronic document, click here: [Attach14brf280306.pdf](#)*

**ITEM 18                    PROPOSED AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 TO INCLUDE BUILDING HEIGHT CONTROLS IN NON-RESIDENTIAL ADJACENT TO THE COAST - CONSIDERATION FOLLOWING ADVERTISING – [24581]**

**WARDS:**                    North, North-Central, Central, South-West and South

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

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**PURPOSE**

For Council to consider the submissions received following the advertising of the draft amendment to District Planning Scheme No 2 to include provisions 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 initiate an amendment to District Planning Scheme No 2 (DPS2) to control the height of developments in non-residential zones adjacent to the coast.

The proposed amendment would introduce a height limit of 10 metres in the non-residential zones of the coastal strip. The coastal strip is proposed to include all land that is within 300 metres of 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 proposed amendment was advertised for a period of forty two (42) days during which two hundred and seventy two (272) submissions were received, with two hundred and sixty eight (268) being early submissions. Of the total 272 submissions, two hundred and seventy (270) were submissions in support and two (2) were objections.

Council adopted a Local Planning Policy with similar provisions to the advertised scheme amendment at its February 2006 meeting as an interim policy measure while the scheme amendment is progressed.

Concerns were raised during the submission period with regard to the ability for structure plans to permit a higher building height than provided for in the DPS2. To address this concern, it is possible to modify the proposed scheme amendment to provide the maximum possible assurance that Council could not approve higher development within structure plan areas than provided for in the DPS2.

It is recommended that Council:

- 1 Pursuant to Section 7 of the Town Planning and Development Act 1928, ADOPTS as final Amendment No 32 as modified to the City of Joondalup District Planning Scheme No 2 as follows:
  - (a) A new clause 4.17 is added as follows:

4.17 BUILDING HEIGHT

4.17.1 This clause applies to all land other than land within the Residential Zone.

4.17.2 On land within 300 metres of the horizontal setback datum of a coast, as defined in the Western Australian Planning Commission Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height.

4.17.3 Notwithstanding any other provision of the Scheme including clause 4.5 and not withstanding any provision of an Agreed Structure Plan, the Council shall not approve an application for planning approval of a proposed development which does not comply with clause 4.17.2.
  - (b) Schedule 1 is amended as follows:
    - (i) the definition “height” is deleted and the following definition is substituted:

“height: when used in relation to –

A a building used exclusively for residential purposes, has the same meaning given to it in the Codes; or

B a building used other than exclusively for residential purposes, means the vertical distance measured at any point from the natural ground level to the uppermost part of the building above that point excluding any chimney or vent pipe.”
    - (ii) by adding the following new definition:

“natural ground level:

A means the ground level as formed by nature; or

B where a level exists other than the ground level as formed by nature, and that level is the subject of all approvals required by law to authorise that level, means that level.”
- 2 AUTHORIZES the signing of, and the affixation of the Common Seal to, the amendment documents.

## BACKGROUND

At its December 2005 meeting, Council resolved to initiate the scheme amendment for the purposes of public advertising (CJ292-12/05 refers). At that meeting, Council also resolved to advertise a draft Local Planning Policy (Policy 3-4 Height of Buildings Within the Coastal Area – Non-residential Zones) utilising similar provisions to the proposed scheme amendment.

Policy 3-4 was adopted for final approval at the Council meeting of 21 February 2006.

## DETAILS

### Issues and options considered:

The proposed scheme amendment 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 WAPC State Coastal Planning Policy (Statement of Planning Policy 2.6).

### 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 2) 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 Avenue ('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)

It should be noted that Council has a separate Policy 3-2 Height and Scale of Buildings that covers all areas zoned 'Residential' and it is not proposed to alter that policy.

### Options

In considering this amendment, Council can:

- Not adopt the proposed amendment.
- Adopt as final the proposed amendments.
- Adopt as final the proposed amendments, with modifications.

### 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:**

Section 7 of the Town Planning and Development Act 1928 (TP&D Act 1928) and Section 25 of the Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed.

Upon closure of the forty two (42) day advertising period, the Council considers all submissions received and can resolve to either, grant final approval to the amendment, with or without modifications, or, refuse the amendment. The decision is then forwarded to the WAPC, who 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.

**Risk Management considerations:**

Building height along the coast of Perth 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.

There is also a risk that the WAPC and the Minister for Planning and Infrastructure may not agree to the proposed amendment. However, as indicated in the documents relating to the WAPC proposal to introduce height limits into the State Coastal Policy, local authorities may specify a lower height limit in their town planning schemes.

**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 local residents and visitors to the area. Recently there has been media attention on the various aspects of development on the coast of Perth, including the potential height of buildings. The proposed amendment seeks to protect and enhance this 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 coast strip is an issue, particularly in the context of 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 proposed amendment was advertised for a period of forty two (42) days from 25 January to 8 March 2006. An advertisement was placed in the West Australian newspaper, the local paper and on the City's web site.

Two hundred and seventy two (272) submissions were received during the public comment period, with two hundred and sixty eight (268) being early submissions.

Of the total 272 submissions, two hundred and seventy (270) supported the amendment and two (2) were objections.

All submissions have been summarised in Attachment 3. Copies of all submissions have been placed in the Commissioners' reading room for their information.

**COMMENT**

Comments on the submissions have been included in Attachment 3. Three (3) submissions queried the ability for a higher building height to be included in structure plans.

Without specific wording, it may be possible for a structure plan to contain a higher building height limit than provided for in the DPS2.

It is possible to modify the proposed scheme amendment so as to exclude the Council from approving any development greater than the 10 metre height limit, including one in a structure plan area, by rewording clause 4.17.3 as follows (additions shown underlined):

4.17.3        *Notwithstanding any other provision of the Scheme including clause 4.5 and not withstanding any provision of an Agreed Structure Plan, the Council shall not approve an application for planning approval of a proposed development which does not comply with clause 4.17.2.*

It may be argued that a structure plan should retain the ability to be flexible in the standards and provisions that are contained in the structure plan, to address the requirements of specific sites.

Notwithstanding, given the importance placed by the community on building height in the coastal area, in this particular instance it is considered appropriate that the highest possible degree of certainty be provided in regard to this issue.

Conclusion

Advertising of the proposed scheme amendment has not raised any significant issues that would warrant Council not proceeding with the amendment. It is therefore recommended that Council proceed to adopt the scheme amendment as final with a modification to ensure that Council cannot vary the 10 metre height limit within structure plan areas.

**ATTACHMENTS**

Attachment 1	Extent of Coastal Area (plan)
Attachment 2	Key Coastal locations
Attachment 3	Schedule of submissions

**VOTING REQUIREMENTS**

Simple majority

## RECOMMENDATION

### That Council:

1 Pursuant to Section 7 of the Town Planning and Development Act 1928, **ADOPTS** as final Amendment No 32 as modified to the City of Joondalup District Planning Scheme No 2 as follows:

(a) A new clause 4.17 is added as follows:

#### 4.17 BUILDING HEIGHT

4.17.1 This clause applies to all land other than land within the Residential Zone.

4.17.2 On land within 300 metres of the horizontal setback datum of a coast, as defined in the Western Australian Planning Commission Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height.

4.17.3 Notwithstanding any other provision of the Scheme including clause 4.5 and notwithstanding any provision of an Agreed Structure Plan, the Council shall not approve an application for planning approval of a proposed development which does not comply with clause 4.17.2.

(b) Schedule 1 is amended as follows:

(iii) the definition “height” is deleted and the following definition is substituted:

“height: when used in relation to –

A a building used exclusively for residential purposes, has the same meaning given to it in the Codes; or

B a building used other than exclusively for residential purposes, means the vertical distance measured at any point from the natural ground level to the uppermost part of the building above that point excluding any chimney or vent pipe.”

(iv) by adding the following new definition:

“natural ground level:

A means the ground level as formed by nature; or

B where a level exists other than the ground level as formed by nature, and that level is the subject of all approvals required by law to authorise that level, means that level.”

2 **AUTHORISES** the signing of, and the affixation of the Common Seal to, the amendment documents.

*Appendix 15 refers.*

*To access this attachment on electronic document, click here: [Appendix15brf280306.pdf](#)*

**ITEM 19**                      **COMMUNITY DEVELOPMENT STRATEGY – [07116]**

**WARD:**                              All

**RESPONSIBLE**                      Mr Clayton Higham  
**DIRECTOR:**                              Director Community Development

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**PURPOSE**

To provide the Council with a draft Community Development Strategy for review and comment.

**EXECUTIVE SUMMARY**

The Community Development Strategy comprises a number of component plans, those being:

- Seniors Plan
- Access and Inclusion Plan
- Leisure Plan
- Family and Children’s Plan
- Cultural Plan, and
- Youth Plan

The Seniors Plan has been completed and was endorsed by the Council on the 11 November 2003. (*CJ265 - 11/03 refers*) and the Access and Inclusion Plan (formerly Disability Plan) has also been completed and was endorsed by the Council on 17 February 2004. (*CJ034 - 02/04 refers*). These documents both have review schedules included within the documentation.

The draft Community Development Strategy including the component plans – Youth Plan, Family and Children’s Plan, Leisure Plan, and Cultural Plan, have now been completed following research, consultation, and analysis stages.

The component Plans contained in the Community Development Strategy have been subject to public participation processes as per the City’s Public Participation Strategy adopted by the Council on 28 June 2005. (*CJ123 – 06/05 refers*).

The Public Participation Strategy requires major projects that are clearly aligned to the achievement of the Strategic Plan and/or have significant impact across the organisation in terms of benefits, risks, and use of financial and other resourcing capabilities, to be subject to public participation processes.

The Community Development Strategy clearly falls within this definition and as such key stakeholders have been involved in the development of the Plans.

The purpose of this report is to provide the Council with the draft Community Development Strategy for review and comment. Following consideration of the draft Community Development Strategy by the Council, the document will be subject to a community comment process before being presented to the Council for final endorsement.

*It is recommended that Council ENDORSES the Draft Community Development Strategy 2006-2011 for the purpose of Public Comment Period for 60 days.*

## **BACKGROUND**

The concept of the Community Development Strategy, and the process for the development of all component Plans was presented to the Council at the Strategy Session of 25 May 2005. The objective of the Community Development Strategy was to bring together, under one umbrella, all of the City's social development plans.

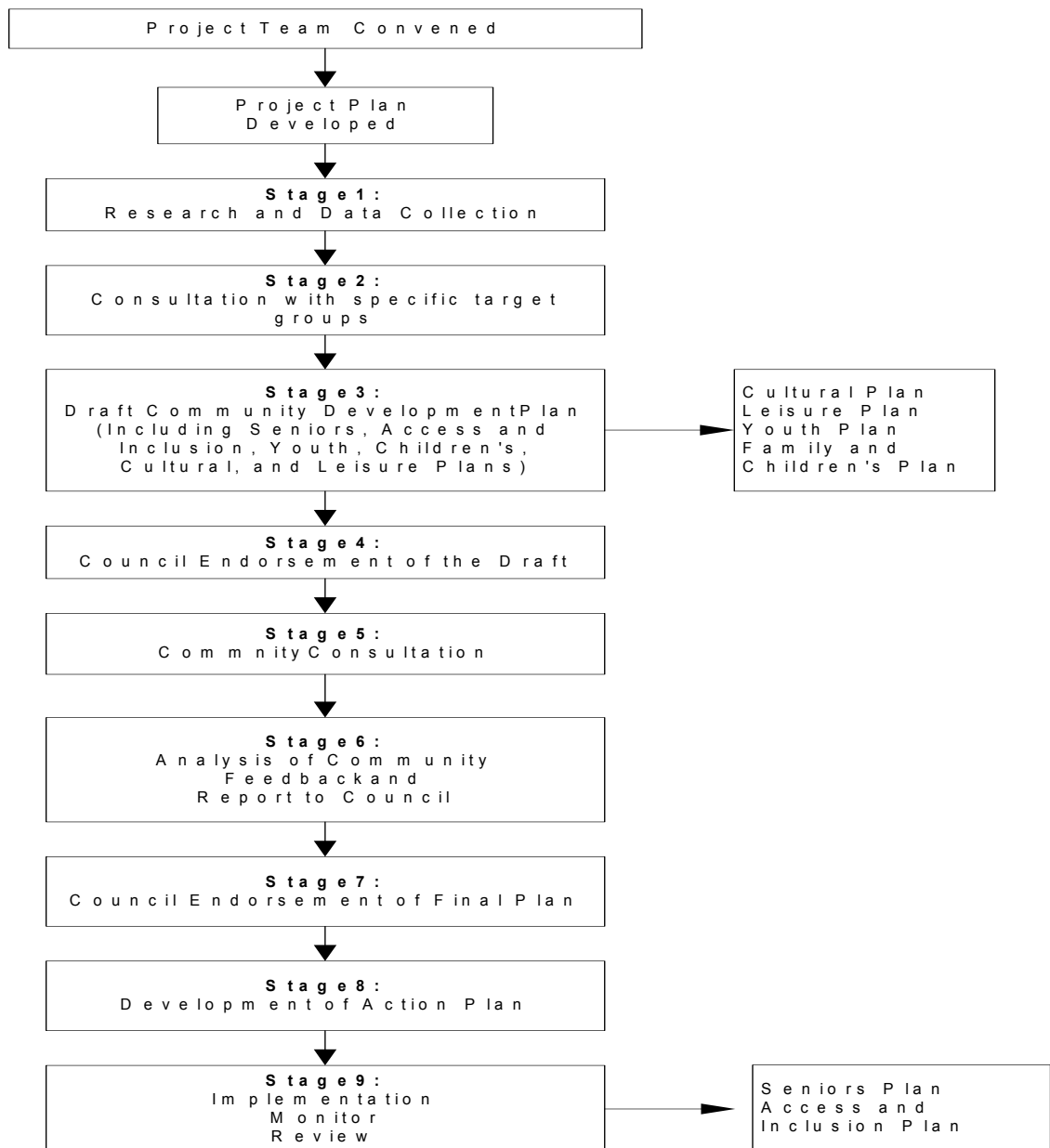
The Council had previously endorsed two of the components of the Community Development Strategy - the Seniors Plan, and the Access and Inclusion Plan, in 2003 and 2004 respectively.

An external consultant was engaged in 2004 to prepare a Cultural Map for the Joondalup region, a ten year Cultural Plan and a three year Action Plan for the City. The Cultural Mapping Report and draft Cultural Plan were prepared by the Consultant however further work was undertaken to better align the Plan with the cultural programs and activities of the City. City officers prepared the draft Leisure, Family and Children's, and Youth Plans.

The Cultural Plan, Leisure Plan, Youth Plan, and Family and Children's Plan have now been developed to a draft stage for review by the Council. Each of the Plans will have an associated Action Plan. The Action Plans are operational documents that will provide clear direction for implementation of the Community Development Strategy and each of the component Plans.

Considerable community consultation (including consultation with specific stakeholders) has informed the development of the overall Strategy and the various component Plans. The consultation methodologies are documented in the Strategy.

The Community Development Strategy has been progressed according to a staged approach and various components of the Community Development Strategy have progressed in isolation of each other and are now being brought together to form one document. The process and progress of each of the plans is depicted below:



## DETAILS

The Community Development Strategy is intended to provide an overall approach for the achievement of the City's social development goals including cultural development, leisure, services and programs for seniors, young people, families with children, and people with disabilities and/or access issues.

### Issues and options considered:

The Community Development Strategy has been developed to integrate with the City's Strategic Plan, and the strategies of other spheres of government including the Western Australian State Government's Sustainability Strategy, *A Vision for Quality of Life in Western Australia*, which notes that, "it is at the local government level that local communities and government most directly interact."

One of the sustainability principles in the State Sustainability Strategy relates to Equity and Human Rights:

*Sustainability recognises that an environment needs to be created where all people can express their full potential and lead productive lives and that significant gaps in sufficiency and opportunity endanger the earth.*

The Community Development Strategy, through the development of all of the component Plans is intended to contribute to the sustainability of the local community through the provision of actions to provide opportunities for all members of the community to meet their full potential and to participate in community activities/events, cultural activities/events, and recreational and leisure activities/events.

The Strategy has been developed to align with the State Sustainability Strategy and to coordinate with other government and non-government services and programs. This alignment will foster cooperative and holistic approaches to community development and the provision of efficient and effective community services across all spheres of government, and within the local and regional community.

The Community Development Strategy recognises that the 'community' is made up of many communities and the various components of the Strategy have been identified to attempt to meet the needs and expectations of groups of people with particular characteristics or interests.

The Plans articulated in the Community Development Strategy are intended to enhance the social characteristics of the community such as equity, participation, community wellbeing (material and emotional), cultural expression, and other attributes that go to make up quality of life for individuals and communities of the City of Joondalup.

Considerable research and analysis has been undertaken for the Community Development Strategy, and a consultation program with key community groups and stakeholders has been conducted to inform the development of the Strategy and to produce a series of plans that respond to the aspirations and interests of the key stakeholders in the City's social development. A program of internal and external consultation will enhance the validity of the information outlined in the Strategy.

A major task in the development of the Community Development Strategy has been to articulate the Council's values, objectives and commitments with regard to community development in such a way as to be relevant to the aspirations of the local and wider community, and the role and responsibilities of local government.

The following set of objectives have been developed to underpin Community Development, and these objectives have been used to guide the development of the component Plans (Leisure Plan, Youth Plan, Family and Children's Plan, Cultural Plan, Access and Inclusion Plan, and Seniors Plan):

- To build up the capacity of the community to help itself;
- To foster the spirit of mutual help in the community;
- To address the needs of and to empower disadvantaged communities;
- To enhance community cohesion and harmony; and
- To motivate community participation.

The Community Development Strategy also articulates the key roles for the Council in Community Development, namely:

- Develop working relationships with communities and organisations;
- Encourage people to work with and learn from each other;
- Work with people in communities to plan for change and take collective action;
- Work with people in communities to develop and use frameworks for evaluation; and
- Develop community organisations.

The Seniors Plan, and Access and Inclusion Plan have been completed and endorsed by the Council, and the remaining components of the Community Development Strategy – Leisure Plan, Family and Children’s Plan, Cultural Plan, and Youth Plan, have now been progressed to a draft stage and are presented, in this report, for Council review and comment.

Following Council endorsement of the Community Development Strategy it is proposed that the Community Development Strategy be put out for public comment, and that a further report be prepared for the Council following the public comment period.

The public comment period will follow a clear plan that will ensure the community are aware of the availability of the document for public comment. During the public comment period each specific component plan will be available individually to enable individuals and groups to focus on relevant parts of the document. The community will be made aware of the availability of the document for comment as well as being able to access the document through various means; availability in libraries, leisure centres, the web and through Community newspaper advertising.

**Link to Strategic Plan:**

**Outcome:**

The City of Joondalup is a cultural centre.

**Objective:**

To meet the cultural needs and values of the community.

**Outcome**

The City of Joondalup provides social opportunities that meet community needs.

**Objectives:**

To continue to provide services that meet the changing needs of a diverse and growing community.

**Outcome**

The City of Joondalup recognises the changing demographic needs of the community.

**Objective:**

To continue to meet changing demographic needs.

**Legislation – Statutory Provisions:**

The Local Government Act 1995 sets out a number of responsibilities for local government:

- (a) *Direct and control the City's affairs;*
- (b) *Is responsible for the performance of the City's functions;*
- (c) *Oversee the allocation of the City's finances and resources; and*
- (d) *Determine the City's policies.*

This role encompasses strategic planning mechanisms to ensure the continued sustainability of the organisation, the setting of strategic goals for the organisation and the monitoring of the City's performance against these strategic goals.

The State Disability Act (1993) requires all Local Governments to prepare Disability Plans. The City's Access and Inclusion Plan is the Disability Plan.

**Risk Management considerations:**

The Community Development Strategy represents an effective risk and control framework and will provide a number of sound governance outcomes including:

- Effective strategic and operational planning (and forward budgeting) with established linkages between the two – the Community Development Strategy is integrated with the City's Strategic Plan and therefore with organisational objectives;
- Greater confidence in achieving planned strategic and operational objectives – the process for the development of the Community Development Strategy has incorporated organisational capability, role/s, and commitment;
- Greater confidence in the decision making process – the involvement of key stakeholders in the development of the various components of the Strategy, and the community consultation process for the Strategy, ensures the transparency of the Plans, and greater ownership and acceptance by the community.

**Policy implications:**

The Policy Committee has been established by the Council to oversee the review and development of 'Council Policies' which are defined in the framework as *'strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions'*.

The Council has identified a number of 'gaps' in Council Policies including Community Development (leisure, cultural development etc, and service provision (range/scope/role).

The Community Development Strategy includes a draft Council Policy for Community Development that will be subject to review and comment from the Policy Committee and the Council.

It is also proposed that City Policies be developed to support each of the Plans within the overall Community Development Strategy. A draft City Cultural Development Policy has been developed and is included as part of the Cultural Plan for review and comment. If this approach is endorsed then further City Policies will be developed to support other component Plan areas.



**Regional Significance:**

The Community Development Strategy relies on the relationships with, and integration of, service delivery with government and community agencies throughout the region to avoid duplication, and to make the best use of community resources.

**Sustainability implications:**

The Community Development Strategy addresses social and community issues. The various components of the Strategy aim to:

- Strengthen the community so that all members of the community are able to meet their own needs, achieve self reliance, and meet their full potential; and
- Promote a socially just and equitable community which is enriched by diversity and increased social participation by all groups;

**Consultation:**

Various components of the Community Development Strategy have involved consultation with particular groups (e.g. Youth Plan, Seniors Plan, Cultural Plan). The Community Development Strategy (in full) will be subject to community consultation following Council endorsement of the draft Strategy.

The Cultural Development Plan, in particular, was developed following an extensive cultural mapping exercise with the community.

**COMMENT**

The Seniors Plan, Access and Inclusion Plan, Youth Plan, Children's Plan, Cultural Plan, and Leisure Plan form part of, and are integrated with, the overall social planning process that has been amalgamated into the overall Community Development Strategy.

The various components of the Community Development Strategy articulate a full suite of strategies for all groups and members of the community in line with the various roles Council has in the development of services and programs for the community commensurate with:

- The extent to which the services/programs are consistent with the City's Strategic Plan;
- Legal requirements;
- Community expectations;
- A demonstrated need supported by research and a sound business case;
- The capacity of other services providers (government and non-government) to provide the service/program;
- Council's capacity to provide the resources for a particular service/program; and
- Council's ability to manage the risks associated with the service/program.

The Community Development Strategy represents a strategic approach to social planning within the City and, will ensure that there is:

- A planned approach for addressing social issues within the community;
- Integration and coordination of services provided by the City, other spheres of government, and non-government and/or community agencies; and
- Efficient and effective use of all community resources.

Community Development is a process and happens in a dynamic and ongoing manner. The Community Development Strategy has been developed based on clear values and broad strategies that enable flexible responses within evolving social circumstances whilst still meeting local government responsibilities.

Although the Seniors Plan and Access and Inclusion Plan have been previously completed and endorsed by the Council, and are in a different format from the other component Plans, it is proposed that these two Plans be reviewed in 2006/2007, and during this review the format be standardised to conform with the other component plans

Each of the component Plans will have an Action Plan detailing the major tasks to ensure the implementation of all of the strategies within each component Plan. Each of the tasks will detail implementation timelines, responsibilities, and resource requirements. Any tasks identified in the Action Plan will be subject to the annual budget deliberations of the Council.

A detailed community comment plan has been developed to facilitate maximum opportunity for community input. The comment period will access easily available forms of media to ensure a high level of community contribution.

Progress against the Community Development Strategy will be reported to the Council as part of the Quarterly progress Reports against the Annual Plan.

## **ATTACHMENTS**

Attachment 1            Community Development Strategy

## **RECOMMENDATION**

### **That Council:**

- 1        ENDORSES the Draft Community Development Strategy 2006-2011 shown as Attachment 1 to this Report for the purpose of a Public Comment Period of 60 days;**
- 2        REFERS the draft Council Community Development Policy to the Policy Committee for review and comment.**

*Appendix 16 refers.*

*To access this attachment on electronic document, click here: [Attach16brf280306.pdf](#)*

**ITEM 20                      TENDER    047-05/06    PROVISION    OF    LEGAL  
SERVICES – [39582]****WARD:**                      All**RESPONSIBLE  
DIRECTOR:**                Mr Peter Schneider  
                                      Corporate Services

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Report to be circulated under separate cover when available, and posted on the web page at that time.

*When this Report become available, the following hyperlink will become active:*

[Tender 0470506 Provision of Legal Services.pdf](#)

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**
- 11 REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS**

**BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS****DUE DATE** MARCH 2006**SUBJECT** **REVISED SET OF KPIS FOR COUNCIL PROJECTS**  
– ex JSC2-07/05 – STRATEGIC FINANCIAL PLAN 2005/06 TO 2008/09

“3 REQUESTS the Chief Executive Officer to submit a report to Council on a revised set of KPIS for Council projects.”

**RESPONSIBLE DIRECTORATE** Office of the CEO**ACTION NUMBER** 97080**STATUS** This item was originally listed for November 2005. The report will be submitted to a future Strategy Session.**Revised Status**

The 2006/07 – 2009/10 Plan for the Future will include a new revised set of KPIS for Council projects.

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**DUE DATE** MARCH 2006**SUBJECT** **REPORT REQUESTED BY COMMISSIONERS** – Briefing Session 23 August 2005

1. Provision of Information to Council Members

Cmr Smith requested that a report be submitted to Council on the possibility of adopting protocols relating to the method and time limitations on all information provided to Council members, where such information is applicable to decisions being made at Council meetings.

**RESPONSIBLE DIRECTORATE** Office of the CEO**ACTION NUMBER** 98585**STATUS** This item was originally listed for November 2005. Options relating to the possible protocols were drafted in November 2005 and are being reviewed internally.**Revised Status**

Two drafts have been circulated to Commissioners for comment.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **SORRENTO DUNCRAIG AND OCEAN RIDGE LEISURE CENTRES OPERATIONS AND MANAGEMENT REVIEW RECOMMENDATIONS**  
– ex CJ093-04/04

“3     NOTE that this arrangement be reviewed as part of the proposed Leisure Plan to be developed by the City.”

**RESPONSIBLE DIRECTORATE**     Planning and Community Development

**ACTION NUMBER**     70983

**STATUS**                    This item was originally listed for December 2005. Funding for development of the Leisure Plan was approved in the 2004/05 budget and worked commenced in November 2004. The development of the Leisure Plan will take approximately six months. The Leisure Plan is underway at this time and will provide guidance on this matter. The Leisure Plan timeframes are to be considered as part of the Community Development Plan report to be presented to a Strategy Session.

**Revised status:**

The Community Development Strategy is in draft and will be circulated to the Council in March 2006. Endorsement of the Strategy will follow a public comment period in April and May 2006.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **TENDER REGULATIONS**  
ex CJ043-03/05 2004 COMPLIANCE AUDIT RETURN

“3     EXPRESSES its concern that the Tender Regulations have not been followed and advises the Department of Local Government and Regional Development that the Council has requested that a report on this matter be submitted to the Audit Committee;”

**RESPONSIBLE DIRECTORATE**     Office of the CEO

**ACTION NUMBER**     89549

**STATUS**                    The matter has been referred to Stanton Partners to review the issue of non-compliance with the Tender Regulations. Once the review has been undertaken, a report will be submitted. The review is anticipated to be completed by 14 October 2005.

This matter will be considered in conjunction with a review of the Management Audit conducted.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **REVIEW OF DRAFT AUDIT CHARTER - ex CJ226-11/05 – MINUTES OF THE AUDIT COMMITTEE MEETING HELD 18 OCTOBER 2005**

3            Council REQUESTS the Chief Executive Officer to review the draft Audit Charter by modifying the words to more appropriately reflect:

- Legislative requirements
- Oversight and monitoring role of the Audit Committee
- Clarification of the role and function of the Committee
- Terms of appointment of the independent Committee members
- Quorum numbers and composition of Committee
- Interaction with the Internal Auditor
- Status of independent persons

**RESPONSIBLE**            Office of the CEO

**DIRECTOR**

**ACTION NUMBER**    102561

**STATUS**                    This item was originally listed for December 2005. This matter was discussed at the Audit Committee held on 29 November 2005. A report will be presented to a future Audit Committee meeting.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **LEGAL REPRESENTATION COSTS TO THE CITY IN RELATION TO THE MCINTYRE INQUIRY**

– ex CJ168-08/05 - Report on funding to date to the City of Joondalup pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees

“5            NOTES that a further report be prepared by Administration at a later date that quantifies the legal representation costs to the City. This report will not be able to be completed until the McIntyre Inquiry hands down its final report.”

**RESPONSIBLE**            Office of the CEO

**DIRECTORATE**

**ACTION NUMBER**    97788

**STATUS**                    A report is currently being drafted, to be submitted to a future Council meeting.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **REVIEW OF CODE OF CONDUCT – NON-VILIFICATION OF RATEPAYERS** - ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004

In relation to Motion 12 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that recommendation No 25 referred to in the motion is a recommendation of the Governance Review Panel and cannot be altered by the City, however, the issue on non-vilification of ratepayers will be considered as part of the review of the Code of Conduct.

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    85109

**STATUS**                    Advice from the Department of Local Government and Regional Development is that the Local Government (Official Conduct) Amendment Bill was presented to the Parliament at the end of 2005. The legislation is to be debated by parliament and it is anticipated could be in place by the second half of 2006. It is intended that as part of the legislation there will be a uniform Code of Conduct applicable to the local government industry.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **REPORT REQUESTED BY COMMISSIONERS** – Briefing Session September 2005

Risk Management Framework

Cmr Anderson requested a report on an overarching risk management framework for the City, to be presented to the next meeting of the Audit Committee.

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    99742

**STATUS**                    This item was originally listed for December 2005. A report will be submitted to Council in March 2006.

**Revised Status**

Whilst it was intended that a report be submitted to Council in March 2006, it is now anticipated that a report will be presented to Council in April 2006.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **LONG-TERM STRATEGY AND FINANCIAL PLAN FOR PARKING IN THE JOONDALUP CBD**

– ex JSC3-07/05 -MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE

“2        REQUESTS that a report be submitted to Council in due course on a long-term strategy and financial plan for parking in the Joondalup CBD.”

**RESPONSIBLE DIRECTORATE**     Planning and Community Development

**ACTION NUMBER**     97081

**STATUS**                    This has been referred to the internal Parking Strategy Working Group.

**Revised Status**

The Working Group is currently undertaking a review of the current Parking Strategy, analysing the parking supply and demand, as well as examining opportunities to increase the number of public parking bays in the CBD. A progress report will be presented to the Council in June 2006.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **LOCATION OF 50 METRE POOL AT CRAIGIE LEISURE CENTRE OR AN ALTERNATIVE LOCATION – ex JSC29-08/04 – MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS**

“2        REQUEST that a report be submitted to Council as to whether a 50 metre pool should be located at Craigie Leisure Centre or at an alternative location;”

**PETITION** – Council 28 June 2005

Two petitions of 144 and 125-signatures respectively have been received requesting the City of Joondalup make provision for a 50 metre, 8 lane outdoor pool at the Craigie Leisure Centre in the City’s financial budget for 2005/06.

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      77776 and 95549

**STATUS**                    The City has committed in September 2004 to a refurbishment project to the aquatic facilities at the Craigie Leisure Centre. The 50 metre pool, as part of the facilities offered at the Craigie Leisure Centre would require the following before the City could proceed:

- (1)        Detailed analysis of the performance of the Craigie Leisure Centre once the refurbishment has been completed.
- (2)        Detailed market research of the community’s needs that considers all market segments.

The Craigie Leisure Centre redevelopment project is inclusive of a geothermal water heating system which will be able to cater for a further 50 metre water space.

**Revised Status:**

Completion of the assessment of the new facilities will occur once the facility is operating fully. Consideration has been given in the present redevelopment to future extensions of the aquatic facilities.

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**DUE DATE**                    **MARCH/APRIL 2006**

**SUBJECT**                    **JOONDALUP – JINAN RELATIONSHIP PLAN – ex CJ224-11/05**

- 1        Council DEFERS the adoption of the Joondalup-Jinan Relationship Plan, until after completion of the workshop referred to in 2 and 3 below;
- 2        Council REFERS the plan to a workshop comprising the Joondalup Stakeholder Group and members of the last delegation to Jinan, not being members of the Stakeholder Group;
- 3        the workshop is to consider the long term strategic implications (over the next 20 years) of the plan, and to identify meaningful and appropriate long term strategic key performance indicators and appropriate measures to be included with the plan.

**RESPONSIBLE DIRECTOR**      Office of the CEO/Strategic and Sustainable Development

**ACTION NUMBER**      102695

**STATUS**                    The matter will be referred to the next meeting of the Stakeholders. It is likely that stakeholders will meet in March/April 2006.

**DUE DATE**                    **APRIL 2006**

**SUBJECT**                    **PROPOSAL TO PROTECT NATIVE AREAS OF SIGNIFICANCE - ex CJ193-09/05 MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 24 AUGUST 2005**

- 4        REQUESTS the Chief Executive Officer to provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect native areas of significance under Schedule 5 of the District Planning Scheme No 2;

**PROPOSAL TO PROTECT NATURAL AREAS OF SIGNIFICANCE UNDER SCHEDULE 5 OF THE DISTRICT PLANNING SCHEME NO 2 - ex MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD 26 OCTOBER 2006 – CJ256-11/05**

- "3        NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of the District Planning Scheme No 2;"

**RESPONSIBLE DIRECTOR**      Planning and Community Development

**ACTION NUMBER**      100428 and 104027

**STATUS**                    The Conservation Advisory Committee has identified reserves of significance. A report by Planning & Community Development on the DPS2 implications will be submitted to Council in April 2006.





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

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

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

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

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

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





