

# MINUTES

City of Joondalup

MINUTES OF  
ORDINARY MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP  
HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

MEETING DATE



ON TUESDAY, 27 JUNE 2006



**MINUTES OF COUNCIL MEETING  
HELD ON 27 JUNE 2006**

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# CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 27 JUNE 2006

## DECLARATION OF OPENING

The Mayor declared the meeting open at 1904 hrs.

## ANNOUNCEMENT OF VISITORS

Nil.

## ATTENDANCES

### Mayor:

T PICKARD

### Councillors:

Cr K HOLLYWOOD	North Ward	
Cr T McLEAN	North Ward	<i>Absent from 2047 hrs to 2051 hrs</i>
Cr A JACOB	North-Central Ward	
Cr S MAGYAR	North-Central Ward	
Cr J PARK	Central Ward	
Cr G AMPHLETT	Central Ward	
Cr M JOHN	South-West Ward	
Cr M EVANS	South-West Ward	
Cr S HART	South-East Ward	
Cr B CORR	South-East Ward	
Cr R FISHWICK	South Ward	
Cr R CURRIE	South Ward	

### Officers:

Chief Executive Officer	G HUNT	<i>Absent from 2030 hrs to 2035 hrs</i>
Acting Director, Planning and Community Development:	I COWIE	
Director, Corporate Services:	M TIDY	
Director, Infrastructure Services:	D DJULBIC	
Acting Director, Governance & Strategy:	M SMITH	
Manager Approvals, Planning & Environmental Services	C TERELINCK	
Media Advisor:	L BRENNAN	
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	

There were 20 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME****The following questions were taken on notice at the Council meeting held on 6 June 2006:****Mr A Bryant, Craigie:**

*Q1 What progress has been made to date to ensure that the Department of Community Development builds the Community Centre on Council owned land at the corner of Perilya Road and Camberwarra Drive, Craigie?*

A1 The City wrote to the Department for Community Development on 31 March 2006 informing them of the Council decision to offer the land in Craigie at a cost of \$360,000 for the purpose of building a community house.

On 7 June 2006, correspondence was received from the Department for Community Development informing the City that the Department is keen to take up the offer and accordingly has commissioned consultants to undertake the land acquisition process.

Under government provisions the Department is compelled to seek an independent valuation of the property prior to submitting an offer to purchase. The Valuer General's Office will be providing this valuation.

**Mr S Kobelke, Sorrento:**

*Q1 Is there an update available on progress with the Minister in relation to Council's approval on 4 April 2006 of the amendment to DPS2 to include building height controls in non residential adjacent to the coast?*

A1 Amendment No 32 to the District Planning Scheme No 2 is awaiting a recommendation from the Western Australian Planning Commission (WAPC) to the Minister for Planning and Infrastructure, who will make the determination on the proposed amendment. A recommendation from the WAPC to the Minister is likely to occur by mid-July 2006.

**Mr J Hollywood, Burns Beach:**

*Q1 What progress has been made regarding the community centre at Currambine?*

A1 In June 2004, the City of Joondalup received freehold ownership of the two-hectare parcel of land, identified as the community purpose site. This land is located on the eastern side of the site and has direct access from Delamere Avenue.

At its meeting 21 February 2006, Council endorsed the Currambine District Centre Structure Plan. This plan is inclusive of the two-hectare community purpose site.

In December 2004, the State Government withdrew a previously committed funding offer of up to \$500,000 on a matching dollar for dollar basis with the City. The funds that the State Government had previously committed to the Currambine project were re-assigned by the State Government to the Craigie Community House project. The rationale for this decision was that the State Government recognised a greater need for the project in Craigie than in Currambine.

Since the decision by the State Government, the City has been proactive in undertaking a preliminary research project looking at all of its community facilities located in the area north of Hodges Drive and west of the freeway, including the proposed freeway extension. This research will be used to assist the Council in determining the future of the Currambine facility in relation to other facilities in the northern sector of the City.

**Q2** *Re: CJ083-06/06 – Public Open Space. What authority did Peet & Co get from the City of Joondalup to use public open space in Burns Beach for a swale to take all their run off water rather than use their own property and what is the City charging Peet & Co to use public open space for this purpose?*

**A2** Reference is made to Mr Hollywood's request for comment on the proposed redevelopment of Swan Location 11537, the reserve immediately north of the existing Burns Beach townsite.

The subject land is reserved under the Metropolitan Region Scheme for Parks & Recreation, previously under the care and control of the Department of Land Information. A Management Order in favour of the City of Joondalup and for the purposes of 'Recreation and Drainage' was recently created over this reserve. The Management Order allows stormwater from the existing Burns Beach townsite and the new development to the north to be accommodated, and allows the City to undertake maintenance responsibility for what was a degraded and unmaintained reserve.

There are two 300mm diameter drainage pipes that discharge stormwater from the existing Burns Beach townsite, one that discharges stormwater into the subject site, and the other discharging stormwater into the new development just to the east of this. The developer proposed to accommodate the stormwater from these two existing systems into the drainage for the development, and to then discharge this into the subject site.

The Burns Beach development has been designed to discharge its stormwater into shallow basins within areas of public open space throughout the development. As would be expected with a coastal development, the lots rise from west to east maximising as far as possible foreshore views for these lots. Further, constraints placed on the developer to minimise any encroachment of earthworks into the foreshore reserve resulted in a localised low point in the south-western corner of the development in the vicinity of the subject site. The discharge of stormwater into the subject site was, therefore, considered by the developer to be a reasonable solution, particularly as it was accommodating stormwater from the existing development.

Though the developer would normally be required to accommodate all stormwater within the development on its own land, given the abovementioned factors, the discharge of stormwater on the subject site was not considered unreasonable and could result in a mutually beneficial solution.

The subject land is generally degraded in nature with small areas of existing indigenous local plant species that are to be protected and retained, and extensive exotic weed species that will be totally removed and replaced with local plant species. The developer has also committed to fence and rehabilitate the dunal system to the west of the reserve, and to extend the existing shared path that terminates at the community hall, northwards through the reserve towards the new subdivision.

It is considered that the environmental outcomes from this project will be very positive, with the entire reserve, including the drainage swales, being extensively replanted with native species. These plantings will be protected with the use of raised boardwalks and pathways to direct pedestrian traffic through the reserve.

The future use and development of the subject site has been discussed at meetings of the Joondalup Community Coast Care Forum (JCCCF). The JCCCF has indicated support for the proposal and the developer's intention to retain existing indigenous vegetation and undertake extensive supplementary plantings of coastal indigenous species.

Given the degraded nature of the subject site, and the developer's willingness to rehabilitate the area to the City's satisfaction and accommodate stormwater from the existing development, the proposed partial utilisation of the reserve for stormwater drainage purposes was supported.

Given that stormwater was to be allowed to be discharged offsite it was considered that a financial contribution to the City was warranted. A contribution based on the notional cost to provide a drainage sump within the development that would accommodate the 10 year storm event, including the unimproved land value, was considered reasonable.

**Mr J McNamara, Sorrento:**

*I received a pamphlet from the Mindarie Regional Council with an update on the regional facilities that are going to be provided over the next couple of years for resource recovery. The end product of this particular progress will consist of two phases, a gaseous phase and a solid phase.*

*Q1 Will the gaseous phase be a source of energy for providing electricity?*

*A1 The end product will be compost, and no electricity generation will result from this biological process.*

*Q2 The solid phase will be high in the elements of nitrogen, phosphorus and potassium because it will be seen as a fertilizer replacement. How are we going to cost this particular product, mindful of the fact that it will be a product provided by a number of Councils in the region, and I specifically want to know, is it going to be costed with direct costing or fully absorbed costing.*

*A2 The responsibility for the marketing of the product rests with the contractor, therefore, issues around product pricing rests with the contractor.*



### **ADDITIONAL INFORMATION**

The above response was provided in the Council agenda. The following additional information is now provided:

It is noted that those technologies that provide for electricity generation, namely, gasification and incineration have been excluded from the tender process on the basis of a demonstrated lack of acceptability to the community. As a result of this, the processes that were submitted as part of the resource recovery facility project were biological processes with an end product being compost, and no electricity generation will result from this process.

Odour control for this biological process consists of negative pressure within the building environment and filtered through bio-filters which strip the gases of their odour before released to the atmosphere. This technology has proven itself in a number of facilities around the world.

It is noted that at the Mindarie Regional Council meeting held on Monday, 26 June 2006, it was resolved that the preferred tenderer for the Resource Recovery Facility project is Worley Parsons, and if the public want more information on this subject, it cannot be released at this stage due to commercial confidentiality reasons, however, it will become available via the Mindarie Regional Council following its final decision by mid August 2006.

### **The following questions were submitted in writing prior to the Council meeting on 27 June 2006:**

#### **Mr S Kobelke, Sorrento:**

*Q1 Would Council be able to provide regular updates on the progress of the completion of the Craigie Pool?*

**A1** The bore and associated plant for the heating of the water at Craigie Leisure Centre is operational. The contractors are commissioning the plant and equipment and conducting necessary operational tests. The City's staff is receiving necessary training in the operation of the equipment.

Final statutory approvals are being sought with regard to the final handover of the aquatic facilities to the City of Joondalup.

The refurbishment of Craigie Leisure Centre will soon be fully open to the public. The gym and aerobics area are already being used.

*Q2 On the project being undertaken by the City of Joondalup for the benefit of the Western Australian community on the Sorrento beach foreshore. Can Council advise:*

*(a) Is the lighting in the vicinity of the toilets (yet to be completed) finished?*

**A2(a)** Lighting is still to be installed to the toilet block, which will include lights on the external walls to the toilet block. There is no further external pole lighting to be provided in the vicinity in this contract. Lighting installation to the toilet block is scheduled to commence Wednesday 28 June 2006.

*Q2(b) Will the toilet block operate at all times or will it be secured at night/early morning like some park toilets?*

**A2(b)** The toilet block will be open and lighted 24 hours (lighting operating on sensors).

Q2(c) *Has sand movement in the vicinity of this project onto the path and grass areas been within projections?*

A2(c) It was projected that this project would result in a certain level of sand movement onto the adjacent grass and pathways. The establishment of a vegetated fore dune was critical component of the strategy to limit this movement. The sand movement has decreased considerably since the revegetated dunes have become established and it is envisaged that this will continue as the vegetation matures. The introduction of sand trap fencing was also part of this strategy. Notwithstanding these measure, the City continues to monitor and implement measures to limit the effects of wind blown sand.

Q3 *What assistance is being offered to the Sorrento Surf Life Saving Club in view of the increased load they will have this coming summer?*

A3 The City and Surf Life Saving Clubs share responsibility for public safety on the beaches at Sorrento, Hillarys Boat Harbour and Mullaloo beaches. The City engages Surf Life Saving WA on a contract arrangement from Monday to Friday between December and March each year from the hours of 6.00am to 6.00pm. The two surf clubs have responsibility for beach safety on weekends and public holidays.

The City has not received any request to date to indicate that there is an immediate need to expand the level of service. A report at the end of each summer season is required from Surf Life Saving WA as part of the contract. The report is supposed to identify any recommendations for the service for the following year. There have been no recommendations to indicate a need for an expansion to the level of service.

The cost of providing the mid week service is \$70,000 per annum. Any increase to the expected level of service will have a cost implication.

Q4 *Will Council be providing advice and support to the Sorrento Surf Life Saving Club to obtain funding to upgrade their clubrooms and equipment?*

A4 The City has for many years supported its two surf clubs through the provision of their clubroom facilities at a peppercorn lease fee. The maintenance cost of the building at Sorrento is approximately \$42,394 per annum. The City also provides the Sorrento Surf Club with a quad bike, which enables access to patrolled beach areas.

Both surf clubs are eligible to apply for funding from the City either through the Community Funding Programme or the Sports Development Programme. The Sorrento Surf Club has been successful in receiving funds via both of these programmes in the past.

Q5 *On page 13 of The West Australian newspaper's Monday May 8, 2006 edition there is an article by Lee-Anne Petchell titled "Narrow win for new mayor of Joondalup". The article indicates that Mayor Pickard speaking as the newly elected Mayor of the City of Joondalup has declared he is a member of the Liberal Party State Council and a member of the Liberal Party State Executive. I have seen no retraction printed in the intervening time so can Council confirm if in fact the Mayor of the City of Joondalup is a member of the Liberal Party State Council and a member of the Liberal Party State Executive?*

A5 Application or membership of any association is the private business of individual elected members and does not have any impact on the operations of the Council. Public question time is for questions that relate to the operations of the City of Joondalup.

Q6 *With regard to the Satterley CSIRO development/structure plan. Has the Mayor or any of the Councillors received a delegation from the developer or parties associated with the developer regarding the pending decision on the structure plan?*

A6 The CEO is not aware of any elected members meeting with representatives of the developers.

Q7 *In relation to Item 13 Youth Advisory Council and the recommendation appointing a working group comprising of six young people and two Elected Members. The Manager Community Development Services, Co-ordinator Community Services, Youth Projects Officer will provide direction and administrative support to the working group.*

*The report suggests that the reason for only two elected members is the age difference which is fair enough. But combined with the three Officers that makes 5 from outside the core group. As well it suggests that the Officers will give direction. The report already acknowledges that the Officers want the existing arrangements abandoned so one might query whether the six young people are going to be run over.*

*Will the Council consider appointing a paid experienced independent under 25 years of age youth specialist to chair this working group to ensure that the process engages all members of the working group?*

A7 The desire to review the format of the Youth Affairs Advisory Committee and the Youth Advisory Council is an outcome that has been raised collectively by young people, officers and the Council. The joint vision and desire to see a better vehicle by which young people are able to communicate with the Council would suggest that the make up of the working group will not be impacted upon by any one group and in particular the Council officers who will only be involved in a facilitation capacity.

The report identifies that there is a consultation process included as part of the working group's plan; two sessions, north and south of the City will enable young people to participate in the process of developing ideas as to how they wish to liaise with their local elected representatives. The suggestion of any of the participants being 'run over' is seen as unlikely given the intent is for increased communication with the core group. The officers involved in the process are highly experienced in facilitation processes with groups of young people and will enhance the process significantly.

**Mr D Biron, Mullaloo:**

*In the minutes of the last meeting under CJ090 - 06/06 Carine Glades Tavern – there are list of conditions required by the Council to be met by the applicant. Under condition 5 it states 'the room must be operated so that it complies with the Environmental Protection (Noise) Regulations 1997'.*

Q1(a) *What does the Council mean by 'comply with the Environmental Protection (Noise) Regulations 1997', when the City declines to measure any noise from voices, even screaming shouting and singing between the hours of 11pm and 4.00 am?*

Q1(b) *Would the Councillors please explain exactly how any measurement can be carried out at all to determine compliance with the Environmental Protection (Noise) Regulations 1997 when the CEO is of the opinion that if any excessive levels of noise as prescribed under this Act, are in fact measured by a qualified Noise Consultant and found to contain any voices that these measurements are then deemed by the City to be contaminated, and are not to be used AT ALL for any assessment purposes?*

Q1(c) *Since neither the Environmental Protection (Noise) Regulations 1997 or the 1986 Act, according to the City, require local governments to take enforcement action against alleged offenders then would Councillors please explain what protection does condition 5 offer any local residents?*

*Under condition 8 it similarly states 'to demonstrate that the premises will comply with the requirements of the Environmental Protection Act 1986'*

Q2(a) *Would the Councillors please explain exactly how any measurement can be carried out to determine any compliance with the Environmental Protection (Noise) Regulations 1997 when an officer has already stated in writing that 'the City has not and does not intend to measure noise from voices although technically again, no exemption for this noise exists in the Regulations'?*

Q2(b) *Since neither the Environmental Protection (Noise) Regulations 1997 or the 1986 Act, according to the City, require local governments to take enforcement action against alleged offenders then would Councillors please explain what protection does condition 8 offer any local residents?*

Q2(c) *Would Councillors please explain what protection do any of these conditions of Council regarding noise control at the Carine Glades Tavern offer any affected residents without the operation of a Local Noise Policy, in light of all the above views of City Officers?*

A1-2 These questions will be taken on notice.

**Mrs A Hine, Wanneroo:**

Re: "Woodlake Retreat", Lake Goollelal site":

*Thank you for your reply to my letter of 10 May 2006. You say in the first paragraph of the letter you obtained your information from the "Department of Indigenous Affairs web site".*

Q1 *Was a demolition licence required to remove the tin shed and concrete slab from the site? If so, what was the date? It would be important in as much that the old Gibbs Dairy was part of Wanneroo's early history?*

A1 Yes a demolition licence should have been obtained for the removal of shed. However the City's records show that a demolition licence was not issued for its removal. Currently officers are investigating who removed the shed.

Q2 *Has the developer requested permission from the Department to excavate the ground below where the slab was situated? If could be done without any extra bother as they had to go down for this development.*

A2 It is unknown if the developer has contacted the Department of Indigenous Affairs.

Q3 *Could Council please make sure that someone of experience has an overseeing job while excavation goes on under where the slab was for the record?*

A3 The City does not employ an archaeologist to oversee excavations during development to allay your concerns. The Department of Indigenous Affairs may be able to assist in this regard.

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

**Mr M Caiacob, Mullaloo:**

Q1 *Re: CSIRO Structure Plan – I have raised the issue of land use within this structure plan previously and have been advised in writing that:*

- *This was an oversight and will be corrected;*
- *That I have identified a typographical error and the land use should read “Single Residential” and not “Residential”.*

*Could I be advised whether the structure plan will/has been amended as per this public advice and, if not, will it or has Council been advised that the conditional approval amendment is required in order to amend the mistake/typographical error in this most important issue?*

A1 This issue has been included in the Agenda for the Special Council Meeting on Thursday, 29 June 2006.

Q2 *Re: Mullaloo Tavern – At Monday’s State Administrative Tribunal hearing it was announced that ten contracts of sale had been sold. As there were not ten dwellings available for sale under the development application, but a combination of dwellings and residential buildings, could I please be advised when the change of land use was approved. Was this at the building licence approval stage, prior to the building licence approval or following the building licence stage and does this now constitute a land use of “hotel”?*

A2 There has been no applications or approval given for change of land use. Those components of the building, if there have been contracts signed, must relate to the short stay apartments as well as the permanent dwellings.

**Mr E Burton, Kingsley:**

Q1 *I refer to the Council Meeting of 6 June 2006 concerning the resolution that “Council agrees to take a proactive management in relation to the extension of Woodlake Retreat to meet Wanneroo Road at the Kingsway Junction.”*

*At that meeting Council advised that it would be proactive in seeking a meeting with the Minister for Planning and Infrastructure concerning the above. Would Council inform us of the outcomes from this meeting?*

A1 *Response by Mayor Pickard:* It is a difficult task to arrange a meeting with Minister McTiernan, Council has not had a meeting with the Minister yet, but requests for a meeting have been made. The initial response from the Minister’s office was negative and the City assured the Minister through her Chief of Staff that it was an important matter and that the City felt that it was appropriate that it meet with her.

*Response by the CEO:* Letters were issued to the two Ministers, Minister for Planning and Minister for Environment, immediately after the Council Meeting on 6 June 2006. The City has spoken to the Chief of Staff for the Minister for Planning's office who indicated that the documentation sent had been given to the Minister. The City has been following up regularly to see when the City can see the Minister.

Q2 *Will Council ensure that a high priority is given to the construction of the extension of Woodlake Retreat and the installation of the Four Way traffic lights so that:*

- (a) *access by construction vehicles is controlled and therefore safer than using the inadequate ingress and exit of the Wanneroo Road/Woodlake Retreat intersection;*
- (b) *this will ensure that there is minimum disturbance to the residents of Waterview Estate caused by excavation and removal of sand carting of building supplies etc.*

A2 There have been ongoing discussions which the City has reported with the Department of Planning and Infrastructure, CALM and Main Roads WA. The City has a request to engage consultants for the design of the road, but it cannot be executed until the City has met with the two Ministers.

Also the City has included in the draft budget funds for the construction of the link road in partnership with Main Roads WA, signalling the intersection from a three-way intersection to a four-way intersection.

**Mr M Sideris, Mullaloo:**

Q1 *Re: State Administrative Tribunal hearing – Can Council explain how a figure of 126 on-site bays has been accepted by Council, when Council resolution CJ204-08/02 only dealt with and required 160 on-site bays in order to comply with the DPS2 and Policy 7.10, which specifically requires a minimum of seventy-five percent of the 210 bays identified as necessary by officers for the development?*

Q2 *Council has informed me that 34 bays are owned by the Tavern over the road off site and form part of the required 160 on-site bays. However, the car park over the road is designated road reserve and nobody in the City owns it or controls it. Leaving aside that this is road reserve, I refer to an email from the City that \$40,000 may have been paid in 1982 to the Shire in respect to providing 34 bays on site. This involved a possible land transaction and would Council please provide:*

- (a) *the lot number which formed the exchange of titles;*
- (b) *when this exchange took place;*
- (c) *bearing in mind that this was a cash-in-lieu payment for 50 bays taken off the 210 required by Council. Would Council please explain why no cash-in-lieu payment was sought by the City for the additional 16 bays which formed part of the 50 bay shortfall?*

A1-2 These questions will be taken on notice.

**Mr M Dickie, Duncraig:**

Q1 *Over the last year to eighteen months, processing times for development applications has increased quite considerably, this partly due to the difficulty in obtaining firm information on the interpretation of codes and policy from Council before submission.*

*Would Council therefore please publish its key performance indicators for the Planning Department over the last two years to provide a base line for evaluating improvement?*

A1 The City will be assessing the performance of the gateway. The City understands that its ability to meet expectations is not as high as it would like, partly due to industry issues, and the City is in the process of mapping the programme and will be evaluating on an on-going basis. The City is more than happy to make the information available.

**Mrs C Wood, Craigie:**

*Re: Off road vehicles and motor bikes*

Q1 *Can the City of Joondalup make a law prohibiting the use of vehicles in the bushland of Joondalup, at present the Ranger cannot act without a law?*

Q2 *Would Council erect some notices to deter the use of off-road vehicles and vandalism in the bush land?*

Q3 *The private road surrounding the Craigie Leisure Centre is used for drag racing, is there a law or by-law to prohibit this behaviour? This area is not in the jurisdiction of the Police Department and the Ranger cannot do anything about it either. Notices are needed to deter these activities in all bushland areas within the City of Joondalup.*

A1-3 These questions will be taken on notice.

**PUBLIC STATEMENT TIME**

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

**Ms M Moon, Greenwood:**

Ms Moon spoke about her dissatisfaction with the response from the City to Motion 4 of the Special Electors' Meeting held on 6 June 2006 regarding the City's structure plan.

**Mr M Caiacob, Mullaloo:**

Mr Caiacob showed his appreciation for the open and accountable way Council has conducted itself over the issue of the Mullaloo Tavern.

**APOLOGIES AND LEAVE OF ABSENCE****C33-06/06                    REQUEST FOR LEAVE OF ABSENCE - CR M JOHN - [61581, 02154]**

Cr M John has requested Leave of Absence from Council duties for the period 4 July 2006 to 28 July 2006 inclusive.

**MOVED Cr Hart, SECONDED Cr Jacob that APPROVES the request from Cr M John for Leave of Absence from Council duties for the period 4 July 2006 to 28 July 2006 inclusive.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**C34-06/06                    REQUEST FOR LEAVE OF ABSENCE - CR A JACOB - [61581, 02154]**

Cr Jacob has requested Leave of Absence from Council duties for the period 3 July 2006 to 14 July 2006 inclusive.

**MOVED Cr Magyar, SECONDED Cr Hart that Council APPROVES the request from Cr Jacob for Leave of Absence from Council duties for the period 3 July 2006 to 14 July 2006 inclusive.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**CONFIRMATION OF MINUTES****C35-06/06                    MINUTES OF COUNCIL MEETING – 6 JUNE 2006**

**MOVED Cr Jacob, SECONDED Cr Currie that the Minutes of the Council Meeting held on 6 June 2006, be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****CRAIGIE POOL SET TO OPEN**

I am delighted to announce the refurbishment of Craigie Leisure Centre will soon be fully open to the public.

The gym and aerobics area are already being used.



The temperature of the two new pools has reached the optimum level, and when final checks are complete, the centre will be ready for opening.

Like many residents, I have been looking forward to the opening with great anticipation. Now all the community can enjoy the magnificent new facilities.

While I have been as frustrated as any member of the community with the delay caused by technical difficulties associated with the 800 metre deep geothermal bore, the savings to ratepayers in the years ahead will ensure that the wait is well worthwhile.

Pumping hot water from 800 metres underground to heat the pools is quite amazing technology and the City wanted to make sure everything was 100% right before opening to the public. The City will now have what is a first-class facility for all the community.

On Saturday, 1 July 2006 at 1.00 pm there will be an exclusive preview of the centre by approximately 3,000 Horizon Club members, who were members of the old centre and have been effectively on the waiting-list and a community viewing day has been arranged for Sunday, 2 July 2006, from 10.00 am to 2.00 pm.

If you would like a tour of the impressive facilities – new pools, gym, sauna and spa, please telephone the centre on 9400 4600 after Monday, 3 July 2006. An official opening day will be confirmed as soon as possible after liaising with relevant stakeholders.

### **NAIDOC INVITATION**

I invite all residents to help the City celebrate NAIDOC Week (National Aboriginal Islander Day Observance Committee) beginning on Monday, 3 July 2006.

As the City acknowledges its Aboriginal heritage, there are several events in which all residents can take part. These include the flag raising ceremony featuring the Wadumbah Aboriginal Dance Group at the Civic Chambers at 1.00 pm on Monday, 3 July 2006.

A free Indigenous Concert on Saturday, 8 July 2006 at 6.45 pm at Edith Cowan University Sports Centre.

I would like as many members of the community to attend as possible.

### **SPECIAL COUNCIL MEETING**

A Special Meeting of Council will be held at 7.00 pm on Thursday, 29 June 2006 in the Council Chamber.

The purpose of this meeting is to consider the Structure Plan for the former CSIRO site, Lot 61 Leach Street, Marmion and I would encourage all interested residents and ratepayers to attend.

### **ELECTED MEMBERS' INDUCTION PROGRAM**

Recently the Induction Program prepared by the Chief Executive Officer and his Directors was successfully completed by all elected members and I would like to take this opportunity on behalf of my fellow elected members and myself to express our gratitude to the Chief Executive and Directors for the professionalism and the depth of information that was presented to us over the last six weeks.

During a recent discussion with the Director General of the Local Government Department, I was advised the Department is remodelling the guidelines using the City of Joondalup's Induction Program as a yardstick for future Induction Programs in local government.

## **DECLARATIONS OF FINANCIAL INTEREST**

### **Disclosure of Financial Interests**

Nil.

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

Nil.

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

Nil.

## **PETITIONS**

### **C36-06/06                      PETITIONS SUBMITTED TO THE COUNCIL MEETING – 27 JUNE 2006**

1        PETITION REQUESTING CONSTRUCTION OF PARKING BAYS – BOAS AVENUE, JOONDALUP - [07076, 29136]

A 60-signature petition has been received requesting the construction of parking bays on either side of Boas Avenue, immediately outside Lakeside Convenience Store, located on the opposite side of the roundabout to the Central Library and Zest Fitness Club.

Cr Hollywood tabled a further petition containing 15-signatures in addition to the 60-signatures, making a total of 75-signatures.

The petitioners state the provision of additional parking bays would alleviate difficulties currently being experienced by those patrons using the convenience store.

**MOVED Cr Hollywood SECONDED Cr McLean that the petition requesting Council to construct parking bays in Boas Avenue, Joondalup be RECEIVED and referred to the CEO for action.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

2 PETITION OPPOSING PROPOSED CHILD CARE CENTRE, 34-36 BRIDGEWATER DRIVE, KALLAROO - [45219]

Cr Park tabled a 44-signature petition from residents of the City of Joondalup strongly opposing the proposed child care centre at 34-36 Bridgewater Drive, Kallaroo.

The petitioners believe the increase in traffic volumes and noise pollution will affect the amenity of the local residents.

**MOVED Cr Park, SECONDED Cr Hart the petition opposing the proposed child centre, 34-36 Bridgewater Drive, Kallaroo be RECEIVED and referred to the CEO for action.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**CJ095 - 06/06 STRATEGIC FINANCIAL PLAN 2006/07 TO 2009/10  
– [14528, 38432]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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CJ060620\_BRF.DOC:ITEM 1

**PURPOSE**

For the Council to adopt the Strategic Financial Plan (SFP) 2006/07 to 2009/10.

**EXECUTIVE SUMMARY**

The SFP replaces the former Principal Activities Plan that Council was required to produce each year. The *Local Government Act 1995* has been recently amended and the requirement to produce a Principal Activities Plan has been deleted. Councils are instead required to 'plan for the future' and to consult with the community during the development of the plan.

The SFP lists the major projects planned to be undertaken by the City from 2006/07 to 2009/10.

The Plan was approved by the Council, for invitation of public comment, on 26 April 2006. Six submissions were received by 29 May, the closing date for submissions.

Submissions from the community were in relation to:

- Funding for a link road from Woodlake Retreat to Wanneroo Road;
- Funding for the Sorrento Area Traffic Study (Stage 2);
- Income and Expenditure Assumptions;
- Waste Management;
- Organisational Development;
- Economic Development; and
- Works Depot.

No modifications are recommended to the advertised SFP following a review of all community submissions. Two minor modifications are, however, recommended to the advertised SFP, those being in relation to the inclusion of information on the Resource Recovery Project under the Waste Management Strategy, and an alteration to the Capital Works Program regarding the air-conditioning at the Duncraig Library.

It is recommended that the Council ENDORSES the Strategic Financial Plan for 2006/07 – 2009/10 shown as Attachment 1 to Report CJ095-06/06.

## **BACKGROUND**

The *Local Government Act 1995* has, in the past, required all Local Governments to produce a Principal Activities Plan on an annual basis.

In 2003 the Department of Local Government and Regional Development undertook a major review of the *Local Government Act 1995* and associated regulations.

Following the review of the Act, Local Governments were no longer required to prepare a Principal Activities Plan and were required, instead, to develop a plan for the future of the district, and to consult with the community during the development of that plan.

Council resolved to produce a SFP for the period 2006/07 – 2009/10 as its plan for the future for the 2006/07 budget process.

*Council accepted a SFP 2006/07 to 2009/10 on 26 April 2006 as the basis for consultation and also endorsed a 30-day consultation period on the Plan. (CJ067 - 04/06 Refers).*

## **DETAILS**

The SFP 2006/07 – 2009/10 was advertised for public comment and was made available at the City's libraries and at both Customer Service locations, and published on the City's web site for a period of 30 days from 29 April 2006 to the closing date of 29 May 2006.

The objective of inviting public comment on the draft Plan was to provide an opportunity for the community to be involved in the future planning process of the City. At the close of the comment period on 29 May 2006 six written submissions had been received.

Four of the submissions were in relation to funding for the completion of Stage 2 of the Sorrento Area Traffic Study. The second stage of these works was listed for consideration in 2008/09 in the 2005/06 Five Year Capital Works Program. The City is currently developing the 2006/07 Capital Works Program as part of the budget deliberations and is recommending that the second stage of these works be moved forward for consideration in 2007/08. The Capital Works Program will be considered by the Council as part of the overall budget process for 2006/07.

One submission was received regarding the funding for the link road from Woodlake Retreat to Wanneroo Road. Construction of the extension of the road is being progressed as a matter of priority as soon as agreement can be reached in relation to the construction of the road.

The sixth submission presents a case for rate increases remaining in line with inflation, an increase in bulk rubbish collections, an increase in funding for the support of small business in the City, consideration to be given to appointing senior staff with private sector experience, and funding to provide the City's workforce with information on the benefits of the new Works Depot.

A summary of the community submissions received is shown as Attachment 2. Officer comments on the submissions are included in the Attachment.

The community submissions have been reviewed and this report is not proposing any modifications to the advertised Plan as a result of these community submissions. Two minor modifications are, however, recommended to the advertised SFP, those being:

- The inclusion of a paragraph on Page 18 relating to the Resource Recovery Project under the Waste Management Strategy, and
- The deletion of the installation of air-conditioning at the Duncraig Library in 2006/07, on Page 21 under the Capital Works Program. This project is now being proposed in 2007/08.

It is therefore proposed that the SFP shown as attachment 1 to this report be formally adopted as the City's Strategic Financial Plan for the period 2006/07 to 2009/10.

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

The SFP is the City's 'Plan for the Future'. The SFP 2006/07 – 2009/10 provides a broad strategic overview of the major projects and programs that the Council proposes to undertake over the next four years, links the City's financial capacity with the strategic directions detailed in the City's Strategic Plan 2003 – 2008, and allocates indicative sums of money to potential projects to ascertain whether the City has the capacity to fund them when required.

The Plan informs the community of proposed activities and identifies the performance indicators that will measure the City's success in delivering these services. The public consultation process provides the community with the opportunity to put their views on the planned projects.

The issues raised in the community submissions have been reviewed and officer comments in relation to each issue are shown in Attachment 2 to this report.

Council in considering the submissions received may choose either of the following options:

- Adopt the SFP 2006/07 – 2009/10 shown as Attachment 1; or
- Make changes to the SFP following a review of the community submissions received and adopt the SFP with modifications.

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

Outcome 4: The City of Joondalup is a sustainable and accountable business.

Objective 4.1: Ensure financial viability and alignment to plan.

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

The *Local Government Amendment Act 2004* was proclaimed on 31 March 2005. Section 42 amended the Act to remove the detailed requirements for principal activity planning. Sections 5.56, 5.57 and 5.58 were repealed and in their place, a new section 5.56 was included which provided a more general obligation to "*plan for the future*".

**Section 5.56 – “Planning for the future” requires that**

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The plan is to set out the broad objectives of the local government for the period specified in the plan and is to be prepared at least every two years in consultation with the community.

**Risk Management Considerations:**

The SFP 2006/07 – 2009/10 meets legislative requirements.

**Financial/Budget Implications:**

The SFP 2006/07 – 2009/10 provides information on financial projections for the next four years.

**Policy Implications:**

Public Participation Policy 1-2 has the stated objective of enhancing the capacity of the community to actively participate in decision-making and strategic direction setting.

**Regional Implications**

Not Applicable.

**Sustainability Implications:**

The Strategic Financial Plan 2006/07 – 2009/10 establishes a sustainable financial strategy for the future through the provision of sufficient funds to allow capital projects and new initiatives to be implemented, ensure the City’s infrastructure is maintained, and ensure Council has the financial flexibility to respond to community needs now and into the future.

**Consultation:**

The SFP 2006/07 – 2009/10 was made available for public comment for 30 days (29 April 2006 to 29 May 2006). The SFP was made available at the City’s libraries and at both Customer Service locations, and was published on the City’s web site.

Once Council has adopted the SFP (with or without modification) it will be available for public inspection at the City’s Customer Service Centres and Libraries during normal business hours, and will also be available on the City’s Web Site.

**COMMENT**

The SFP 2006/07 – 2009/10 has been prepared based on the first four years of the 20-year financial projections and draft budget documentation. The 20-year financial projections have been included with the SFP.

## ATTACHMENTS

Attachment 1	Strategic Financial Plan 2006/07 – 2009/10.
Attachment 2	Summary of Community Submissions with corresponding officer comments.

## VOTING REQUIREMENTS

Simple Majority

### **MOVED Cr Jacob, SECONDED Cr Evans that Council:**

- 1 ENDORSES the Strategic Financial Plan for 2006/2007 – 2009/2010 shown as Attachment 1 to Report CJ95-06/06;**
- 2 THANKS all members of the community for their submissions on the Strategic Financial Plan for 2006/07 – 2009/10.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agn270606.pdf](#)*

## **CJ096 - 06/06 REVIEW OF DELEGATED AUTHORITY – [07032]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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CJ060620\_BRF.DOC:ITEM 2

### **PURPOSE**

For the Council to review the current delegations at the City and approve a new set of delegations.

### **EXECUTIVE SUMMARY**

The report considers the basis for the current delegations and recommends substantial changes to increase the efficiency and operational effectiveness of the City.

This report also enables Council to comply with the requirement of the Local Government Act 1995 that, at least once each financial year, there is a review of delegations.

## **BACKGROUND**

The Local Government Act 1995 enables a local government to delegate to the CEO:

- the exercise of its powers; or
- the discharge of its duties under the Act.

A definition of powers and duties is found at Attachment 1. The Act and the Administration Regulations also identify several limitations on the powers and duties that can be delegated to a CEO (Attachment 2 refers).

The Act also allows the CEO to delegate any of the CEO's powers or duties under the Local Government Act to any employee (other than the power of delegation). However, should a power or duty be delegated to the CEO by the local government with a condition that the matter be dealt with by the CEO, then this power or duty cannot be on-delegated to an employee.

The Local Government Act 1995 also requires a review of all delegations at least once each financial year. The review of the Delegated Authority Manual for the last financial year was submitted to the Council meeting held on 28 June 2005 (Item CJ121 – 06/05 refers). Consequently, Council needs to review delegations at this meeting to comply with the legislative requirements.

### **The Concept of 'Acting Through'**

In addition to covering delegations, the Local Government Act 1995 introduces the concept of 'acting through'. Section 5.45 of the Act states that in relation to delegations, nothing prevents a "local government from performing any of its functions by acting through a person other than the CEO" or "a CEO from performing any of his or her functions by acting through another person". The Act does not specifically define the meaning of the term 'acting through'. However, the key difference between a delegation and 'acting through' is that a delegate exercises the delegated function in his or her own right. On the other hand, a person 'acting through' another person or body exercises power not in his or her own right, but on behalf of that other person or body.

This distinction is critical in determining the types of functions that are appropriate for 'acting through' another person in preference to delegation. This can be demonstrated through the following example. Here Council gives the CEO the power to call tenders if the CEO is satisfied about certain cost parameters. If that power is delegated, the CEO could call tenders if the CEO believed the cost parameters had been satisfied (even if the Council's opinion was different to the CEO's opinion). However, under an 'acting through' arrangement, the CEO could only call tenders if the Council was satisfied about the cost parameters.

The approach taken by the City of Joondalup appears to favour delegation over the concept of acting through. That is, an extensive number of delegations are identified in the Delegated Authority Manual (Attachment 3 refers), which covers a broad range of matters from significant decisions (such as accepting a tender) to operational processes and procedural functions (such as giving notice of the outcome of a tender process). While there is nothing wrong with this approach in theory, and it is also envisaged by the legislation in relation to the ability to delegate powers and duties, there are several disadvantages with this approach. These include:



- It does not really suit operational processes. These processes, in particular, lend themselves to acting through because the opinion of the person undertaking the action is irrelevant. That is, the operational process task must be undertaken and it is undertaken on behalf of the person or body given responsibility for the task. If the task is delegated, then the person exercising the delegated function does so in his or her own right, which implies an ability to form an opinion or exercise discretion.

This can be demonstrated using the procedural function 'the CEO is to give notice of the outcome of a tender' as an example. The exercise of this function does not depend on any prerequisite opinion or exercise of discretion by the decision maker but simply on the existence of an objective fact. That is, whether a particular tender process has been concluded. If it has, all tenderers must be notified of the outcome and no discretion applies. Consequently, this operational process does not lend itself to delegation.

In this example, it should also be noted that if this function were to be delegated, the notice under the regulation would be signed by the delegate in his or her own name. If, however, the power was not delegated, the notice would be signed on behalf of the CEO (by the person who, in this instance, was 'acting through' the CEO). For legal purposes, it would not matter whether this person was, for example, the CEO's personal assistant or a contracts manager.

Attachment 4 considers those delegations from the City's Delegated Authority Manual that are derived specifically from powers or duties within the Local Government Act 1995. It identifies whether the power or duty is currently delegated (column 4), proposes how the power or duty should be dealt with (column 5) and provides a reason for the proposed change (column 6). This Attachment identifies that many of the current delegations relate to operational processes that lend themselves to 'acting through'. It also identifies certain powers and duties where delegations have not been made.

- It increases bureaucracy. That is, matters for delegation have to be formally identified, specifically delegated and then formally reviewed each year. This is not a great disadvantage to the City of Joondalup because much of the work has been completed in terms of identifying and delegating powers and duties. However, the greater the number of delegations, the more extensive and time consuming will be the annual review.
- It can involve additional recording. In this regard, the Act requires actions taken using delegated authority to be recorded by the person to whom the power or duty was delegated. While the Act does not require the recording of actions under delegation in a specific register, this is often advantageous for compliance audit purposes.

Using the example of giving notice following a tender process again, letters to unsuccessful tenderers would be placed on a file relevant to the appropriate tender. Using this method, many files may need to be reviewed to check compliance with the requirement to keep a record of delegated action in relation to notifying unsuccessful tenderers. Consequently, there are advantages in keeping copies of letters to unsuccessful tenderers together to provide a comprehensive and unified record of how the delegated power has been used. Such a unified record would be kept in addition to the storage of the letters on the relevant tender file.

- It places significant additional requirements on employees who are given delegated authority. That is, section 5.74 of the Act requires employees with delegated powers to complete primary and annual returns. A failure to complete such returns can lead to a \$10,000 fine or imprisonment for two years. The larger the number of employees with delegated powers, the larger the number of people who must complete a return and the greater the chance of a mistake being made with the associated significant potential consequences.

For example, the City delegates the authority to waive, reduce or cancel library charges. This delegation extends to both Librarians and to Library Services Officers. Consequently, a part-time Library Services Officer working only one day a week for the City is required to complete a primary return, and then annual returns, detailing all of his or her financial dealings. This Officer may never actually waive, reduce or cancel library charges but would still have to declare all of his or her financial dealings. This is considered a significant imposition on such Officers.

Consequently, for the four reasons outlined above, this report recommends that a new, and more simplified, delegation structure be implemented (Attachment 5) with many of the powers or duties currently delegated being achieved by 'acting through' arrangements.

## **DETAILS**

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

The City could take one of two actions. It could:

- 1 Adopt the new approach as proposed in this paper including the recommended delegations (with or without amendment).
- 2 Reject the approach and seek a further report that presents recommended delegations consistent with the current approach.

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

4.3.3 Provide fair and transparent decision-making processes.

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

Section 5.42 of the Local Government Act 1995 provides that:

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43;  
\* absolute majority required.
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.43 of the Local Government Act 1995 provides that:

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or 75% majority of the local government;

- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under Sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in Section 9.5;
- (h) any power or duty that requires the approval of the Minister or Governor; or
- (i) such other duties or powers that may be prescribed by the Act.

Section 5.44(1) of the Local Government Act 1995 provides that:

“a CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than the power of delegation.”

Section 5.45(2) of the Local Government Act 1995 provides that:

“Nothing in this Division is to be read as preventing –

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
- (b) a CEO from performing any of his or her functions by acting through another person.”

Section 5.46(2) of the Local Government Act 1995 provides that:

“at least once every financial year, delegations made under this Division are to be reviewed by the delegator”.

**Risk Management considerations:**

The failure of the Council to review its delegations within the current financial year would result in non-compliance with its legislative responsibilities under the Local Government Act 1995.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

The power to delegate is derived from legislation and also from policies of the Council. For ease of reference, the manual provides details of related policies, where appropriate.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

It should be noted that all of the current Town Planning delegations continue without change in the proposed Delegated Authority Manual recommended by this report. It is proposed that these delegations be specifically reviewed in the near future and a separate report be presented to Council on this matter.

**ATTACHMENTS**

Attachment 1	Powers and Duties
Attachment 2	Limitations on Delegations
Attachment 3	Current Delegated Authority Manual
Attachment 4	Review of Delegations under the Local Government Act 1995
Attachment 5	Proposed Delegated Authority Manual

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:** That Council, BY AN ABSOLUTE MAJORITY, ENDORSES the Delegated Authority Manual presented as Attachments 5 to Report CJ096-06/06 as a replacement for the current Delegated Authority Manual.

**MOVED Cr Magyar, SECONDED Cr Corr that Council DEFERS the endorsement of the Delegated Authority Manual presented as Attachment 5 to Report CJ096-06/06, subject to an Elected Member workshop being held, followed by a Special Meeting of Council to endorse either this Delegated Authority Manual or a revised Delegated Authority Manual.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (9/4)**

**In favour of the Motion:** Mayor Pickard, Crs Corr, Evans, Hart, Hollywood, Jacob, John, Magyar and McLean

**Against the Motion:** Crs Amphlett, Currie, Fishwick and Park

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf200606.pdf](#)

**CJ097 - 06/06      RESPONSE TO THE REPORT OF THE LOCAL  
GOVERNMENT      ADVISORY      BOARD      ON  
STRUCTURAL      AND      ELECTORAL      REFORM      –  
[07590]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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CJ060620\_BRF.DOC:ITEM 3

**PURPOSE / EXECUTIVE SUMMARY**

For Council to endorse a response to the Local Government Advisory Board's report on Structural and Electoral Reform.

**BACKGROUND**

The Local Government Advisory Board (LGAB) completed a report to the Government on Structural and Electoral Reform earlier this year. The Government has now made the report available for comment.

The Executive Summary and recommendations from the LGAB's report are attached (Attachment 1 refers). The LGAB's main findings included:

- Some local governments are facing severe demographic pressures that are threatening community sustainability.
- Some local governments are facing staff recruitment and employment pressures that are threatening organisational sustainability.
- Some local governments are not generating enough revenue to meet their operating demands and are likely to have difficulty in meeting long term infrastructure funding needs.

The LGAB concluded that there is an urgent need for certain structural reform for local government in Western Australia. It also concluded that relatively few changes are required to improve the local government electoral system.

**DETAILS**

In terms of structural reform, the City is not affected by the proposals within the report. Consequently, it is proposed that the City not comment on structural reform issues. To do so would require the City to comment on the structures of other local governments which is considered inappropriate.

In terms of the report's other recommendations, it is proposed that the City make the following comments.

- Rec 1.31 That the Local Government Financial Management Regulations be amended to make it mandatory for each local government to:
- 1 Develop and annually update a 10-year financial management plan, linked to the local government's plan for the future.
  - 2 Develop appropriate asset management plans that are to be reflected in the 10-year financial management plan.
  - 3 Apply depreciation rates based on a standardised schedule, which takes into account the different circumstances in different parts of the State, with local governments to provide justification for variations from the schedule.
- Proposed Response: The City has developed 20-year financial projections as part of its Strategic Financial Management Plan. This initiative accords with the sentiments behind recommendation 1.31 and, consequently, this recommendation is supported.
- Rec 1.35 That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for elected members, with each local government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowances on an annual basis.
- Proposed Response: This recommendation is supported as it is believed that the Salaries and Allowances Tribunal will be in a better position to establish fees and allowances which reflect the relative value of the work undertaken by elected members.
- Rec 1.37 That compulsory training, along the lines of that recently introduced in NSW, be required for all newly elected members in WA local government.
- Proposed Response: The City of Joondalup has recently completed extensive induction training for the newly elected members. While this was undertaken on a voluntary basis, there could be advantages in requiring all elected members to undertake such training.
- Rec 2.2 That the *Local Government Act 1995* be amended so that an elector is not able to vote in more than one ward election in the same local government.
- Proposed Response: As the LGAB's report notes, there are arguments for and against amending the Act to limit an elector's ability to vote only once at a local government election even if the elector has property in more than one ward. This is not considered a major issue for the City of Joondalup and, consequently, the City offers no views on this matter.
- Rec 2.5 That the current provisions for the 'first past the post' system of voting be retained.
- Proposed Response: The City questions the recommendation to retain 'first past the post' elections and believes there could be considerable advantages in adopting a preferential system such as that used in the Lower House of the State Parliament. As a minimum, this would promote consistency between the spheres of government.

Rec 2.7 That further investigation be undertaken by the Local Government Advisory Board in relation to issues raised concerning both directly elected and council elected Mayors and Presidents.

Proposed Response: The City has a directly elected Mayor and consequently this recommendation for further investigation is of interest. Until further investigation is completed and a final position is recommended, it is difficult for the City to respond.

Rec 2.11 That the Local Government Advisory Board be given the power to investigate other statutory authorities to establish their capacity to undertake postal elections.

Proposed Response: The opportunity for other bodies to conduct postal elections is considered worthy of support.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

The LGAB's report does not identify issues with the north west corridor.

**Sustainability Implications:**

The report deals extensively with sustainability of local government as a whole within Western Australia. There are no particular issues for the City of Joondalup.

**Consultation:**

The government is seeking feedback on the Advisory Board's report.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1 Executive Summary and Recommendations from Report

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 ENDORSES a submission being forwarded to the State Government along the lines presented in Report CJ097-06/06 as the City of Joondalup's submission to the report of the Local Government Advisory Board;
- 2 REFERS the issue of 'first past the post' voting to the North Zone of the Western Australian Local Government Association to enable consideration of the most appropriate method for counting votes.

**MOVED Cr Fishwick, SECONDED Cr Currie that Council:**

- 1 **ENDORSES a submission being forwarded to the State Government along the lines presented in Report CJ097-06/06 as the City of Joondalup's submission to the report of the Local Government Advisory Board;**
- 2 **REFERS the issue of 'first past the post' voting to the North Zone of the Western Australian Local Government Association to enable consideration of the most appropriate method for counting votes;**
- 3 **RECORDS its appreciation for the commitment of the CEO, Mr Garry Hunt, the four Directors, Messrs Dave Djulbic, Clayton Higham, Mike Tidy and Ian Cowie and also the Manager Marketing Communications and Council Support, Mr Mike Smith in preparing and delivering an extensive, informative and comprehensive induction program to the newly elected members.**

**AMENDMENT MOVED Cr Magyar, SECONDED Cr John** that Point 2 of the Motion be amended to read as follows:

- "2 REFERS the issue of 'first past the post' voting to the North Zone of the Western Australian Local Government Association to enable consideration of the most appropriate method for counting votes, as 'first past the post' can only truly reflect the electors' wishes with a single vacancy and only two candidates; all other possible elections require a preferential voting system;"

Discussion ensued.

**The AMENDMENT was Put and**

**LOST (4/9)**

**In favour of the Amendment:** Crs Corr, Hollywood, John and Magyar **Against the Amendment:** Mayor Pickard, Crs Amphlett, Currie, Evans, Fishwick, Hart, Jacob, McLean and Park

Discussion ensued.



At the direction of the Mayor, the motion was divided into three motions, each voted on separately.

**MOVED Cr Fishwick, SECONDED Cr Currie that Council:**

- 1 ENDORSES a submission being forwarded to the State Government along the lines presented in Report CJ097-06/06 as the City of Joondalup's submission to the report of the Local Government Advisory Board.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**MOVED Cr Fishwick, SECONDED Cr Currie that Council:**

- 2 REFERS the issue of 'first past the post' voting to the North Zone of the Western Australian Local Government Association to enable consideration of the most appropriate method for counting votes.**

**The Motion was Put and**

**CARRIED (10/3)**

**In favour of the Motion:** Crs Amphlett, Corr, Currie, Fishwick, Hart, Hollywood, John, Magyar, McLean and Park **Against the Motion:** Mayor Pickard, Evans and Jacob

**MOVED Cr Fishwick, SECONDED Cr Currie that Council:**

- 3 RECORDS its appreciation for the commitment of the CEO, Mr Garry Hunt, the four Directors, Messrs Dave Djulbic, Clayton Higham, Mike Tidy and Ian Cowie and also the Manager Marketing Communications and Council Support, Mr Mike Smith in preparing and delivering an extensive, informative and comprehensive induction program to the newly elected members.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf200606.pdf](#)

## **CJ098 - 06/06 COMMON SEAL CLAUSE – [15876]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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CJ060620\_BRF.DOC:ITEM 4

### **PURPOSE**

For the Council to give consideration to altering the wording for the common seal clause of the City of Joondalup.

## EXECUTIVE SUMMARY

Upon the creation of the City of Joondalup on 1 July 1998, the Council adopted a Common Seal clause that would be affixed to various documents as required by legislation.

The common seal clause refers to it being affixed following a resolution of the Council. There are circumstances that the common seal is affixed without a resolution of the Council, for example entering into a contract for a tender that has been awarded under delegated authority.

It is suggested that the common seal clause be amended to reflect the day-to-day operations of the City of Joondalup.

## BACKGROUND

The City of Joondalup was created as a result of a Governor's Order on 1 July 1998, which divided the former City of Wanneroo into two (2) new local governments, the City of Joondalup and the then Shire (now City) of Wanneroo.

Following the Order to split the former City of Wanneroo, a special meeting of the Councils was held on 1 July 1998 during which a number of key decisions were made in order to establish the new local governments. One of those decisions was to adopt the common seal clause of each local government. The City of Joondalup resolved on 1 July 1998 as follows:

*That the Joint Commissioners adopt the Common Seal*

*of the City of Joondalup as laid on the table and forming Appendix 1 hereto;*

*Clause as follows:*

*"The Common Seal of the City of Joondalup was hereunto affixed by the authority of a resolution of the Council in the presence of:*

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

A copy of the 'Appendix 1' referred to in the above resolution is attached.

## DETAILS

### Issues and options considered:

The options available to the Council are to either: -

- Retain the existing common seal clause; or
- Amend the common seal clause to reflect the operations of the City.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Section 2.5(2) and (3) 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.*

The Butterworth's Australian Legal Dictionary defines the act of sealing as:

*"The affixation, attachment, or impression of a seal upon a deed, accompanied by the performance of some act by the party to be bound that expressly or impliedly acknowledges the seal to be their's."*

It further states that:

*"The affixing of a company seal on a document has an effect similar to the signature of a natural person."*

Legal advice has indicated that the standard sealing clause by local governments requires the common seal to be affixed in the presence of those witnessing the document.

**Risk Management considerations:**

The risk is that the common seal may not always reflect the current process followed when affixing it.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

There is no policy relating to the affixing of the common seal.

**Regional Significance:**

Contact was made with various local governments, which indicated that the common seal clause amongst local governments is not consistent. All were signed/witnessed by the Mayor and Chief Executive Officer. For example:

City of Perth

The common seal of the City of Perth was hereunto affixed by the authority of Council.

City of Melville

The common seal of the service provider was affixed in the presence of:

City of Wanneroo

The common seal of the City of Wanneroo was hereunto affixed in accordance with its constitution in the presence of:

City of Stirling

Dated the      day of

The common seal of the City of Stirling was hereunto affixed by authority of a resolution of the Council in the presence of:

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

There are instances where the common seal of the City of Joondalup is not always affixed by authority of a resolution of the Council. There may be instances where the Chief Executive Officer has the legal capacity to affix the common seal to a deed without a resolution being carried by the Council. For example, the affixing of the common seal to a successful tenderer where the tendered amount was within the delegated authority of the Chief Executive Officer.

As a result of those circumstances it is suggested that the common seal clause be amended to reflect those circumstances and not be as specific in the wording.

**ATTACHMENTS**

Attachment 1 – copy of Common Seal clause as adopted by the Council on 1 July 1998.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Magyar, SECONDED Cr Park that Council, AMENDS its decision of 1 July 1998 relating to the Common Seal clause of the City of Joondalup to now read as follows:**

**Dated the              day of    (month)/(year)**

**The Common Seal of the City of Joondalup was hereunto affixed in the presence of:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CHIEF EXECUTIVE OFFICER**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf200606.pdf](#)

**CJ099 - 06/06 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 2006 – [09882]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services

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CJ060620\_BRF.DOC:ITEM 5

**PURPOSE**

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

**EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of May 2006, totalling \$5,848,135.05.

*It is recommended that Council NOTES the CEO's list of accounts for May 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to Report CJ099-06/06, totalling \$5,848,135.05.*

**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 May 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> 75308 - 75630 <b>EFT 6234 - 6584</b> net of cancelled payments	\$3,836,964.24
	<b>Vouchers</b> – 156A-157A, 159A – 163A	\$2,011,170.81
Trust Account		Nil
		\$5,848,135.05

**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 May 2006  
Attachment B            Municipal Fund Vouchers for the month of May 2006

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council NOTES the CEO's list of accounts for May 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A and B to Report CJ099-06/06, totalling \$5,848,135.05.

**MOVED Cr Magyar, SECONDED Cr Jacob that Council:**

- 1        NOTES the CEO's list of accounts for May 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A and B to Report CJ099-06/06, totalling \$5,848,135.05;**
- 2        THANKS the staff for introducing the new format for the list of payments as the additional details provide enhanced accountability of the City to its local community.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf200606.pdf](#)*

**CJ100 - 06/06 NEGOTIATED PLANNING SOLUTION – BUSH FOREVER – LOT 118 MINDARIE – [41196]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services

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CJ060620\_BRF.DOC:ITEM 6

**PURPOSE**

To advise of the history of a negotiated planning solution with the West Australian Planning Commission (WAPC) for Lot 118 Mindarie (part owned by the City of Joondalup as a participant in the Tamala Park Regional Council) and to seek approval for transfer of portion of Lot 118 west of Marmion Avenue for a nominated compensation payment.

**EXECUTIVE SUMMARY**

After a long period of negotiation, proposals to commence the urban development of Lot 118 Mindarie are now coming to a head. Earlier this year the creation of Tamala Park Regional Council (TPRC) was finalised and it now has control of Lot 118. A negotiated planning solution has been arrived at that will provide for:

- 1 Retention of part of the residential land west of Marmion Avenue for urban development.
- 2 Rezoning of rural land east of Marmion Avenue to Deferred Urban.
- 3 Agreement to consider adjustment of public open space boundaries west of Marmion Avenue depending upon the logic of structure planning undertaken by the local authority owners.
- 4 Agreement to exchange State Government land for local government owner (POS) land for inclusion in an urban development.
- 5 Compensation payments for part of the land prior to June 2006.

Council as a participant in the TPRC now needs to consider and resolve a number of issues for the proposal to be progressed.

*It is recommended that Council:*

- 1 ***BY AN ABSOLUTE MAJORITY AUTHORISES the WAPC to make the payment of the land transfer consideration due to the City of Joondalup direct to the Tamala Park Regional Council as provided in clause 8.1 of the Tamala Park Regional Council Establishment Agreement subject to:***
  - (a) *Preparation of a transfer document in the form required for a (net of GST) consideration payment of \$15,887,156;*



- (b) *The provision of letters from WAPC agreeing:*
- (i) *To prepare and implement a management plan for the land to be transferred by the local authorities to the WAPC, west of Marmion Avenue;*
  - (ii) *To the fencing of the subject land along Marmion Avenue;*
  - (iii) *In consideration of the large adjacent coastal conversation reserve being assembled, including 89.175 hectares of land from Lot 118, that POS provision within the residual 30 hectares of residential land west of Marmion Avenue be 5% in lieu of the normal 10% POS provision;*
  - (iv) *Agreement that in the event the land transferred to the WAPC from Lot 118 is no longer required for POS or Bush Forever Policy purposes that the landowners will have the right to reacquire the land at a value that reflects the same zoning used to establish the consideration for the now proposed purchase by the WAPC;*
  - (v) *Agreement that an environmental assessment will not be required for the remaining residential land in Lot 118 west of Marmion Avenue;*
  - (vi) *That the WAPC will objectively consider removal of areas 5, 16 and 4 from POS/Bush Forever reservation if the logic for excision is adequately established by the owners at the time of preparing a Structure Plan for development of the urban land east of Marmion Avenue;*
  - (vii) *That the WAPC will facilitate a land exchange of areas 11 and 19 for POS land within Lot 118, or alternatively a first option for purchase by the local authority owners of Lot 118 for inclusion in a Structure Plan for all of the urban land east of Marmion Avenue and east of the Mitchell Freeway;*
- (c) *All documentation and consideration payments be programmed for completion prior to 30 June 2006;*

2 *AUTHORISES the signing and sealing of the transfer document, acknowledgement of conditions as outlined in paragraph 1(b) and other such documentation as may be required to transfer the land subject of the survey plan referred to in this item being 89.1765 hectares of the Lot 118 Mindarie land parcel and being part of Lot 118 on deposited plan 28300 which is contained in Certificates of Title 2213 Folios 691 – 697 inclusive:*

- *Certificate of Title Volume 2213 Folio 691 – City of Perth, one undivided twelfth share*
- *Certificate of Title Volume 2213 Folio 692 – Town of Cambridge, one undivided twelfth share*
- *Certificate of Title Volume 2213 Folio 693 – Town of Victoria Park, one undivided twelfth share*
- *Certificate of Title Volume 2213 Folio 694 – Town of Vincent, one undivided twelfth share*

- *Certificate of Title Volume 2213 Folio 695 – City of Stirling, four undivided twelfth shares*
  - *Certificate of Title Volume 2213 Folio 696 – City of Joondalup, two undivided twelfth shares*
  - *Certificate of Title Volume 2213 Folio 697 – City of Wanneroo, two undivided twelfth shares*
- 3 *AUTHORISES the necessary applications for balance Certificate of Titles following transfer of the land to the WAPC;*
- 4 *AUTHORISES the consequential GST invoice and other documentation necessary for completion of the transaction.*

## **BACKGROUND**

In 1998 the State Government proposed a Bush Plan policy to preserve typical remnant examples of natural bushland in different soil and topography along the coastal plain extending from the ocean to the Darling scarp.

The Bush Plan policy was widely advertised and the subject of an extensive consultation period.

In 2002 a revision of Bush Plan produced the Bush Forever policy document which has since resulted in a number of Bush Forever conservation areas being included in the Metropolitan Region Scheme (MRS) through Scheme Amendment 1088/33A.

A statement of planning policy supports Bush Forever. This involves the Department of Planning & Infrastructure (and other statutory agencies as necessary) to ensure that Bush Forever policy outcomes will be achieved.

Bush Forever sites have been progressively secured through a number of processes. In the case of Lot 118 Mindarie it was originally proposed that some 300 hectares be reserves. Following initial negotiations, this figure has reduced and current proposals are for approximately 268 hectares of Lot 118 Mindarie to be reserved under Bush Forever policy or as public open space under the MRS.

Bush Forever policy facilitates the Government preventing development of land. The Government can achieve this outcome without acquiring the land or paying compensation to the landowner.

Notwithstanding the above, the Government has sought to have Bush Forever conservation areas transferred to public ownership and is achieving this goal through a combination of planning conditions, compulsory purchase, negotiated purchase and negotiated planning solutions which involve combinations of some or all of these elements.

In the case of Lot 118 Mindarie, a negotiated planning solution has been proposed. The elements of the solution have been developed over several years of negotiation. This has involved representatives of all of the owner local governments supported by decisions of the Councils of the owner local governments.

## DETAILS

The principal elements of the negotiated planning solution for Lot 118 Mindarie are as follows:

- 1 Retention of part of the residential land west of Marmion Avenue for urban development.
- 2 Rezoning of rural land east of Marmion Avenue to Deferred Urban.
- 3 Agreement to consider adjustment of public open space boundaries west of Marmion Avenue depending upon the logic of structure planning undertaken by the local authority owners.
- 4 Agreement to exchange State Government land for local government owner (POS) land for inclusion in an urban development.
- 5 Compensation payments for part of the land prior to June 2006.

The TPRC was recently established for the primary purpose of developing the urban portion of Lot 118 Mindarie. All seven local authority owners have approved the TPRC Establishment Agreement. The owners are also participants in the TPRC.

The development proposal for which the TPRC was established is predicated on the assumption that the compensation, from the negotiated planning solution with the Government, for the acquisition of land west of Marmion Avenue will be received in 2006. The funding plan under this proposal is for all the required seed funding for the TPRC from 1 July 2006 to be provided by the compensation payment. There is not intended to be any requirement for contributions from participants following 1 July 2006.

### Issues and options considered:

#### Bush Forever Compensation Payments (Clause 8.1 of the Establishment Agreement)

Under the current ownership arrangements any compensation paid by the Government would need to be paid individually to each participant in the TPRC. To facilitate the proposal outlined above, therefore, each participant needs to ensure that the amount of the Government's payment or payments of compensation to that participant under the Bush Forever Policy in respect of their portion of ownership of Lot 118 is:

- (a) Authorised to be paid directly to the TPRC; or
- (b) Is agreed to be paid by the participant to the TPRC within 14 days of:
  - The payment being received from the Government by the participant; or
  - The operative date

whichever occurs the later.

Whelans, town planners and surveyors, have been commissioned to complete the survey of the land west of Marmion Avenue that will transfer to the WAPC. The survey plan has been completed and lodged for approval. The precise area that will transfer is 89.1765 hectares.

All of the local government owners will be required to sign the transfer documents and agree the additional conditions relating to the negotiated planning solution. Ownership by the local authorities is joint tenant ownership in the following shares:

<b>Council</b>	<b>Project Shareholding Joint Development Shares</b>
Town of Cambridge	1/12
City of Perth	1/12
Town of Victoria Park	1/12
Town of Vincent	1/12
City of Joondalup	2/12
City of Wanneroo	2/12
City of Stirling	4/12

#### Compensation Payment Amount – West of Marmion Avenue

The Valuer General was appointed to undertake valuations of the different parcels of land involved in the overall negotiated planning solution. Copies of the composite and individual parcel valuations have previously been supplied to each of the local government owners.

For the compensation negotiations for land on the west of Marmion Avenue the owners valuation which formed the basis of negotiation indicated that the amount that should be paid by WAPC in respect of residential zoned land was \$14,926,818. This valuation included GST at the margin scheme (this is a formula for determining GST applicable to land development transactions), which implied a non-rebateable payment of tax by the owners.

The rural land valuation was \$1,060,338. The aggregate compensation claim was therefore \$15,987,156 including an owners liability for GST for residential land at the margin scheme.

The WAPC negotiation was initially \$14,533,778 with owners meeting residential land GST of \$447,883.

Further negotiations led to the WAPC accepting the owners gross figure of \$15,987,156. The WAPC also agreed to meet GST of \$106,034 for rural land with the owners still meeting the margin scheme GST liability of \$447,883.

A GST valuation was then commissioned on behalf of the owners. Research at this point discovered a number of complications in establishing the GST value to be applied to the land for which compensation payment was being made by the WAPC.

Put simply, the complications were as follows:

- Previous GST rulings indicated that a GST valuation as at 1 July 2002, for the part of land subject of compensation should be calculated using an average value of the whole land parcel. In this instance all but 60 hectares of the 432 hectare site was zoned Rural in 2002. The average per hectare value over the whole of the land was therefore very low.
- The negotiated planning solution was based on a series of averages. Firstly, the average of a 60-hectare parcel of land for the purpose of establishing unit rates. Secondly, an average 30% of residential land that would be given up free of cost and lastly an average of 11.7854 hectares for which compensation would be paid. Neither the 30% or 11.7854 hectare components was (or needed to be) defined as a specific land parcel for the purpose of establishing compensation but could need to be defined for the purpose of establishing a GST valuation as at 1 July 2002. This could be quite problematic as it could then require further current values to be ascertained to establish the margin applying to the specified land parcels.

- Following on from the above, a preliminary calculation indicated that GST payable by the owners under the margin scheme could be somewhere between \$800,000 and \$1.2M which was considerably more than the initial estimate of \$447,883.
- A special GST ruling to endeavour to reduce the margin scheme GST would likely take some 6-8 months to obtain because of the complications outlined above. The GST valuation to support an application for the ruling was likely to take a considerable time to produce and would cost a considerable sum (the original valuation cost \$24,000).
- The Valuer General's Office has been asked for advice on how best to proceed with the valuation issues involved in calculation of the GST applicable using the margin scheme. The Valuer General has advised that the issues are such that the most expeditious and certain course of action would be to renegotiate the basis for compensation payments by the WAPC.

In consideration of all of the above, negotiations recommenced with the WAPC proposing that the WAPC agree that GST should be payable at the rate of 10% for all land. The valuation figure of \$15,987,156 would still be the basis for payment to the local authority owners. In consideration of the WAPC agreeing to a vendor's election to have GST apply at the full 10% (notwithstanding the valuation being established on the margin scheme). The net valuation figure to be paid would be reduced by \$100,000 to \$15,887,156.

The net result of these adjustments is that the local authorities would provide a GST invoice to the WAPC for an amount of \$1,588,715 and the WAPC would receive a rebate of the GST paid to, the local authorities in a subsequent month's Business Activity Statement (BAS). The owners negotiation would result in an additional net receipt of \$347,883, compared with the previous negotiated best position when the owners remained liable to pay \$447,883 GST under the margin scheme.

The WAPC has agreed to the net payment of \$15,887,156 to the local authority owners and has agreed to make the payment prior to 30 June 2006, subject to completion of transfer documents and an associated exchange of letters to recognise the additional elements of the Negotiated Planning Solution.

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

Key Focus Area 4 – Organisational Development

*4.1 To manage the business in a responsible and accountable manner*

*4.1.1 Ensure financial viability and alignment to plan*

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

The proposed land transaction constitutes a major land transaction in accordance with the requirements of section 3.59 of the Local Government Act 1995. The land is controlled by the TPRC and in accordance with section 3.66 the TPRC is bound by all of the provisions of section 3.59 as if it were a local government. All of the requirements of the business plan have been completed and all of the seven local authorities have formally resolved to proceed with implementation of the Plan.

### **Risk Management considerations:**

There has been no formal external risk assessment of this project, however, all of the development options in relation to the portion of Lot 118 on the western side of Marmion Avenue have been thoroughly evaluated. The negotiated planning solution has mitigated most of the broader Government agency and environmental issues. With very strong market demand, no holding costs associated with the land and all of the seed capital for the project

being provided by the compensation for the Bush Forever land the financial risks associated with the proposal are very low.

**Financial/Budget Implications:**

Settlement of compensation by 30 June 2006 will obviate any necessity for any participant of the TPRC to provide budget funds to support the TPRC in 2006/07 and subsequent years.

The TPRC Establishment Agreement provides that the compensation for land received from the Government can be paid either direct to the TPRC, if the participant so authorises, or be subsequently paid by the participant to the TPRC. In either case the necessary accounting transactions will reflect the disposal of the property in the City's accounts.

The cashflow projections predict a return to Council 10 quarters after approval of the structure plan. This is currently before the City of Wanneroo. There will therefore be no positive financial impact for the City of Joondalup for the next two financial years.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Settlement of compensation and the first part of a negotiated planning solution with the Government will facilitate progress with the urban development of part of the land allocated for development by the TPRC. The urban development of the land will work in with State and City of Wanneroo development strategies for the Perth northern corridor and will commence the process through which funds will be generated from the urban development for the benefit of the participants of the TPRC.

**Sustainability Implications:**

The negotiated planning solution in respect of the portion of Lot 118 west of Marmion Avenue, that is to be transferred to the WAPC, represents a superior sustainable outcome than previously expected. As a consequence the land that will comprise the Bush Forever site will be better consolidated and therefore more manageable with better integration with bushland corridors and the linkage ultimately to Neerabup National Park

**Consultation:**

Local governments are required to give notice of land transactions in excess of \$1M through the process of preparing and publishing a business plan. The business plan has been completed, advertised, submissions received and all of the seven (7) local governments have formally resolved to proceed with implementation of the Plan. There is therefore no additional formal consultation required.

**COMMENT**

Since negotiations commenced for the Bush Forever negotiated planning solution, the following (in order) has been achieved.

Land West of Marmion Avenue

- (a) Securing 27.4 hectares of residential land for urban development – increased from nil in initial Bush Forever proposals.
- (b) Increase from 27.4 hectares to 30.48 hectares for residential development.
- (c) Agreement for offset of normal POS requirements of 10% against POS provided in adjacent reserves – reducing overall POS requirement to 5%.
- (d) Agreement by Western Australian Planning Commission (WAPC) to implement a coastal foreshore management plan for land ceded by local authority owners.
- (e) Agreement by WAPC to fence the entire coastal management reserve.
- (f) Agreement by WAPC to pay compensation for all residential land in excess of 30% - which is a minimum retention under Bush Forever.
- (g) Agreement to use compensation values averaged over the whole of the residential land rather than the specific area ceded. This has increased average compensation per hectare from \$1,115,000 to \$1,269,000.
- (h) Agreement to meet part of the local authority's valuation costs.
- (i) Agreement to the local authority owner valuation.
- (j) Agreement to compromise GST payments under the margin scheme – which was the basis for the owner valuation.

Land East of Marmion Avenue

- (a) *Rezoning of 90 hectares of POS to public utility purposes and exclusion of most of this area from Bush Forever.*
- (b) Rezoning of 135 hectares from Rural to Urban Deferred under MRS Amendment 992/33.
- (c) Agreement to future consideration for areas 5, 16 and 4 (see attached plan) to be excised from POS reservation depending upon cogent argument in structure planning.
- (d) Agreement to a potential exchange of areas 19 and 11 for offset against future compensation payable by the State Government for area 1 and potentially other areas excepting 10 and 7 when these areas are due for transfer to the State as MRS - POS.

In all of the circumstances it is now advantageous for the local authority owners to complete formalities and to work to ensuring receipt of compensation funds by 30 June 2006.

The recommendations below are designed to facilitate completion of all documentation without the need for further reference to the Council.

**ATTACHMENTS**

- Attachment 1      Area Calculation Plan
- Attachment 2      Survey Plan Land for Transfer to WAPC

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cr John, SECONDED Cr Fishwick that Council:**

- 1      AUTHORISES the West Australian Planning Commission (WAPC) to make the payment of the land transfer consideration due to the City of Joondalup direct to the Tamala Park Regional Council as provided in clause 8.1 of the Tamala Park Regional Council Establishment Agreement subject to:**

- (a) Preparation of a transfer document in the form required for a (net of GST) consideration payment of \$15,887,156;
- (b) The provision of letters from WAPC agreeing:
- (i) To prepare and implement a management plan for the land to be transferred by the local authorities to the WAPC, west of Marmion Avenue;
  - (ii) To the fencing of the subject land along Marmion Avenue;
  - (iii) In consideration of the large adjacent coastal conversation reserve being assembled, including 89.175 hectares of land from Lot 118, that POS provision within the residual 30 hectares of residential land west of Marmion Avenue be 5% in lieu of the normal 10% POS provision;
  - (iv) Agreement that in the event the land transferred to the WAPC from Lot 118 is no longer required for POS or Bush Forever Policy purposes that the landowners will have the right to reacquire the land at a value that reflects the same zoning used to establish the consideration for the now proposed purchase by the WAPC;
  - (v) Agreement that an environmental assessment will not be required for the remaining residential land in Lot 118 west of Marmion Avenue;
  - (vi) That the WAPC will objectively consider removal of areas 5, 16 and 4 from POS/Bush Forever reservation if the logic for excision is adequately established by the owners at the time of preparing a Structure Plan for development of the urban land east of Marmion Avenue;
  - (vii) That the WAPC will facilitate a land exchange of areas 11 and 19 for POS land within Lot 118, or alternatively a first option for purchase by the local authority owners of Lot 118 for inclusion in a Structure Plan for all of the urban land east of Marmion Avenue and east of the Mitchell Freeway;
- (c) All documentation and consideration payments be programmed for completion prior to 30 June 2006;
- 2 AUTHORISES the signing and sealing of the transfer document, acknowledgement of conditions as outlined in paragraph 1(b) and other such documentation as may be required to transfer the land subject of the survey plan referred to in this item being 89.1765 hectares of the Lot 118 Mindarie land parcel and being part of Lot 118 on deposited plan 28300 which is contained in Certificates of Title 2213 Folios 691 – 697 inclusive:
- Certificate of Title Volume 2213 Folio 691 – City of Perth, one undivided twelfth share
  - Certificate of Title Volume 2213 Folio 692 – Town of Cambridge, one undivided twelfth share



- **Certificate of Title Volume 2213 Folio 693 – Town of Victoria Park, one undivided twelfth share**
  - **Certificate of Title Volume 2213 Folio 694 – Town of Vincent, one undivided twelfth share**
  - **Certificate of Title Volume 2213 Folio 695 – City of Stirling, four undivided twelfth shares**
  - **Certificate of Title Volume 2213 Folio 696 – City of Joondalup, two undivided twelfth shares**
  - **Certificate of Title Volume 2213 Folio 697 – City of Wanneroo, two undivided twelfth shares**
- 3 AUTHORISES the necessary applications for balance Certificate of Titles following transfer of the land to the WAPC;**
- 4 AUTHORISES the consequential GST invoice and other documentation necessary for completion of the transaction.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY 13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf200606.pdf](#)*

## **CJ101 - 06/06 UNBUDGETED EMERGENCY EXPENDITURE - CIVIC CENTRE POWER SUPPLY – [80566] [61581]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Mike Tidy  
Corporate Services

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CJ060620\_BRF.DOC:ITEM 7

### **PURPOSE**

For Council to receive a report in relation to unbudgeted emergency expenditure authorised by the Mayor in accordance with Section 6.8 of the Local Government Act 1995 for the provision of temporary power supplies to the Civic Centre and the replacement of damaged substation equipment.

### **EXECUTIVE SUMMARY**

An insurance claim has been made in relation to the damaged sub station equipment that provides power to the Civic Centre, however, that claim is still being dealt with. The expenditure on a temporary power supply and the replacement of the equipment had not been budgeted so in order for this to proceed while waiting the outcome of the claim it was necessary for the Mayor to authorise the expenditure as emergency expenditure in accordance with the provisions of Section 6.8 of the Local Government Act 1995. Section

6.8 further provides that a report is to be made to the next ordinary meeting of Council following the exercise by the Mayor of the power to authorise emergency expenditure.

*It is therefore recommended that Council receives the report and endorses the action of the Mayor in authorising emergency expenditure in accordance with the provisions of Section 6.8 of the Local Government Act 1995, in order to provide emergency temporary power supply to the Civic Centre and to initiate the repair and replacement of the damaged sub station equipment supplying power to the Civic Centre.*

## **BACKGROUND**

As Councillors would be aware electrical damage was sustained to the internal power substation supplying power to the Civic Centre building approximately four weeks ago requiring emergency temporary power supplies to be provided. It was ascertained that the damaged substation equipment would need to be replaced.

The replacement of the damaged sub station equipment and the provision of emergency temporary power are both the subject of an insurance claim, which is currently being assessed. Clearly however, Council needed to put in place arrangements to replace the damaged substation and the emergency supply of power and this necessitated commitments to expenditure which were not included in the budget.

Section 6.8 of the Local Government Act 1995 includes the provision that in an emergency situation the Mayor can authorise expenditure which has not been included in the budget. In a situation where the Mayor does authorise such expenditure it is required to be reported to the next ordinary meeting of Council.

In order to progress the repairs and commit to the supply of emergency power the Mayor authorised the expenditure as an emergency in accordance with Section 6.8 (1)(c) on 24 May 2006. A copy of that authorisation is attached (Attachment 1 refers).

## **DETAILS**

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

The authorisation given by the Mayor on 24 May 2006 authorised expenditure up to \$450,000 to cover the costs of the hire of temporary generators and operating costs including fuel and purchase costs of replacement substation equipment. The hire of temporary generators was essential to keep the main administrative functions of Council operating albeit that there were a number of non essential services that were suspended, e.g. lifts. There were simply no other options or alternatives that would enable the administration to keep functioning at normal capacity.

The insurance claim has yet to be finalised. It is normal in these situations for an appropriate assessor to be appointed and for an investigation to be done as to the cause of the damage so that the claim can be properly determined. In the meantime however, whether the claim is going to be accepted or not the Council needed to commit to the provision of the emergency power supply and to the replacement of the substation equipment. In the circumstances there was really no other alternative to requesting the Mayor authorise in advance the expenditure in an emergency.

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

Not Applicable.

**Legislation – Statutory Provisions:**

Section 6.8 of the Local Government Act 1995 provides for the Mayor in an emergency to authorise in advance expenditure that has not been included in the annual budget. The section further requires that where this emergency power is exercised it is to be reported to the next ordinary meeting of Council.

A copy of the full text of Section 6.8 is as follows -

**6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

*\* Absolute majority required.*

- (1a) In subsection (1) —

“**additional purpose**” means a purpose for which no expenditure estimate is included in the local government’s annual budget.

- (2) Where expenditure has been incurred by a local government —
  - (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
  - (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

**Risk Management considerations:**

While there is nothing that can be done in relation to the incident that has occurred other than repairing and replacing the equipment, provision has been made in the 2006/2007 draft budget to provide funds for the first part of changing the power supply arrangements to the Civic Centre complex in order to mitigate the impact of major power faults in the future.

**Financial/Budget Implications:**

Notwithstanding that the Mayor's emergency authorisation provided for expenditure up to \$450,000 this level of expenditure would not be required. Not all of the invoices and final costs are known but at this point an initial purchase order has been issued for \$239,000 and it is expected that the total cost will not exceed \$300,000. This was assisted by the fact that the new equipment arrived slightly earlier than expected which meant that the temporary power supply equipment was not required for the full amount of the time originally estimated.

Assuming the insurance claim is accepted, and at this point there is no reason to expect that it will not be, Council will be able to recover these costs less the applicable excess. The excess can be covered by Council's normal maintenance budget for the Civic Centre.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

The Mayor was consulted in relation to the exercise of his emergency powers and was given a formal report and authorisation request, which forms Attachment 1.

**COMMENT**

Not applicable.

**ATTACHMENTS**

Attachment 1            Authorisation by the Mayor of unbudgeted emergency expenditure in accordance with Section 6.8 of the Local Government Act 1995, dated 24 May 2006.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hart, SECONDED Cr Amphlett that Council RECEIVES the report and endorses the action of the Mayor in authorising emergency expenditure in accordance with the provisions of Section 6.8 of the Local Government Act 1995, in order to provide emergency temporary power supply to the Civic Centre and to initiate the repair and replacement of the damaged sub station equipment supplying power to the Civic Centre.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf200606.pdf](#)*

## **CJ102 - 06/06 MINUTES OF MEETINGS OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 29 MARCH 2006 AND 3 MAY 2006 – [12168]**

**WARD:** All

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

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CJ0600620\_BRF.DOC:ITEM 8

### **PURPOSE**

To submit the unconfirmed minutes of the Conservation Advisory Committee Meetings held on 29 March 2006 and 3 May 2006 for endorsement by Council.

### **EXECUTIVE SUMMARY**

The intention of this report is to inform Council of the proceedings of the Conservation Advisory Committee meetings held on 29 March 2006 and 3 May 2006.

The Committee resolved the following recommendations:

- 1 That the Conservation Advisory Committee requests Council to include information on feral bees on its website, with links to other organisations that explain the danger of feral bees to local biodiversity;
- 2 That the Conservation Advisory Committee requests Council to ensure adequate funds are available for feral bee removal from all Council controlled land including bushland reserves;
- 3 That the Conservation Advisory Committee requests Council to thank Council officers for their continued involvement in ongoing research with CALM and the Water Authority;
- 4 That the Conservation Advisory Committee requests Council to acknowledge Council's responsibility under Duty of Care to ensure that members of the community are not exposed to the danger of feral bees whilst on Council managed land, and that Council ensure their removal where practicable;
- 5 That the Conservation Advisory Committee requests Council to accept the nomination of Marjorie Apthorpe, a representative of the Joondalup Coast Care Forum, to the CAC;
- 6 That the Conservation Advisory Committee requests Council to note the resignation of Mike Norman, thank him and recognise his long service on the CAC for the last ten years;
- 7 That the Conservation Advisory Committee requests Council to note the resignation of Daniel Millan and thank Daniel for his contribution to the CAC;

*It is recommended that Council:*

- 1 *NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 29 March 2006 and 3 May 2006 forming Attachments 1 and 2 to Report CJ102-06/06;*
- 2 *ENDORSES the Conservation Advisory Committee's requests for Council to include information on feral bees on its website with reference to other organisations that explain the danger of feral bees to local biodiversity;*
- 3 *ACKNOWLEDGES the Conservation Advisory Committee's requests for Council to ensure adequate funds are available for feral bee removal from all Council controlled land, including bushland reserves;*
- 4 *NOTES the Conservation Advisory Committee's request for Council to acknowledge Council's responsibility under Duty of Care to ensure that members of the community are not exposed to the danger of feral bees whilst on Council managed land, and that Council ensure their removal where practicable;*
- 5 *BY AN ABSOLUTE MAJORITY APPOINTS Marjorie Apthorpe, a representative of the Joondalup Coast Care Forum, to the Conservation Advisory Committee;*
- 6 *NOTES the resignation of Mike Norman, thank him and recognises his long service on the Conservation Advisory Committee for the last ten years;*
- 7 *NOTES the resignation of Daniel Millan, and thanks him for his contribution to the Conservation Advisory Committee.*

## **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**

At the 29 March 2006 CAC Meeting Mr Mike Norman resigned as the CAC Chairperson. At the 3 May 2006 meeting Mr Stephen Magyar was elected Chairperson and Mrs Marilyn Zakrevsky the Deputy Chairperson.

Mr Daniel Millan resigned from the CAC at 3 May 2006 meeting.

Two reports were tabled for discussion, the first being Feral Bees in Bushland Reserves. This report dealt with deleterious affects European Bees are having on the City's bushland reserves.

The second report tabled, titled Volunteers and Bushland Friends Groups, investigated the possibility that the Bushland Friends groups in the City be registered with Volunteering WA. The CAC Committee view this as a possible means to boost volunteer numbers for the various bushland rehabilitation projects being undertaken within the City.

**Issues and options considered:****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 following comments are provided in regard to the Conservation Advisory Committee's recommendations:

- 1 That the Conservation Advisory Committee requests Council to include information on feral bees on its website, with links to other organisations that explain the danger of feral bees to local biodiversity.**

**Officer's Comment:**

It is considered that the City of Joondalup's website would be a suitable vehicle for providing the public with information on feral bees. Feral bees are found on occasions in all the City's reserves, and it is proposed that information regarding these bees should be provided to the public.

- 2 That the Conservation Advisory Committee requests Council to ensure adequate funds are available for feral bee removal from all Council controlled land including bushland reserves.**

**Officer's Comment:**

Currently feral bees found on road verges or posing a risk to park users are removed or destroyed. It is advised that in future where practical, and where suitable technology is available, bees are removed or destroyed whenever they are found on land managed by the City. This action would help protect biodiversity in the City, as well as protecting the public from the dangers posed by potential bee stings.

- 3 That the Conservation Advisory Committee requests Council to thank Council officers for their continued involvement in ongoing research with CALM and the Water Authority.**

**Officer's Comment:**

Noted.

- 4 That the Conservation Advisory Committee requests Council to acknowledge Council's responsibility under Duty of Care to ensure that members of the community are not exposed to the danger of feral bees whilst on Council managed land, and that Council ensure their removal where practicable.**

**Officer's Comment:**

Feral bees are currently removed in areas managed by the City where they may pose a threat to public safety, or in areas of bushland whereby they can be removed or destroyed practicably. It is envisaged that trials currently being undertaken by CALM will introduce new technologies that will allow local authorities to remove bees from inaccessible areas such as high in tree tops.



- 5 That the Conservation Advisory Committee requests Council to accept the nomination of Marjorie Apthorpe, a representative of the Joondalup Coast Care Forum, to the CAC.**

**Officer's Comment:**

The Conservation Advisory Committee Terms of Reference allow local bushland Friends Groups to nominate a representative for membership of the CAC. The CAC has nominated Ms Marjorie Apthorpe to represent the Joondalup Community Coast Care Forum. This nomination is in accordance with the CAC Terms of Reference.

- 6 That the Conservation Advisory Committee requests Council to note the resignation of Mike Norman, thank him and recognise his long service on the CAC for the last ten years.**

**Officer's Comment:**

Noted.

- 7 That the Conservation Advisory Committee requests Council to note the resignation of Daniel Millan and thank Daniel for his contribution to the CAC.**

**Officer's Comment:**

Noted.

## **ATTACHMENTS**

Attachment 1	Minutes of 29 March 2006 meeting of the Conservation Advisory Committee.
Attachment 2	Minutes of the 3 May 2006 meeting of the Conservation Advisory Committee

## **VOTING REQUIREMENTS**

Absolute Majority

### **MOVED Cr Magyar, SECONDED Cr John that Council:**

- 1 NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 29 March 2006 and 3 May 2006 forming Attachments 1 and 2 to Report CJ102-06/06;**
- 2 ENDORSES the Conservation Advisory Committee's requests for Council to include information on feral bees on its website with reference to other organisations that explain the danger of feral bees to local biodiversity;**
- 3 ACKNOWLEDGES the Conservation Advisory Committee's requests for Council to ensure adequate funds are available for feral bee removal from all Council controlled land, including bushland reserves;**

- 4 **NOTES** the Conservation Advisory Committee's request for Council to acknowledge Council's responsibility under Duty of Care to ensure that members of the community are not exposed to the danger of feral bees whilst on Council managed land, and that Council ensure their removal where practicable;
- 5 **APPOINTS** Marjorie Apthorpe, a representative of the Joondalup Coast Care Forum, to the Conservation Advisory Committee;
- 6 **NOTES** the resignation of Mike Norman, thank him and recognises his long service on the Conservation Advisory Committee for the last ten years;
- 7 **NOTES** the resignation of Daniel Millan, and thanks him for his contribution to the Conservation Advisory Committee.

**AMENDMENT MOVED** Cr Park, **SECONDED** Cr Magyar that Point 5 of the Motion be **AMENDED** to read:

**"5 APPOINTS** the following members to the Conservation Advisory Committee:

- *Phylis Robertson as a representative of the Joondalup Coast Care Forum*
- *Marie Macdonald as deputy representative for Phylis Robertson for the Joondalup Coast Care Forum*
- *Dr Marjorie Apthorpe as a representative of the Friends of North Ocean Reef-Illuka Foreshore (FONORIF)."*

The Amendment was Put and

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**The Original Motion as amended, being:**

**That Council:**

- 1 **NOTES** the unconfirmed Minutes of the Conservation Advisory Committee held on 29 March 2006 and 3 May 2006 forming Attachments 1 and 2 to Report CJ102-06/06;
- 2 **ENDORSES** the Conservation Advisory Committee's requests for Council to include information on feral bees on its website with reference to other organisations that explain the danger of feral bees to local biodiversity;
- 3 **ACKNOWLEDGES** the Conservation Advisory Committee's requests for Council to ensure adequate funds are available for feral bee removal from all Council controlled land, including bushland reserves;
- 4 **NOTES** the Conservation Advisory Committee's request for Council to acknowledge Council's responsibility under Duty of Care to ensure that members of the community are not exposed to the danger of feral bees whilst on Council managed land, and that Council ensure their removal where practicable;

**5 APPOINTS the following members to the Conservation Advisory Committee:**

- Phylis Robertson as a representative of the Joondalup Coast Care Forum
- Marie Macdonald as deputy representative for Phylis Robertson for the Joondalup Coast Care Forum
- Dr Marjorie Apthorpe as a representative of the Friends of North Ocean Reef-Iluka Foreshore (FONORIF);

**6 NOTES the resignation of Mike Norman, thank him and recognise his long service on the Conservation Advisory Committee for the last ten years;****7 NOTES the resignation of Daniel Millan, and thanks Daniel for his contribution to the Conservation Advisory Committee.****was Put and****CARRIED BY AN  
ABSOLUTE MAJORITY (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf200606.pdf](#)*

**CJ103 - 06/06 WESTERN AUSTRALIAN PLANNING COMMISSION  
DRAFT STATEMENT OF PLANNING POLICY -  
NETWORK CITY – [22548]****WARD:** All**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ060620\_BRF.DOC:ITEM 9

**PURPOSE**

The purpose of this report is for Council to note the City's interim response to the Western Australian Planning Commission (WAPC) on the draft Statement of Planning Policy - Network City Community Planning Strategy for Perth and Peel, and to consider seeking a briefing on Network City from the WAPC prior to providing a final response on the matter.

**EXECUTIVE SUMMARY**

Network City is a planning initiative developed by the State government with community and stakeholder input to guide Perth's future development with an outlook to 2030.

The Western Australian Planning Commission (WAPC) has released a draft Statement of Planning Policy (SPP) to implement Network City. An SPP is primarily directed towards broad general planning and facilitating coordination of planning throughout the state or a particular region by Local Governments. If adopted, the SPP will implement Network City as the 'blueprint' for the future development of Perth and the Peel region.

The draft SPP was advertised from 27 March 2006 to 16 May 2006. As no Council meeting was held in May 2006, an interim response from the City was forwarded to the WAPC during the consultation period (Attachment 1 refers).

This report serves to inform Council of the draft SPP and the City's interim submission, and to allow an opportunity for Council's comments to be forwarded to the WAPC.

It is recommended that Council notes the attached submission to the WAPC as an interim response to the SPP. It is also recommended that Council seeks a briefing from the WAPC prior to providing a final response on the SPP.

## **BACKGROUND**

The State Government develops and reviews strategies to plan for the growth and evolution of the Metropolitan Region. The most recent initiative promoted by the state is Network City.

Network City evolved from the 'Dialogue with the City' process held in September 2003 by the WAPC, a consultation exercise involving more than 1,100 Perth and Peel residents aimed at seeking sustainable ways to deal with the future planning of Perth and the Peel region.

Following 'Dialogue with the City', a representative group of approximately 100 of the participants from the community, local government and industry worked with the State Government on specialist committees to create the draft Network City document, published in September 2004.

The future directions outlined in Network City include:

- Managing urban growth through the staging of development;
- Providing the majority of new dwellings in existing urban areas;
- Developing local strategies and partnerships between state and local government;
- Promoting increased housing diversity;
- Revitalising existing suburbs and centres;
- Developing economic and employment strategies for growth corridors and centres;
- Protecting biodiversity and areas of environmental significance;
- Preparing transport plans aimed at reducing car dependency;
- Enhancing the safety and efficiency of transport corridors;
- Promoting transit-oriented developments; and
- Developing a whole-of-government approach to ensure all government agencies work together to achieve the strategy's outcomes.

After Network City was published in September 2004, the Department for Planning and Infrastructure (DPI) conducted a series of briefings and workshops, and sought public comment.

Council considered the WAPC's draft Network City: Community Planning Strategy for Perth and Peel on 14 December 2004 (CJ 339 – 12/04 refers) and resolved to:

- 1 *ADOPT the City of Joondalup's submission on the Western Australian Planning Commission's draft Network City: community planning strategy for Perth and Peel as prepared by the administration as the 'in principle' response of the City;*
- 2 *ADVISE the Western Australian Planning Commission that further community consultation is required and that a further submission following a Special Electors Meeting to be held in January 2005 will be made on Network City.*

A special meeting of electors was held on 11 January 2005 following receipt of a 106-signature petition from residents. A total of 17 resolutions were passed at this meeting. Council at its meeting on 22 February 2005 considered a report (CJ001 - 02/05 refers) on the Special Meeting of Electors.

In the period to February 2005, 246 individuals, groups and organisations made submissions to the WAPC, which were summarised and analysed by the WAPC. The WAPC has since published a response to the submissions in its statement, *Network City – A Milestone in Metropolitan Planning (November 2005)*. The statement included summary comments from all submissions, presented an analysis of the comments and explained the next steps that the WAPC intends to take, with its partners, in implementing the directions set by Network City.

The WAPC drew the following points from submissions:

- There is a high level of support for the vision, values, principles and key objectives and themes or headlines in Network City;
- There is concern expressed in relation to how the principles, strategies and actions will be implemented;
- New forms of partnerships are essential if Network City is to be delivered. This will involve the evolution of more systematic approaches to joined-up government and the continued development of processes that deliver outcomes based on the shared responsibility of all the stakeholders.

A briefing note has been distributed to Elected Members on Network City, and a copy of that note is placed in the Councillors' Reading Room for reference.

The WAPC intends to address the above points in three ways, as follows;

- Enhance existing and develop new advisory structures;
- Ensuring community access to the policy making process; and
- Building partnerships.

## **DETAILS**

The WAPC has prepared the draft SPP to confirm that Network City will replace Metroplan (the former planning strategy for Perth) as the strategic planning instrument to guide development of Perth and Peel. The SPP confirms the primary status of the Network City Framework, Network City Action Plan and Network City: Community Planning Strategy for Perth and Peel as the metropolitan strategy for Perth and Peel.

The SPP sets out the vision, values, principles and eight 'headline statements' to guide planning decisions for Perth and Peel (Attachment 2 refers).

The SPP also sets out the ways in which Network City will be used by the WAPC, and explains the WAPC's policy priorities and program of policy formulation. Nine priority tasks for policy making are identified, as follows:

- Detailing the metropolitan structure
- Determining local population, housing and job targets
- Managing growth
- Developing the activity centre concept
- Developing an activity corridor concept
- Developing the transport corridor concept
- Enhancing institutional structures and decision-making
- Relating sustainability to decision-making
- Accessing time, money and skills

Advancement of the above priority tasks have been allocated to existing and proposed new WAPC committees.

**Issues and options considered:**

Council, in considering the draft SPP, may choose either of the following options:

- Note the draft SPP.
- Note the draft SPP and endorse the City's submission.
- Note the draft SPP, endorse the City's submission and provide further comments to the WAPC.
- Note the draft SPP and provide alternative comments to the WAPC.

**Link to Strategic Plan:**

The City's submission on the draft SPP is supported by the following objective and strategy of the City's Strategic Plan 2003-2008:

*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.

**Legislation – Statutory Provisions:**

A Statement of Planning Policy (SPP) is adopted under the Planning and Development Act 2005. It is directed primarily towards defining the principles and considerations that represent good and responsible planning in respect to a particular matter.

**Risk Management considerations:**

Not Applicable.

**Policy Implications:**

An SPP is primarily directed towards broad general planning and facilitating coordination of planning throughout the state or a particular region by Local Governments. Local Town Planning Schemes are required to have due regard to any SPP which affects its district. If adopted, the SPP would have implications for the development of new policies, strategies, plans and schemes by the City of Joondalup as these would need to align with the SPP.

**Regional Significance:**

The SPP implements Network City and therefore it is regionally significant as it guides the future development of the greater Perth metropolitan area, including the City of Joondalup.

**Sustainability Implications:**

One of Network City's main aims is to facilitate sustainable ways to deal with the future planning of the Perth metropolitan area. The SPP ensures that sustainability is linked to the future development and planning of the Perth metropolitan area.

**Consultation:**

The WAPC, as the author of the draft SPP, has sought comment on the SPP. The draft SPP was released for comment from 27 March to 16 May 2006 and distributed to all local governments within the Network City area, Western Australian Local Government Association (WALGA), industry and other groups registered with the WAPC (from previous Network City involvement) to receive information updates. The SPP was also posted on the WAPC website. Any public comments would be directed to the WAPC for its consideration.

As no Council meeting was held in May 2006, an interim response from the City was forwarded to the WAPC during the consultation period (Attachment 1 refers). Contact has been with the WAPC formally requesting the opportunity to lodge a late submission from Council. It is suggested that Council requests a briefing on Network City and the associated SPP from the WAPC, prior to providing a final response on this issue.

**COMMENT**

As no Council meeting was held in May 2006 to receive a report on this matter and the closing date for submissions has now passed, a response from the City was forwarded to the WAPC during the consultation period (see Attachment 1).

The SPP implements Network City that guides the future planning and development of the greater Perth metropolitan area and affects both established and future communities.

As the basis to implement Network City, the draft SPP is supported in principle, and is consistent with Council's conditional support (CJ 339 – 12/04 refers) of the overarching vision, values, objectives and themes of Network City.

However, within the City's submission, the opportunity was taken to reiterate issues and concerns that Council had raised with respect to the level of detail provided, including the spatial (diagrammatic) plan that forms an integral part of Network City document.

Several of the stated strategies are required to be undertaken by local government to facilitate the implementation of Network City, including the review of local planning schemes and strategies.

The document does not adequately outline the stakeholder relationships or the mapping of how objectives and actions will be implemented at a local government level. Many of the actions contained within the document will ultimately be implemented through local government in liaison with other key stakeholders, particularly the WALGA.

There are concerns relating to human and financial resources that will be required to implement the plan, and how these resources will be secured at both a State and Local Government level.

It is suggested that the City's submission and any further submission from Council is also directed to the next available meeting of the North Zone of WALGA for consideration and the North West District Planning Committee.

Copies of previous Council reports and minutes pertaining to Network City will also be sent to the WAPC as part of the response on the Draft SPP.

**ATTACHMENTS**

Attachment 1	Comments Submitted to the WAPC on Draft Statement of Planning Policy Network City
Attachment 2	Draft Statement of Planning Policy Network City.
Attachment 3	Council Minutes CJ339-12/04
Attachment 4	Council Minutes CJ001-02/05

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Jacob, SECONDED Cr John that Council:**

- 1 NOTES the submission to the Western Australian Planning Commission on its draft Statement of Planning Policy: Network City as shown in Attachment 1 to Report CJ103-06/06 as an interim response;**
- 2 NOTES that the Western Australian Planning Commission have previously been provided with the following documents:**
  - Council Minutes CJ339-12/04 pertaining to Network City, which were endorsed by Council on 14 December 2004;**
  - Council Minutes CJ001-02/05, which were endorsed by Council at the 22 February 2005 meeting as a result of a Special Meeting of Electors held on 11 January 2005;**
- 3 REQUESTS that the Western Australian Planning Commission provides the Council with a presentation on the Draft Statement of Planning Policy and Network City, following which the Council will provide a final response from the City;**
- 4 REFERS the submission in Point 1 to the next available meeting of the North Zone of the Western Australian Local Government Association and the North West District Planning Committee.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf200606.pdf](#)*

*Chief Executive Officer left the Chamber, the time being 2030 hrs.*



## **CJ104 - 06/06 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – APRIL AND MAY 2006 – [07032] [05961]**

**WARD:** All

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

CJ060620\_BRF.DOC:ITEM 10

### **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 months of April and May 2006 (see Attachments 1 and 2 respectively) for those matters identified in points 1-3 above.

### **BACKGROUND**

The number of development and subdivision applications determined for April and May 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 April 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	60	\$5,415,837
R-Code variations (Single Houses)	30	\$ 497,782
<b>Total</b>	90	\$5,913,619

<b>Approvals Determined Under Delegated Authority – Month of May 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	157	\$18,775,996
R-Code variations (Single Houses)	37	\$ 904,255
<b>Total</b>	194	\$19,680,251

In addition, there were 3 development applications determined by Council during April with no Council Meeting occurring in May.

The number of development applications received in April and May 2006 was 193. (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 April 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	1	1
Strata Subdivision Applications	3	6

<b>Subdivision Approvals Determined Under Delegated Authority – Month of May 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	3	74
Strata Subdivision Applications	5	23

**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 217 development applications determined during April and May 2006, consultation was undertaken for 62 of those applications. Of the 12 subdivision applications determined during April and May 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            April and May 2006 decisions – Development Applications  
Attachment 2            April and May 2006 decisions – Subdivision Applications

## VOTING REQUIREMENTS

Simple Majority

*Chief Executive Officer entered the Chamber, the time being 2035 hrs.*

## MOVED Cr Magyar, SECONDED Cr Park that Council NOTES:

- 1        the determinations made under Delegated Authority in relation to the development applications described in Attachment 1 to Report CJ104-06/06 for the months of April and May 2006;
- 2        the determinations made under Delegated Authority in relation to the subdivision applications described in Attachment 2 to Report CJ104-06/06 for the months of April and May 2006.

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10agn270606.pdf](#)*

## **CJ105 - 06/06    APPLICATION FOR PLANNING APPROVAL OF A TEMPORARY LAND SALES OFFICE ON PROPOSED LOTS 63 – 65 EXETER STREET, HILLARYS – [37586]**

**WARD:**                    South-West

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

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CJ060620\_BRF.DOC:ITEM 11

## PURPOSE

The purpose of the report is to request Council's determination of an application for planning approval for a temporary land sales office on proposed Lots 63 – 65 Exeter Street, Hillarys.

## EXECUTIVE SUMMARY

The purpose of the land sales office is to market the 'C-Air' residential subdivision, which was approved by the Western Australian Planning Commission (WAPC) in December 2004.

The proposed land sales office is a transportable building to be located adjacent to the public open space at the southern end of the subdivision. The applicant proposes to locate the transportable building on-site for a period of up to six months.

A "Land Sales Office" is a use class not listed under District Planning Scheme No 2 (DPS2) or identified in the Cook Avenue Structure Plan (the Structure Plan). Pursuant to Clause 3.3 of DPS2, it is recommended that Council resolve that the proposed use is consistent with the objectives and purposes of the Urban Development Zone and therefore, is a permitted or "P" land use under Clause 3.3(a).

Subject to Council resolving that the unlisted land use is a permitted or "P" use under Clause 3.3(a) of the DPS2, it is recommended that the proposal be approved with conditions.

## BACKGROUND

<b>Suburb/Location:</b>	Proposed Lots 63 – 65 Exeter Street, Hillarys
<b>Applicant:</b>	Pindan Pty Ltd
<b>Owner:</b>	Investa Residential Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Urban Development
	<b>MRS:</b> Urban
<b>Site Area:</b>	667m <sup>2</sup>
<b>Structure Plan:</b>	Cook Avenue (C-Air Housing Development) Structure Plan

The subject site is located internally within the 'C-Air' housing development, an 87 lot residential subdivision with associated public open space. The WAPC approved the subdivision bounded by Cook Avenue, Willandra Drive, New England Drive and Ferndene Mews, Hillarys on 6 December 2004.

The lot on which the temporary land sales office will be located is within Stage Four of the development, for which the developer has yet to seek subdivision clearance (Attachment 1 refers). When the lots within Stage Four are created, the land sales office will be located on Lot 65 Exeter Street with an associated five bay car park on Lots 63 and 64 Exeter Street. All three lots will ultimately be sold to allow for the development of single houses.

Council has determined previous applications for land sales offices in other areas as being an 'unlisted use'. That is, a use of the land for a purpose that is not specifically mentioned in Table 1 – The Zoning Table of DPS2 and cannot be reasonably determined as falling within the interpretation of one of the use categories. The most recent of these decisions was at the February 2006 Council meeting where a land sales office at Burns Beach was determined as being an unlisted use.

## DETAILS

The proposed transportable building is 6.0 metres in length, 4.2 metres in width and 2.6 metres in height and will be used as an office for land sales, for a period of up to six months. The main purpose of the Land Sales Office is to serve as a point for meeting and liaising between the developer's sales agents and prospective clients.

The applicant has advised that the location of the office on the future Lot 65 Exeter Street was chosen as this location will ensure that its visibility from surrounding streets is kept to a minimum.

The positioning of the proposed office on the lot complies with the City's requirements for setbacks to non-residential buildings as stipulated in clause 4.7.1 of DPS2, as shown below:

<b>REQUIRED</b>	<b>PROVIDED</b>	<b>COMPLIANCE</b>
Minimum Front Setback 9.0 metres	9.0 metres	Yes
Minimum Side Setback 3.0 metres	3.0 metres	Yes
Minimum setback to a Secondary Street 3.0 metres	3.0 metres	Yes

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

Council is required to determine whether the proposed land use is an unlisted land use class under clause 3.3 of the DPS2. If Council determines it to be a listed use class, the application must be determined in accordance with the permissibility of that use under the Structure Plan. However, if it is considered that the proposed use is a use class not listed, Council then needs to determine whether the proposal meets the objectives and purpose of the Urban Development Zone and therefore, if the proposed use:

- (i) is a permitted land use;
- (ii) may be consistent with the objectives and intent of the zone, and advertising of the proposal is required before a decision can be made on the development application;  
or
- (iii) is a prohibited land use.

Secondly, having determined the land use classification, Council is then required to make a determination on the application for Planning Approval.

#### **Consultation:**

The proposal was not advertised to adjoining and nearby landowners for the following reasons:

- the proposed use is temporary only (six months);
- the developer owns all the surrounding lots and there are currently no residents for the proposal to impact on.

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

The Strategic Plan includes a strategy to provide residential living choices to meet the changing demographic needs of the community. The Structure Plan provides for a variety of housing types with a range of lot sizes. Approval of an on-site land sales office will help facilitate the provision of this housing.

**Legislation – Statutory Provisions:**

The subject site is zoned 'Urban Development' under DPS2, which requires that no subdivision or development be carried out until a structure plan has been prepared and adopted under the provisions of Part 9 of DPS2.

The subject site is located within the Structure Plan area, which was adopted by Council on 8 June 2004 and certified by the Western Australian Planning Commission on 28 September 2004.

Under Clauses 9.8.3, and Part 9 of DPS2, the Structure Plan has the same force and effect as a provision, standard or requirement of the Scheme. If a variation to the Structure Plan is sought, planning approval must be sought by way of a development approval application to the Council. As the Structure Plan provides only for residential development in the form of single houses and grouped dwellings, a land sales office is, in effect, an unlisted land use.

With regard to a land sales office being an unlisted use, Clause 3.3 of DPS2 states:

*If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) *determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

The town planning delegation notice does not give the City the power to determine an application for an unlisted land use, thus the application requires the determination of the Council.

The setback standards for a non-residential building under DPS2 are shown below:

- 4.7.1 *Unless otherwise provided for in Part 3 of DPS2, buildings shall be set back from property boundaries as follows:*

*Setback from street boundary 9.0 metres  
Setback from side boundary 3.0 metres  
Setback from rear boundary 6.0 metres*

There is no car-parking standard for this use under DPS2. In respect to uses where no standard is specified Clause 4.8.2 of DPS2 states:

*The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

Council is also required to have regard to Clause 6.8.1 of the DPS2 when considering the application for Planning Approval, which states the following:

*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.

**COMMENT**

The Structure Plan does not include specific provisions stating that a land sales office can be incorporated into the structure plan area. In this regard, Part 1.4 of the Structure Plan states that unless provided for by specific requirements of this Structure Plan, all requirements shall be in accordance with the provisions of DPS2.

The use, being a temporary land sales office, must therefore be considered under DPS2. As the use of a land sales office is not listed in DPS2's Zoning Table, it is classified as unlisted and is therefore subject to the provisions of Clause 3.3 "Unlisted Uses".

The proposed use is considered to meet the objectives of the Urban Development zone, which are to:

- (a) designate land for future urban development;*
- (b) provide for the orderly planning of large areas of land of residential and associated purposes through a comprehensive structure planning process; and*
- (c) enable planning to be flexible and responsive to changing circumstances throughout the development of the area.*

In regard to meeting the objectives and purposes of the Urban Development zone, the land sales office is a temporary building and the structure is used to sell residential lots within an approved subdivision. It is considered that the temporary land sales office is consistent with the objectives and purposes of the Urban Development zone, as this use will facilitate the sale of lots that have been created through a comprehensive structure planning and subdivision process.

In summary, the proposal is considered to be an unlisted use that is consistent with the objectives and purposes of the Urban Development zone and is therefore permitted in accordance with clause 3.3(a) of DPS2.

**Assessment of the application**

The proposed development complies with the setback requirements of DPS2 for non-residential development. The subject site has been cleared and levelled as part of the construction of the subdivision.

As the proposed use is not listed in DPS2 there is subsequently no specified parking requirement for a land sales office. Previous Council approvals of land sales offices have required the provision of five on-site parking bays on the basis of projected parking demand. It is noted that the City is in the process of preparing an omnibus amendment to DPS2. One of the amendments proposed is to include a land sales office as a listed use with a standard parking requirement of a minimum of five on-site bays.

Accordingly, it is recommended that a parking area with provision for five parking bays and an adequate turning area be provided on-site and that such an area be paved or covered with loose bitumen in order to reduce any potential for wind blown dust. The construction of a temporary crossover will also be required, as the future lots will not have vehicular access onto Exeter Street.

Other temporary sales offices approved within the City have generally been approved for a period of two years. However, given the size of the subdivision and the applicant's request for a six-month approval, it is recommended that approval be granted for the temporary land sales office for a period of six months only. At the end of the approval period, the temporary building should be removed and the land made good to the satisfaction of the City.

## ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Photo of Transportable Building

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Evans, SECONDED Cr McLean that Council:**

- 1 DETERMINES under Clause 3.3(a) of District Planning Scheme No 2 that:**
  - (a) a temporary land sales office is deemed to be an unlisted use;**
  - (b) the proposed use meets the objectives and purposes of the Urban Development zone, and therefore, is a permitted land use;**
  
- 2 APPROVES, conditional upon Point 1 above, the application for planning approval received on 8 May 2006, submitted by Pindan Pty Ltd on behalf of the landowner, Investa Residential Pty Ltd, for approval of a temporary land sales office on proposed Lots 63 – 65 Exeter Street, Hillarys subject to the following conditions:**
  - (a) The temporary land sales office shall be removed within six months of the date of this decision;**
  - (b) A car parking area with a minimum of 5 parking bays, adequate turning area and vehicle crossover shall be provided within the property boundaries. Details of the parking location, layout and the materials to be used shall be submitted and approved by the Manager Approvals, Planning and Environmental Services. The parking area shall be constructed to the satisfaction of the Manager Approvals, Planning and Environmental Services.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf200606.pdf](#)*

## **CJ106 - 06/06 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON WEDNESDAY 5 APRIL 2006 – [55511]**

**WARD:** All

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

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CJ060620\_BRF.DOC:ITEM 12

### **PURPOSE**

To note the confirmed minutes of the Seniors Interests Advisory Committee meeting held Wednesday 5 April 2006.

### **EXECUTIVE SUMMARY**

The minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 5 April 2006 focused principally on providing a direction regarding four general areas of priority; health, access to information, transport accessibility and entertainment options for seniors. As an overall objective the Committee aims to embrace the concept of active aging whereby older people are recognised by society as valuable contributors and participants.

The hosting of a seminar for seniors, development of a directory for seniors and people with disabilities and involvement in the organisation of the Joondalup Festival are operational initiatives that can be delivered.

*It is recommended that Council:*

- 1 *NOTES the confirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 5 April 2006 forming Attachment 1 to Report CJ106-06/06 and ENDORSES the decisions contained therein;*
- 2 *ACCEPTS the resignation of Val O’Toole from the Seniors Interests Advisory Committee due to her recent resignation from the National Seniors and thanks her for her valuable input;*
- 3 *ACCEPTS the resignation of Diane Davies White from the Seniors Interests Advisory Committee due to her recent resignation and thanks her for her valuable input.*

### **BACKGROUND**

The Seniors Interests Advisory Committee resulted from a Council resolution to elect an Occasional Seniors Advisory Committee on 25 September 2001, which was changed to the Strategic Advisory Committee – Seniors Interests at the Council meeting of 9 October 2001. Initial membership was established at the Council meeting of 18 December 2001. At its meeting of 3 September 2002, Council resolved to remove “Strategic Advisory” from all Council committees and the Committee became the Seniors Interests Advisory Committee.

The appointment of Seniors Interests Advisory Committee was endorsed by Council at its meeting of 19 July 2005 (Report CJ152-07/05 refers). The Committee met for the first time on 3 August 2005.

## DETAILS

There are two industry or not-for-profit Committee vacancies due to the resignations of the National Seniors and Seniors Recreation Council of WA representatives. The resignation of the representative from the Seniors Recreation Council of WA was given following the meeting of 5 April 2006. The Terms of Reference state the Committee will recommend to Council the appointment of an appropriate person for the remainder of the Committee's term of office if a casual vacancy is created.

The Committee's Terms of Reference states the following regarding casual vacancies:

- 4.7 If a casual vacancy is created, the Committee shall recommend the appointment of a person for the remainder of the Committee's term of office.

The appointment of a replacement person to serve for the balance of the Committee's term of office will be presented to Council for consideration.

As part of the discussions regarding strategic directions for the Seniors Interests Advisory Committee, discussion ensued regarding hosting a working seminar for seniors in 2006, the funding options available for the Seniors Directory and strategies to involve seniors in the organisation of the Joondalup Festival.

Several suggestions were discussed including:

- 1 *The City hosts a seminar for seniors in 2006 that focuses on positive, active and healthy ageing.*

Officer's Comment:

The City has conducted seminars for seniors in 2004 and 2005. These events have been well presented and feedback from the participants has been excellent. A report on formats for the 2006 seminar will be considered by the Seniors Interests Advisory Committee at its August meeting. This initiative is strongly supported.

- 2 *Develop a Seniors Directory*

Officer's Comment:

The City has an existing Seniors Directory which provides an excellent source of information to all users. The document was printed in 2004 and needs updating. The alignment of the Seniors Directory to also focus on areas of disability is seen as a practical and worthwhile development which is supported.

- 3 *Seek External Funding Options for the Seniors Directory.*

Officer's Comment:

A comment on the opportunity to seek external financial support for the Seniors Directory is seen as a good course of action to pursue. There is a belief that advertising would be the most likely course of action. A plan for seeking advertising income will be pursued to offset the cost of producing the Seniors Directory.

#### 4 *Strategy for active participation of seniors in the Joondalup Festival.*

##### Officer's Comment:

There is a strong desire for the community to engage with the Joondalup Festival. The development of any strategies that engage a specific sector of the community (seniors in this case) into the organisation of the festival is seen as a progressive step towards community involvement.

The Committee was established because Council identified the benefit of receiving advice from residents of the City of Joondalup on matters to do with seniors, the ageing population and the need for community input into the Seniors Plan.

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

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- 1.1 By developing, providing and promoting a diverse range of lifelong learning opportunities.
- 1.2 By meeting the cultural needs and values of the community.
- 1.3 By continuing to provide services that meet changing needs of a diverse and growing community.
- 1.4 By working with the community to enhance safety and security in a healthy environment.

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

The Seniors Interests Advisory Committee is an official Council Committee with Terms of Reference endorsed by Council.

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

Not Applicable.

##### **Policy Implications:**

Not Applicable.

##### **Regional Significance:**

The Seniors Interests Advisory Committee is a locally focused working group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup. Although there may be some issues and concerns unique for seniors within the City, it is probable that these issues and concerns may be common to all.

**Sustainability Implications:**

The Seniors Interests Advisory Committee enables seniors the opportunity to actively participate and provide input into the development and maintenance of a healthy and equitable community that considers their needs.

**Consultation:**

Not Applicable.

**Financial Implications:**

The recommendations supported by the Seniors Interests Advisory Committee and presented for endorsement by the Council have cost implications. It is important that Council be aware of the budgetary provisions that have been made.

With regard to the actions:

- Seminar for active and healthy ageing: \$5,000 is included in the 2006/07 draft budget to implement this project
- Seniors Directory: \$12,000 is included in the 2006/07 draft budget to produce a directory for seniors resident in Joondalup. The Seniors Directory has been identified as an opportunity for the City to seek external funds in order to offset the cost to the City.

The representation of seniors in the organisation of the 2007 Joondalup Festival does not present any financial implications to the City.

**COMMENT**

The Committee continues its strategic focus by endorsing options and recommendations which reflect its identified priority focus areas for seniors of health, information access, accessibility and affordability and entertainment/staying active. Importantly too, these options and recommendations enable the practical application of strategies to ensure that key focus area issues are actioned and progressed, complementing the City's Seniors Plan 2004 – 2008 and the Strategic Plan 2003 – 2008.

**ATTACHMENTS**

Attachment 1                      Minutes of the Seniors Interests Advisory Committee meeting held on 5 April 2006.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Currie, SECONDED Cr Corr that Council:**

- 1 NOTES the confirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 5 April 2006 forming Attachment 1 to Report CJ106-06/06 and ENDORSES the recommendations contained therein;**
- 2 NOTES the resignation of Val O’Toole from the Seniors Interests Advisory Committee due to her recent resignation from the National Seniors and thanks her for her valuable input;**
- 3 NOTES the resignation of Diane Davies White from the Seniors Interests Advisory Committee due to her recent resignation and thanks her for her valuable input.**

**The Motion was Put and****CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12agn270606.pdf](#)*

**CJ107 - 06/06 YOUTH ADVISORY COUNCIL AND YOUTH AFFAIRS ADVISORY COMMITTEE – [38245]**

**WARD:** All

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

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CJ060620\_BRF.DOC:ITEM 13

**PURPOSE**

The purpose of this report is to recommend the implementation of a consultation process to evaluate appropriate alternatives for engaging with young people.

**EXECUTIVE SUMMARY**

The City of Joondalup (and the former City of Wanneroo) has engaged a YAC in an advisory role to Council since 1978 and a YAAC since 2001. In recent years both the YAC and the YAAC have experienced challenges in maintaining numbers and achieving effective meetings. It is deemed appropriate that both groups be evaluated as to their effectiveness as advisory bodies to Council.

An evaluation of the YAC was conducted in June 2005. The focus of evaluation was to capture feedback regarding the role, effectiveness and longevity of the advisory group.

The YAAC experienced difficulties in meeting on designated dates and has not met since November 2002. This committee met only six times during its lifespan. It is considered that the YAAC was not an effective addition to the way that young people were able to interact with the Council and that it should also disbanded.

The desire for changes to how the Council embraces the views of young people was recognised by the decision at the Special Council meeting on 24 May 2006 to defer the appointments of Elected Members to these Committees pending a further report on the issue.

This report recommends that Council disbands the YAC and the YAAC and implements a consultation process to explore alternatives for engaging with young people.

## **BACKGROUND**

### **Youth Advisory Council (YAC)**

The involvement of an advisory group of young people to Council dates back to 1978 and the formation of Junior Council which emulated the structure of Council and was intended to teach young people about Local Government process. An evaluation in 1998 (CJ299-12/98 refers) concluded that:

- In its current form, 'Junior Council' has not been a force in raising issues specifically related to young people; and
- The issues raised have, in general, been minor in nature and not specifically related to young people.

On 22 December 1998, it was resolved to disband the Junior Council in favour of four YACs to be distributed evenly across the former City of Wanneroo.

In 1999, after the formation of the separate Cities of Joondalup and Wanneroo, two YACs were formed to represent the north and the south of the City of Joondalup.

At the Council meeting held on 17 December 2002 (CJ337-12/02 refers), it was agreed to amalgamate the north and south YACs in favour of one YAC representing the entire City of Joondalup.

### **Meetings of the YAC that did not achieve quorum**

<b>2003</b>	<b>2004</b>	<b>2005</b>
June	January	April
July	February	May
August	March	June
September	April	July
October	July	August
	October	September
	November	October
	December	November
		December



The evaluation posed questions to both past and current YAC members and other stakeholders in an attempt to determine whether the YAC was/is achieving its objectives.

The objectives of the YAC, as taken from the Terms of Reference are:

- Advise the City of Joondalup on any issues of importance to the youth population of the City of Joondalup.
- Be apolitical and accessible to all youth.
- Encourage members both individually and collectively to be an active voice on local and state issues that concern them.
- Promote a positive image of young people within the local community through a variety of media options.
- Develop a variety of skills and personal attributes, which are age/developmentally appropriate and allow young people to express views and concerns clearly through appropriate channels at a local and state level.
- Be an integral link in a network of youth within the City of Joondalup with links to other youth networks on a state and national level.
- Encourage members to become active citizens and to understand the need and value of community participation.

Further information pertaining to the evaluation of the YAC is provided in the Details section of this report.

### **Youth Affairs Advisory Committee (YAAC)**

At its meeting of the 24 July 2001 (CJ 245 – 07/01 refers), Council resolved to establish a Strategic Advisory Committee – Youth Affairs comprising:

- Two Elected Members
- Two members of the (then) Joondalup North Youth Advisory Council
- Two members of the (then) Joondalup South Youth Advisory Council
- Manager (then) Community and Health Services
- Co-ordinator Community Services

### **Objectives of the Strategic Advisory Committee – Youth Affairs**

The objectives outlined in the Terms of Reference for the Strategic Advisory Committee – Youth Affairs included:

- 1.1 Oversee the strategic coordination of all youth issues across Council.
- 1.2 Oversee the implementation of the Future Directions for Youth Services Action Plan.
- 1.3 Oversee the regular review and update of the Future Directions for Youth Services Action Plan.

### **Meeting Frequency**

According to the terms of reference, meetings of the Strategic Advisory Committee - Youth Affairs were to occur at least six times in each financial year.

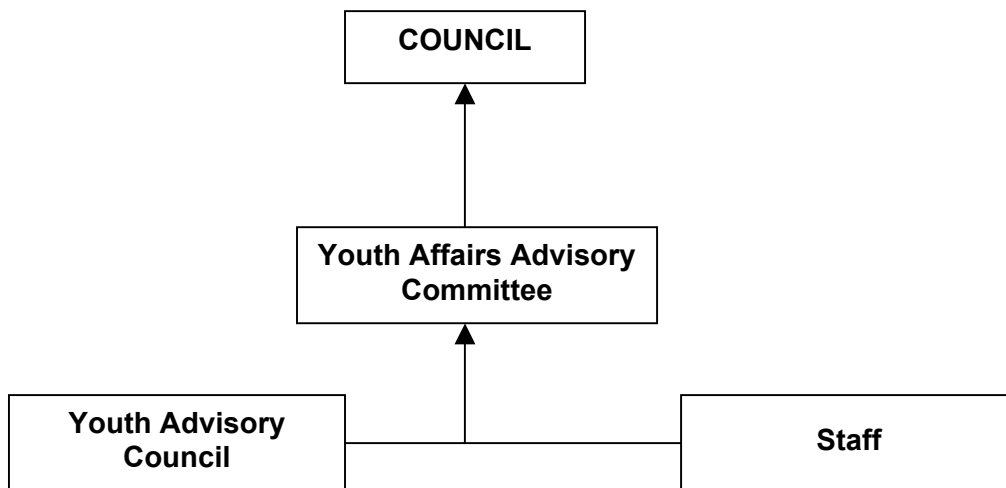
## Change of name

In response to the recommendation contained in Report CJ206 – 09/02 presented to the meeting of 3 September 2002, Council resolved to:

Alter the name of the Strategic Advisory Committee - Youth Affairs to “Youth Affairs Advisory Committee”.

## Reporting Structure

The relationship between Council, the Youth Advisory Council and the Youth Affairs Advisory Committee is illustrated in the structure diagram below –



Further information about the YAAC is provided in the Details section of this report.

At Council’s special meeting held on 24 May 2006 (CJ06-24/05 refers) Council resolved that:

“A further report be submitted to the Council on alternative formats on how the Council might liaise with young people.”

This resolution was made regarding the appointment of representatives to various Council committees and it was considered appropriate that further evaluation be conducted before Elected Members were appointed.

## DETAILS

### Youth Advisory Council (YAC)

An evaluation was conducted in June 2005 to gather information about the YAC and discover the reasons behind the YAC’s low attendances and membership.

The evaluation included three parts:

- 1 A focus group discussion was held for past and present YAC members. The aim of the discussion was to provide detailed analysis of responses to a series of open questions designed to determine their perceptions of the effectiveness of the YAC’s activities.

- 2 Using the focus group questionnaire, an internal officer's survey was developed to determine their perceptions on the effectiveness of YAC activities. The following officers were consulted –
- Youth Projects Officer
  - Coordinator Community Services
  - Youth Development Officer
  - Youth Activities Services Officer
  - Community Youth Worker
- 3 Discussions were held with two Youth Development Officers from both the City of Stirling and the City of Wanneroo to determine the current effectiveness of each of these Council's own YACs.

### **Significant Findings**

Significant findings from the YAC members' focus group include:

- Comments from past and present members of the YAC indicate a perceived lack of action taken, despite the YAC's recommendation. Examples include:
  - Recommendations to fly the Aboriginal flag outside the City of Joondalup administration building.
  - Recommendations regarding the possibility of a youth curfew. Prompted by the Northbridge curfew in 2003.
  - Adoption of IMAGINEOZ strategy for youth.
- Only 40% of respondents felt that the activities undertaken by the YAC were worthwhile or beneficial to young people.
- All respondents believe the YAC was poorly promoted to the wider community.
- All respondents report personal benefit, in one way or another, from their participation in the YAC.
- The majority of the objectives of the YAC have not been achieved to a level that members expected.

Significant findings from the officers' survey indicate that:

- The majority of officers did not believe that the YAC is the best way for a youth population to be represented.
- Most officers recommended that the YAC be disbanded and replaced with a variety of avenues for youth expression, including regular youth forums.
- Stakeholders believe that YAC activities have been beneficial to members of the YAC but not necessarily beneficial the community as a whole.

Significant findings from consultations with other YAC Co-coordinators revealed that other YACs are:

- Struggling to make quorum.
- Failing to recruit young people into YAC membership.

### **Youth Affairs Advisory Committee (YAAC)**

The YAAC (formerly Strategic Advisory Committee – Youth Affairs) was established in July 2001 with the following objectives:

- Oversee the strategic coordination of all youth issues across Council.
- Oversee the implementation of the Future Directions for Youth Services Action Plan.

- Oversee the regular review and update of the Future Directions for Youth Services Action Plan.

It also had the secondary objective of improving communication between the Youth Advisory Council and the Elected Members of the City of Joondalup

In the three years following its appointment, the YAAC has been unable to meet its stated objectives for a number of reasons. Some of the reasons include:

- The ambiguous nature of the committee meeting cycle (as needed basis)
- The infrequency of the committee meetings
- The lack of agreed structure and processes to govern the relationship between the YAAC and the YAC
- The lack of role clarity and purpose amongst members of the YAAC
- The lack of meaningful opportunities to engage the committee in policy making processes
- Inability to achieve quorum on many occasions
- The committee represented an additional step in the process which made it cumbersome

The fact that the Committee has not met since 6 November 2002 and has only met six times in its lifespan is indicative of its relevance within the decision-making processes of the City. It also stands in contrast to the Committee's Terms Reference, which states that:

“Meetings of the Youth Affairs Advisory Committee will occur at least six times in each financial year.”

It is not possible to pinpoint any one factor that led to the decline of the YAAC. It is clear, however that the committee has not played a productive role in the strategic youth affairs of the City to date and is unlikely to achieve its objectives in the future. For this reason, its continuation is not recommended and it is suggested that some alternative strategies to amend and improve the liaison process in the area of youth affairs, be explored.

#### **Options and alternatives considered:**

The options that may be considered for the YAC and YAAC are:

- 1 Disband the YAC and YAAC and not look for a replacement

Whilst this option addresses the lack of effectiveness of both groups, it does not take into consideration the need to involve young people in advising the Council on issues that concern them.

- 2 Disband the YAC and YAAC and look for an alternative method for allowing a youth voice to be heard by Council.

This option addresses both the YAC's and YAAC's ineffectiveness and the need to involve young people in an advisory role.

- 3 Continue with the YAC and YAAC and look to address the issues of recruitment and meeting attendance.

This is an option that has been tried on several occasions during 2002-2005. Attempts have been made to address the low membership and attendance, using advertisements in the community times, personal referrals and internal promotions. These attempts have had limited success.

Some alternatives to a YAC, could include the following:

- (a) Organising youth forums to provide young people with a voice to Council. These forums could be organised as follows:

- Specific issue for discussion
- Differing geographical locations
- Periodic meetings – using various forms of communication methods

The youth forums may attract different groups of young people depending on the topic of discussion.

- (b) Use the Internet or other electronic media to seek the views of young people. A possibility is utilising the City's website to establish a forum for young people.
- (c) Establish a network of working parties by geographic location to provide input on specific issues pertaining to Council business relating to youth.
- (d) Establish a network of school groups to make comment on Council issues, utilising existing bodies such as student councils.

These formats are ideas only and the evaluation process planned for the future involvement of young people in an advisory role to Council should not be limited to the above.

The preferred course of action is to disband the existing YAC and YAAC and implement a co-ordinated program of consultation over the next three months. This option offers an opportunity to consult with young people and ascertain their views regarding the most appropriate method of engaging with them in the future.

It is proposed that the consultation process will involve –

- Appointing a working group comprising of six young people and two Elected Members. The Manager Community Development Services, Co-ordinator Community Services, Youth Projects Officer will provide direction and administrative support to the working group.
- Two facilitated consultation forums held in the City's community facilities, one located in the northern suburbs and one in the south.
- The forums being held at a time that both suits young people and fits with Council meeting schedules.
- A three-month evaluation period
- The compilation of a Council report that recommends the most appropriate method for engaging with young people in the future.

Note – Young people for the working group could come from the present YAC, past YACs and other youth agencies in the community. The reason for involving no more than two Elected Members is to allow the young people on the working group to feel comfortable in their participation.

**Link to Strategic Plan:**

OUTCOME:	The City of Joondalup provides social opportunities that meet community needs.
Objective 1.3	To continue to provide services that meet changing needs of a diverse and growing community
Strategy 1.3.2	Provide quality-of-life opportunities for all community members
Strategy 1.3.3	Provide support, information and resources

**Legislation – Statutory Provisions:**

Section 5.11 of the Local Government Act 1995 covers the disbandment of Committees.

**Risk Management Considerations:**

If the Council were to disband the YAC and YAAC without signalling other ways in which it will allow for young people to provide input on issues that affect them, it could lose an opportunity to receive input from young people.

**Financial/Budget Implications:**

There are funds in the Youth Projects Budget that is allocated to running activities through the YAC. These funds could be redirected to holding the proposed consultation forums.

<b>Account No:</b>	1-4450-5131-9999-0001
<b>Budget Item:</b>	Programme Activities
<b>Budget Amount:</b>	\$ 5,000
<b>YTD Amount:</b>	\$ 0
<b>Actual Cost:</b>	\$

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Information gathered from other Councils as part of the City's YAC evaluation indicates that the City's YAC is not the only YAC experiencing difficulty in achieving quorum at meetings and experiencing problems in recruitment.

**Sustainability Implications:**

The proposal to disband the City's YAC, in favour of an alternative youth voice, will aim to have a positive effect on the development of a healthy, equitable, active and involved community.

**Consultation:**

In reviewing the YAC, three specific groups were consulted and their opinions contributed to the significant findings. These groups included past and present YAC members, relevant officers and co-ordinators of YACs in the Cities of Wanneroo and Stirling.

No specific consultation has occurred with regard to the performance of the YAAC.

## COMMENT

In recent years, the process of facilitating the YAC and YAAC as forums for youth has become increasingly challenging and consequently their effectiveness has to be questioned. It is therefore timely to review the process and propose alternative strategies. The questions regarding the effectiveness of the existing method of communicating is augmented by the problems that are also facing other local authorities in trying to convene similar forums elsewhere in the region.

The alternative as presented offers an exciting opportunity for the City to develop innovative policy approaches to youth consultation in the City that have the potential to provide long-term benefit to both Council and the community. As young people are crucial stakeholders in future of the City, it is important that the feasibility of these strategies be fully explored.

In the period following its inception the amalgamated YAC experienced a period of active and enthusiastic membership. This resulted in active youth participation in many policy processes of the City such as the appointment of a YAC representative to the CBD Enhancement Committee. This enthusiasm declined in late 2003 and the YAC's active membership reduced. The YAC's low membership has continued in spite of numerous attempts to raise interest amongst young people including:

- Personal recommendations from YAC members to peers.
- Promotion of the YAC in local high schools.
- Community newspaper advertisements.
- Advertisements in The Joondalup Scene youth newspaper (March 2005, March 2004, January 2003, January 2002).

Despite considerable effort these strategies have not been successful in achieving increased membership to the YAC. This trend has been shown to exist over a number of years; consequently the City has undertaken an evaluation of the YAC.

## ATTACHMENTS

Nil.

## VOTING REQUIREMENTS

Absolute Majority

### **MOVED Cr Jacob, SECONDED Cr Fishwick that Council:**

- 1 DISBANDS the Youth Advisory Council effective from July 2006;**
- 2 DISBANDS the Youth Affairs Advisory Committee effective from July 2006;**
- 3 ENDORSES the implementation of a working group comprised of six young people and two Elected Members;**

- 4 NOTES that a report will be provided to Council after three months recommending an alternative method for engaging with young people in the future.**

Discussion ensued.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

## **CJ108 - 06/06 PROPOSED PURCHASE FROM LANDCORP OF LOT 6 LAWLEY COURT, JOONDALUP – [76472]**

**WARD:** North

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

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CJ060620\_BRF.DOC:ITEM 14

### **PURPOSE**

To request the Council to endorse the Business Plan for the purpose of public advertising for the proposed purchase from Landcorp of Lot 6 Lawley Court, Joondalup for the construction of an at-grade carpark and authorise the Chief Executive Officer to enter into a conditional Offer & Acceptance for the purchase of the site.

### **EXECUTIVE SUMMARY**

Lot 6 Lawley Court is located within the CBD of Joondalup and represents a strategically located site for use of parking vehicles.

The site has become available for purchase from Landcorp subject to certain conditions.

An agreed valuation has been negotiated with Landcorp and it is recommended that the City proceed with acquiring the site.

It is recommended that the Council endorses the Business Plan for public advertisement and authorises the Chief Executive Officer to enter into a conditional Offer and Acceptance with Landcorp for the purchasing of the site.

### **BACKGROUND**

**Suburb/Location:** Joondalup  
**Applicant:**  
**Owner:** West Australian Land Authority (Landcorp)  
**Zoning:** **DPS:** Centre Zone  
**MRS:** Central City Area  
**Site Area:** 7510m<sup>2</sup> (includes 930m<sup>2</sup> vested for road reserve)  
**Structure Plan:** Joondalup City Centre Development Plan & Manual



In a Council report dating back to July 1996, reference is made to the City's previously stated position on future parking in the City Centre. It refers to a recommendation that Landcorp:

*“Identify land required for public car parks and set it aside at time of subdivision, protected by caveat until the parking operations are in a financial position to purchase the land.”*

The land now known as Lot 6 Lawley Court, Joondalup was identified as a site for temporary car parking and was the product of a subdivision. A caveat was placed over that land in favour of the City. The caveat relates to two agreements between Landcorp and the City. One prevents the land being used for other than vehicle parking and the other agreement requires the transfer of land for future road widening for no compensation.

Lot 6 Lawley Court, Joondalup was part of a broader parking strategy which identified the strategic use of the site for parking and hence the imposing of restrictions to this use. From Landcorp's point of view, the need for Lot 6 as part of the strategy changed somewhat when the concept of air rights over the railway line was being pursued. The question of air rights has not been finalised and an early draft agreement remains with the Public Transport Authority for legal consideration.

Lot 6 Lawley Court, Joondalup was offered to the City as part of the Normalisation Agreement. Two independent valuations were undertaken: one on behalf of Landcorp and one on behalf of the City.

The valuations undertaken in 2001 considered both the encumbered and unencumbered condition of the land, however, agreement could not be reached at that time between Landcorp and the City as to the appropriate valuation to be applied. That is, whether it should be the encumbered value or the unencumbered value.

At its meeting on 12 February 2002, Council adopted the Joondalup City Centre Public Parking Strategy. The strategy supported maximisation of ground level on-street and off-street parking before progressing with the more expensive multi-level parking stations.

In 2005 the City engaged Uloth & Associates Consultants in Traffic Engineering and Transport Planning to update an earlier 2001 Parking Study and undertake a Car Parking Occupancy Survey of the Joondalup CBD including City controlled on-street and off-street public parking.

The area surveyed was bounded by Joondalup Drive, Barron Parade, Collier Pass, Grand Boulevard, City of Joondalup office, Lakeside Drive and Shenton Avenue.

The survey identified the levels of car parking occupancy and availability in the Joondalup CBD North Zone, Joondalup CBD South Zone and Lakeside Shopping Centre.

The 2005 Car Parking Occupancy Survey results identified the availability of car parking in Joondalup CBD North as reaching capacity and highlighted the need for consideration to be given to future land use in the area and the need for further investigation to determine future demand and car parking capacity required and the subsequent action to be taken.

Negotiations were re-opened with Landcorp as a result of upgraded valuations completed in 2006 to secure the site.

## **DETAILS**

The opportunity has arisen for the City to purchase Lot 6 Lawley Court, Joondalup. See Attachment 1 – Business Plan.

The subject land had an absolute caveat lodged on 1 May 1997 on the title to protect agreements between the owners, Landcorp (Western Australian Land Authority), and the City of Joondalup.

Two deeds of agreement dated 17 February 1997 restrict use of the site to parking of vehicles and the transfer of future road widening for no compensation.

Under the proposed negotiated purchase, the City has the opportunity to purchase at the Encumbered Market Value and benefit from the lifting of encumbrances after 5 years without penalty or cost.

A Business Plan has been prepared in accordance with Section 3.59 of the Local Government Act for public advertisement. See Attachment 1 – Business Plan.

### **Valuation of Site**

A valuation Report dated 30 March 2006 was carried out on the subject land by Ferguson Fforde on behalf of the City.

Instructions to the Valuer were to provide values for the following conditions:

- 1 Unencumbered market value
- 2 Encumbered market value on open market
- 3 Encumbered market value (with the City having the power to remove the encumbrances).

After analysing all the information and valuation methods employed and negotiating with Landcorp (Western Australian Land Authority), the City Valuer provided the following values agreed between the parties for each of the above options.

1	Unencumbered market value	\$2,250,000
2	Encumbered market value (open market)	\$1,090,000
3	Encumbered market value (with the City having the power to remove the encumbrances)	\$1,767,500

It is noted that the City proposes to purchase the subject site using option 3 above for the sum of \$1,767,500 conditional upon the City having the power to uplift encumbrances.

### **Conditions of Purchase**

The conditions of purchase negotiated with Landcorp for Council's endorsement are as follows:

That the City is prepared to enter into an Offer and Acceptance with Landcorp to purchase Lot 6 Lawley Court for the sum of \$1,767,500 for construction of an at-grade car park, with settlement no later than 16 November 2006, subject to the following conditions:

- (a) the site to be encumbered as a temporary carpark for a period of not exceeding 5 years and thereafter the City having the right to lift the encumbrance at no cost to the City.
- (b) the use of the site is to be solely for the parking of vehicles for a minimum of 5 years.

- (c) the development of the whole site to be carried out by the City at the City's cost within 6 months of settlement.
- (d) if the City decides to lift any encumbrance prior to the expiration of the 5 year period in (a) above, the City is to pay Landcorp the difference in valuation of the unencumbered market value less the amount of the encumbered market value escalated from the City's original acquisition date.
- (e) the Business Plan attached to this report is approved with or without modification after the close of public submissions.

**Issues and options considered:****1 Maximisation of on-street and off-street parking before progressing more expensive multi-level parking stations.**

Locations where this could be done to produce an economical and targeted solution to short term and long term demand were examined. The 2005 Parking Occupancy Survey carried out by Uloth & Associates on behalf of the City concluded that the North Zone of the CBD is in need of an urgent increase in availability of car parking.

- The purchase of Lot 6 Lawley Court would deliver in the order of 239 car bays at-grade and City ownership.
- The extension of existing McLarty Avenue No 1 Car Park would deliver an additional 113 car bays and require a lease to be negotiated with the current owners.

These locations are the most suitable and in combination will address the current shortfall identified in available parking in the North Zone of the CBD.

**2 Economy of developing increased on-street and off-street parking.**

Off-street at-grade parking is more economical and sustainable than increasing on-street parking.

Estimates produced by RBB Cost Consultants for an increase in on-street parking in Shenton Avenue and McLarty Avenue indicated costs per bay in the order of \$6,154 to \$10,313 to gain some 37 bays.

Similar estimates for Lot 6 Lawley Court to deliver 239 bays averaged at \$3557 per bay. With land content included, the cost per bay is in the order of \$10,952 per bay.

It is anticipated that extending the existing McLarty Avenue No 1 Car Park to deliver a further 113 bays would cost in the order of \$6,000 per bay.

While the introduction of paid parking remains for Council's future consideration and determination, it is anticipated that in the short to medium term, as paid parking is introduced, Lot 6 has the potential to generate a substantial revenue stream to support the purchase and proposed development. It is noted that for every \$1 per bay per day for a 5-day week over a period of 1 year, \$62,140 would be generated.

3 Purchasing

Given the encumbrances on site and the ability to remove the encumbrances having been negotiated with Landcorp, this site presents a strategic acquisition that will generate future revenue and provide potential for future access to the railway reserve and multi-level development.

4 Not Purchasing Lot 6 Lawley Court/Leave Site Encumbered

This option ensures the only use for the site can be vehicle parking, however does not guarantee the site will be developed. The City would miss an opportunity to meet current car parking demand and pressures in the North Zone of the CBD and lose out on revenue generation in the future.

5 Do nothing/Lift Encumbrances from Title

This would enable the Landowner to sell the site at market value and a new owner to pursue a range of options for use of the site. This option fails to recognise the strategic nature of the site and value to the City.

**Link to Strategic Plan:**

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

Objective 3.1

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

Strategy 3.1.1

To plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Strategy 3.1.2

To facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Objective 3.3

To continue to meet the changing demographic needs.

Strategy 3.3.2

To integrate plans to support community and business development.

Objective 3.4

To provide integrated transport to meet regional and local needs.

Strategy 3.4.2

To align use of land and modes of transport.

**Legislation – Statutory Provisions:**Section 3.59 of the Local Government Act

The proposed purchase of a site in the Joondalup City Centre is identified as a major land transaction under this section.

This section of the Act provides that all major land transactions require a business plan to be prepared prior to entering into the transaction.

Pursuant to Section 3.59 (Commercial Enterprises by Local Government), a business plan has been prepared for public exhibition and comment and is Attachment 1 to this report.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**Asset Replacement Reserve Account No 1-0110-8112-0001-9999

The cost of purchasing the site from Landcorp at an Encumbered Market Value (with the City having the power to remove the encumbrances) is \$1,767,500.

The cost of constructing an at-grade carpark with approximately 239 car bays was estimated by RBB Construction Cost Consultants on 26 May 2006 as being in the order of \$850,000, including professional fees, but excluding escalation.

A provision of \$2.7 million to meet the cost of purchase of the site and development of an at-grade car park is proposed to be funded against the Asset Replacement Reserve Account which currently contains \$11,282,000.

**Policy Implications:**

The Joondalup City Centre Public Parking Strategy, adopted by Council at its meeting on 12 February 2002, foreshadowed the maximisation of at-grade off-street parking in the medium term to be followed by construction of multi-level parking stations in the longer term.

**Regional Significance:**

The City of Joondalup is recognised as the second major City Centre to Perth CBD. To ensure the continued growth of the City to meet the needs of the region, adequate support services and infrastructure will be required.

**Sustainability Implications:**

It is important that a balance be achieved between private and public transport needs. The City Centre is well served by public transport. In relation to private transport, there is a need to provide additional parking to ensure ongoing sustainability of business and community activities in the City Centre.

**Consultation:**

The Business Plan as Attachment 1 would be available for public inspection for a period of 6 weeks after a statewide public notice is given, with the opportunity for members of the public to lodge submissions on the issue for Council to consider.

**COMMENT**

The purchase of the site for development of an at-grade car park is both a strategic and sustainable acquisition that will assist in addressing the need for additional car parking bays in the North Zone of the CBD in both the short and long term for the growth of the City.

With escalating land and building costs, it would be in the City's interest to secure the site for developing a high number of off street at-grade car parking bays.

Landcorp has advised that, under their policy, a revaluation would be required if a contract was not entered into, and settlement occurring, within 3 months of the last valuation of the property (by 16 August 2006). If a contract to purchase (offer and acceptance subject to conditions) is entered into, the revaluation period is extended to 6 months (16 November 2006).

The current terms negotiated with Landcorp by the City provide an opportunity to lock in the purchase price of the site following the statutory requirement of the 6 week advertising period of the Business Plan and the conditional approval of the Council to purchase once the Business Plan has been approved by Council. That is, under these arrangements, the City has until 16 August 2006 to sign a conditional offer and acceptance, which would hold the purchase price at the agreed value until 16 November 2006. Beyond that date, a revaluation would occur. In the current economic climate this approach would be of some benefit to the City in purchasing Lot 6.

**ATTACHMENTS**

Attachment 1                      Business Plan for the proposed purchase of land for construction of an at-grade carpark

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cr Hart, SECONDED Cr Park that Council:**

- 1        ENDORSES the Business Plan at Attachment 1 to Report CJ108-06/06 for the purpose of public notice in accordance with Section 3.59(4) of the Local Government Act;**
- 2        Subject to 1 above, authorises the Chief Executive officer to enter into an Offer and Acceptance with Landcorp to purchase Lot 6 Lawley Court, Joondalup for the sum of \$1,767,500 for construction of an at-grade car park, with settlement no later than 16 November 2006, subject to the following conditions:**
  - (a)     the site to be encumbered as a temporary carpark for a period of not exceeding 5 years and thereafter the City having the right to lift the encumbrance at no cost to the City;**

- (b) the use of the site is to be solely for the parking of vehicles for a minimum of 5 years;
- (c) the development of the whole site to be carried out by the City at the City's cost within 6 months of settlement;
- (d) if the City decides to lift any encumbrance prior to the expiration of the 5 year period in (a) above, the City is to pay Landcorp the difference in valuation of the unencumbered market value less the amount of the encumbered market value escalated from the City's original acquisition date;
- (e) the Business Plan at Attachment 1 to Report CJ108-06/06 is approved by the Council with or without modification after the consideration of public submissions.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13agn270606.pdf](#)*

**CJ109 - 06/06 CONSIDERATION OF RESOLUTIONS PASSED AT  
SPECIAL ELECTORS MEETING HELD ON 29 MAY  
2006 CONCERNING LOT 550 (42) WOODLAKE  
RETREAT, KINGSLEY – [11513]**

**WARD:** South-East

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

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CJ060620\_BRF.DOC:ITEM 15

**PURPOSE**

The purpose of the report is to make a determination on the resolutions passed at the Special Electors Meeting held on 29 May 2006.

**EXECUTIVE SUMMARY**

A special Electors Meeting was called under Section 5.28 of the Local Government Act. The purpose of the meeting was to consider various aspects of the approved development of an Aged Care Facility at Lot 550 Woodlake Retreat, Kingsley.

At that meeting, there were five resolutions passed by the members of the community present at the meeting.

At the Ordinary Meeting of Council held on 6 June 2006, Council passed three Motions addressing various Resolutions of the meeting held on 29 May 2006.

## BACKGROUND

<b>Suburb/Location:</b>	Kingsley
<b>Applicant:</b>	Not Applicable
<b>Owner:</b>	Aegis
<b>Zoning:</b>	<b>DPS:</b> Urban Development
	<b>MRS:</b> Urban and Park and Recreation Reserve
<b>Site Area:</b>	1.3981 hectares
<b>Structure Plan:</b>	Woodlake Retreat Structure Plan

The City received a petition signed by 202 residents seeking a Special Electors Meeting to consider the proposed development of Lot 550 Woodlake Retreat, Kingsley.

This meeting was called in accordance with the provisions of Section 5.28 of the Local Government Act 1995.

The purpose of the meeting was to discuss issues in relation to the proposed aged care facility – Lot 550 Woodlake Retreat, Kingsley, to include:

- Woodlake Retreat Structure Plan.
- Section 6.8 of the City of Joondalup District Planning Scheme No 2 (DPS2).
- Exercising discretion under section 4.5.3 of the DPS2 and particularly the adverse effects upon the inhabitants of the locality.
- Size and scale of the proposed “aged care facility” adjacent to a medium density residential area, and residential amenity.
- Restricted vehicular access (including emergency vehicles) and associated issues of public safety.
- Traffic volume, parking and noise.
- Environmental impacts on one of the City’s Crown Jewel Wetlands being Lake Goollelal.
- Acid Sulphate Soils and possible contamination of Lake Goollelal.
- Any other matters raised from the floor of the meeting.

At that meeting the following resolutions were adopted

### Resolution 1

That the Council be proactive and give drive to the recommended extension of Woodlake Retreat to the proposed four-way intersection at Kingsway and Wanneroo Road, as supported by the Commissioners on 26 April 2006; further that it be commenced as soon as possible to support the construction of the developments.

### Resolution 2

That the Councillors and Mayor review the parking statistics and in particular the functional operations of the establishment and, if proven to be inadequate, request that additional bays be provided; further if the City’s figures are then deemed to be correct, the Councillors and Mayor are asked to ensure that action is taken to enshrine that residential parking is solely for the residents of Grasslands Loop and Woodlake Retreat. This action will ensure that no



further degradation of the current residential amenity. Overflow parking from the aged care facility should be restricted to in front of or opposite the boundaries of Lot 550.

### Resolution 3

That this elected Council satisfy itself that there will be no risk of generating acid sulphate soils from any excavation or other site-specific works on Lot 550 Woodlake Retreat.

### Resolution 4

That Council looks at the role of 4.5 – Discretion, in regard to the agreed structure plan, so ground rules cannot be changed; that the intent of structure planning as a planning tool is upheld and if an applicant's aspirations exceed the structure plan, an amendment to the structure plan is initiated.

### Resolution 5

That Council, during and forming part of the current review of the District Planning Scheme No 2:

- 1 causes legislation, policies and guidelines to be developed and adopted into the District Planning Scheme to:
  - (a) apply development standards to developments not currently controlled by standards;
  - (b) restrict and control the use of discretion over applicable development standards;
  - (c) assist the administration in reducing the number of conditions of approval, by ensuring compliance prior to reporting to Council or a delegated authority approval;
  - (d) assist designers, developers and builders in achieving compliance prior to submission of a planning application;
- 2 develops policies and guidelines to assist Council in making discretionary determinations under Clause 4.5 and 6.8 of the District Planning Scheme.

Following the Electors' Meeting, Council at its meeting held on 6 June 2006 resolved as follows:

That Council:

- 1 AGREES to take a proactive management role in relation to the road alignment for the extension of Woodlake Retreat to Wanneroo Road (meeting Wanneroo Road at the Kingsway junction). This role will include seeking urgent meetings with relevant Ministers (the Ministers for Planning and Infrastructure and for the Environment) to obtain their support for the extension, and convening urgent meetings with relevant State Government agencies to determine the road alignment and State funding contributions;
- 2 AGREES to pre-fund that portion of the extension of Woodlake Retreat, which abuts private property with these monies being recouped following the subdivision of the land;

- 3 NOTES that, when Woodlake Retreat is extended, it will be constructed to minimise environmental impacts.

That Council AGREES to extensive monitoring by the City of Joondalup of excavation and foundation works on Lot 550 Woodlake Retreat, Kingsley in relation to Acid Sulphate soils, and, should the site be found to contain Acid Sulphate soils, all site works will be immediately stopped. If this happens, any further works shall be carried out in accordance with the provisions of an Acid Sulphate soils Management Plan approved by the Department of the Environment, and also approved by the Council of the City of Joondalup.

That Council:

- 1 AGREES that, on completion of the building works associated with the development on Lot 550 Woodlake Retreat, Kingsley, the City will proactively monitor street car parking in Woodlake Retreat and Grasslands Loop, Kingsley for a minimum period of twelve (12) months;
- 2 AGREES that arrangements will be made to the satisfaction of the City to ensure that access to the car park adjacent to Grasslands Loop is restricted to visitors to the 'high care' residents in the aged care facility;
- 3 AGREES that arrangements will be made to the satisfaction of the City to ensure that access to the aged care facility is primarily via the new road from the Kingsway junction on Wanneroo Road.

## **DETAILS**

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

The Local Government Act 1995 states the options available to Council when dealing with motions carried at Special Electors' Meetings.

One option is to accept and then adopt the resolutions of the Electors Meeting. However, Council at its meeting dated 6 June 2006, adopted the three resolutions which comprehensively address the sentiments behind a majority of the resolutions passed at the Special Electors Meeting. The matters not covered by the 6 June 2006 resolutions could therefore be the subject of additional consideration and resolution.

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

The Special Meeting of Electors was consistent with Item 4.3 of the Strategic Plan, which is "To ensure the City responds to and communicates with the community."

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

Section 5.33 of the Local Government Act 1995 states:

#### Decisions made at Electors' Meetings

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable:
- (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose,

whichever happens first.

- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Clause (e) of the Woodlake Retreat Structure Plan states that a financial contribution towards an additional link road from Woodlake Retreat to Wanneroo Road may be required at the development application or subdivision stage. Advice from the Department of Planning and Infrastructure states that the condition is inappropriate in this instance. However, taking a broader view of the needs for the local road network, Council resolved at its meeting of 26 April 2006 that a contribution would be sought from the developer of Lot 550.

Cost sharing arrangements for the road are yet to be fully determined, and the full cost is estimated to be approximately \$920,000. The breakdown of the estimated costs and works are outlined below:

- (i) extension of the existing Woodlake Retreat road to the northern boundary of Lot 709 (\$160,000);
- (ii) a 260 metre road extension from the northern end of lot 709 Woodlake Retreat through the CALM reserve to Wanneroo Road (\$360,000);
- (iii) alterations to the proposed traffic lights at the intersection of Wanneroo Road and Kingsway and land acquisition of road truncations on the western side of Wanneroo Road. Note also that a provisional amount of \$400,000 will be required for traffic light installation and modifications to the Kingsway/Wanneroo Road intersection from a three-way to upgrade to a four-way controlled intersection.

In relation to part (i) above, the owner of lot 709 Woodlake Retreat will be required to extend Woodlake Retreat to their northern boundary to complete the final stage of development of their site. Council may be required to fund the costs of the works identified in part (i) above, should the development of Lot 709 Woodlake Retreat occur after the construction of the link road. Council would be able to re-coup any costs associated with those works through conditions on the development approval.

It is anticipated that the Council would be required to fund at least part of the construction of the link road north of Lot 709, given the function of the link road as a local road.

In addition, the City has been advised that the:

- (a) The Department of Conservation and Land Management (CALM) would give up the land for the link road alignment;
- (b) CALM would pay for the cost of the proposed car parking area and contribute to the link road from Wanneroo Road to the proposed car parking area.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The environmental impact of the proposal was the subject of assessment by the Department of Environment (DoE) and the Western Australian Planning Commission (WAPC). The DoE has advised that it is satisfied with the research undertaken, subject to the preparation of an Integrated Water Management Plan to control stormwater runoff into Lake Goollelal. Further, should it be established that there are acid sulphate soils in the ground during construction, all works are to cease and an acid sulphate soils management plan (ASSMP) is to be prepared for the site and approved by the DoE.

**Consultation:**

The structure plan and development application for the proposed aged care facility were both the subject of community consultation.

During the course of assessing the development application, advertising was undertaken for a period of twenty-one (21) days from 12 January to 2 February 2006. All nearby land owners were notified in writing of the proposal, three (3) signs were erected on the site and a notice was placed in the Joondalup Community newspaper for three (3) consecutive weeks, commencing on 12 January. All documentation associated with the Structure Plan was made available for public viewing at the City's Administration Building and on the City's website.

At the conclusion of public advertising, a total of forty eight (48) submissions were received, with the majority of submissions being objections to the proposal

**COMMENT**

At the meeting of 6 June 2006, Council:

- 1 *NOTED the Minutes of the Special Meeting of Electors held on 29 May 2006 forming Attachment 1 to Report CJ094-06/06;*
- 2 *REQUESTED that a report be submitted to the Council meeting scheduled for 27 June 2006 giving consideration to the motions raised at the Special Meeting of Electors.*

In respect of Point 2, the following motions were raised at the Special Meeting of Electors:

- 1 *MOVED Mr Ed Burton, 16 Woodlake Retreat, Kingsley SECONDED Ms M Moon, 6 Carew Place, Greenwood that the Council be proactive and give drive to the recommended extension of Woodlake Retreat to the proposed four-way intersection at Kingsway and Wanneroo Road, as supported by the Commissioners on 26 April 2006; further that it be commenced as soon as possible to support the construction of the developments.*

The above comments are noted and supported. A motion of notice was also passed at Council's meeting of 6 June 2006, supporting the City taking a proactive role in facilitating the extension of Woodlake Retreat to Kingsway. It is recommended that Council continue this approach, and City officers continue to liaise with the appropriate government departments to ensure that the proposed extension of Woodlake Retreat takes place in an expeditious and environmentally sustainable manner.

- 2 *MOVED Mr Ed Burton, 16 Woodlake Retreat, Kingsley SECONDED Ms Lesley McDougall, 32 Woodlake Retreat, Kingsley that the Councilors and Mayor review the parking statistics and in particular the functional operations of the establishment and, if proven to be inadequate, request that additional bays be provided; further if the City's figures are then deemed to be correct, the Councilors and Mayor are asked to ensure that action is taken to enshrine that residential parking is solely for the residents of Grasslands Loop and Woodlake Retreat. This action will ensure that no further degradation of the current residential amenity. Overflow parking from the aged care facility should be restricted to in front of or opposite the boundaries of Lot 550.*

The parking requirements for the proposed Aged Care facility were determined through the Woodlake Retreat Structure Plan, being a rate of 1 bay per staff member and 1 bay per 4 residents. The approved development involves the provision of 50 bays on site, being 24 bays for staff parking and 26 for visitor parking. The proponent has advised that the staff roster at the aged care facility will be such that shifts for the various occupations (nurses, administration staff, laundry staff etc.) will be staggered and not result in overlaps for parking spaces. Given the nature of the proposed development, it is this parking provision is considered to be sufficient.

The development approval was conditioned limiting the number of staff on site at any given time to 24 staff, as well as requiring visitor parking to be clearly marked and signposted. Car parking from Grasslands Loop is also required to be restricted to visitors of "High Care" residents. The City will monitor parking at the Aged Care Facility, following its development, to ensure that all relevant conditions are complied with, and if required, remedial action can be taken to address any parking inadequacies that arise. This is consistent with a Motion passed at Council's meeting of 6 June 2006, where the Council has resolved to proactively monitor the street parking in Woodlake Retreat and Grasslands Loop for a minimum period of twelve months after completion of the building work.

- 3 *MOVED Dr V Cusack, 2 Renegade Way, Kingsley SECONDED Mrs M Zakrevsky, 49 Korella Street, Mullaloo that this elected Council satisfy itself that there will be no risk of generating acid sulphate soils from any excavation or other site-specific works on Lot 550 Woodlake Retreat.*

During the assessment of the proposed Aged Care Facility, the City worked in close liaison with the DoE to address environmental issues associated with the development, including acid sulphate soils. The DoE had no objection to an acid sulphate soil assessment prepared by the proponent's environmental consultant, which found no evidence of acid sulphate soils within the subject site.

The development approval was conditioned requiring the preparation of an acid sulphate soils management plan, including a detailed framework for the management of acid sulphate soils in the event that acid sulphate soils are discovered, during the excavation and construction phases. The applicant has subsequently submitted an acid sulphate soils management plan, which is currently being reviewed by the City.

The management plan proposes ongoing monitoring of soils during the excavation process. In the event that potential acid sulphate soil characteristics are observed, all works will cease and laboratory testing of disturbed soils will occur. Under the management plan, site works shall not recommence until the results of the laboratory testing have been confirmed. A copy of the management plan has been submitted to the DoE for review and comment.

This matter is covered by Motion No 2, adopted by Council on 6 June 2006, which serves to strengthen the Council's condition of approval related to acid sulphate soils monitoring.

- 4 *MOVED Ms M Moon, 6 Carew Place, Greenwood SECONDED Ms Morag Davies, 7 Charlton Court, Kingsley that Council looks at the role of 4.5 – Discretion, in regard to the agreed structure plan, so ground rules cannot be changed; that the intent of structure planning as a planning tool is upheld and if an applicant's aspirations exceed the structure plan, an amendment to the structure plan is initiated.*

Clause 4.5 of the City's District Planning Scheme No. 2 (DPS2) allows the City to exercise discretion and approve developments which do not comply with a standard or requirement prescribed under the Scheme, provided that the non-compliance will not adversely impact on adjoining and nearby landowners.

With respect to the proposed aged care facility, discretion was exercised under Clause 4.5 and a plot ratio of 0.78 in lieu of 0.6 was supported. The discretion was required as the Woodlake Retreat Structure Plan does not include a specific definition of plot ratio, and as such all aspects of the development, including those that would not normally contribute to plot ratio were required to be included in the plot ratio calculations, resulting in the development exceeding its permitted plot ratio. Such areas included in the plot ratio calculations that would not normally be included, included car parking below natural ground level, communal lifts and communal laundry areas.

Some provisions of Structure plans can be varied under Clause 4.5 of DPS2 (depending on the exact wording used in the Structure Plans). For those where variations under Clause 4.5 are possible, each proposal is assessed on its merits. It is not considered appropriate that a structure plan amendment be initiated whenever a variation is proposed. However, it is recommended that the wording and role of Clause 4.5 form part of the review of DPS2, which the City is about to commence.

- 5 *MOVED Mr M Caiacob, 7 Rowan Place, Mullaloo SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that Council, during and forming part of the current review of the District Planning Scheme No 2:*

- 1 *Causes legislation, policies and guidelines to be developed and adopted into the District Planning Scheme to:*
  - (a) *apply development standards to developments not currently controlled by standards;*
  - (b) *restrict and control the use of discretion over applicable development standards;*
  - (c) *assist the administration in reducing the number of conditions of approval, by ensuring compliance prior to reporting to Council or a delegated authority approval;*
  - (d) *assist designers, developers and builders in achieving compliance prior to submission of a planning application;*

- 2 *Develops policies and guidelines to assist Council in making discretionary determinations under Clause 4.5 and 6.8 of the District Planning Scheme.*

The City is about to commence a review of its DPS2, with a view to updating the Scheme to better reflect best planning practice and the wishes and needs of the community. The above comments are noted and will be included in the Scheme review.

It should be noted that the review of DPS2 will be subject to public advertising, as well as review by the Western Australian Planning Commission, and ultimately the Hon Minister for Planning.

## **ATTACHMENTS**

Nil.

## **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr Corr, SECONDED Cr Hart that Council:**

- 1 **NOTES the motions passed at the Special Electors Meeting on 29 May 2006;**
- 2 **REITERATES the following resolutions in relation to Woodlake Retreat, passed at the Council meeting dated 6 June 2006, which comprehensively address the sentiments of the majority of the resolutions of the Special Electors Meeting:**
  - (a) **“That Council:**
    - 1 **AGREES to take a proactive management role in relation to the road alignment for the extension of Woodlake Retreat to Wanneroo Road (meeting Wanneroo Road at the Kingsway junction). This role will include seeking urgent meetings with relevant Ministers (the Ministers for Planning and Infrastructure and for the Environment) to obtain their support for the extension, and convening urgent meetings with relevant State Government agencies to determine the road alignment and State funding contributions;**
    - 2 **AGREES to pre-fund that portion of the extension of Woodlake Retreat which abuts private property with these monies being recouped following the subdivision of the land;**
    - 3 **NOTES that, when Woodlake Retreat is extended, it will be constructed to minimise environmental impacts.”**
  - (b) **“That Council AGREES to extensive monitoring by the City of Joondalup of excavation and foundation works on Lot 550 Woodlake Retreat, Kingsley in relation to Acid Sulphate soils, and, should the site be found to contain Acid Sulphate soils, all site works will be immediately stopped. If this happens, any further works shall be carried out in accordance with the provisions of an Acid Sulphate soils Management Plan approved by the Department of the Environment, and also approved by the Council of the City of Joondalup.”**

(c) ***“That Council:***

- 1 AGREES that, on completion of the building works associated with the development on Lot 550 Woodlake Retreat, Kingsley, the City will proactively monitor street car parking in Woodlake Retreat and Grasslands Loop, Kingsley for a minimum period of twelve (12) months;***
  - 2 AGREES that arrangements will be made to the satisfaction of the City to ensure that access to the car park adjacent to Grasslands Loop is restricted to visitors to the ‘high care’ residents in the aged care facility;***
  - 3 AGREES that arrangements will be made to the satisfaction of the City to ensure that access to the aged care facility is primarily via the new road from the Kingsway junction on Wanneroo Road.”***
- 3 NOTES that the parking provision for the development has been reviewed and:**
- (a) based on the information provided in relation to the rostering of staff, is satisfied that adequate on-site parking is available;**
  - (b) the proposal conforms to the requirements of the structure plan;**
  - (c) further notes that in accordance with the third resolution, passed on 6 June 2006, on-street parking will be monitored on completion of the building.**
- 4 NOTES that all development proposals within Structure Plan areas are determined on their merits, and where variations to the prescribed standards of the Structure Plan are proposed under Clause 4.5 of District Planning Scheme No. 2, a Structure Plan amendment will not be required. However, it is also NOTED that the wording and function of Clause 4.5 should form part of the review of District Planning Scheme No. 2;**
- 5 NOTES the comments raised in Motion 5 of the Special Meeting of Electors, and addresses these items in its review of District Planning Scheme No. 2.**

Discussion ensued.

*During discussion, Cr McLean left the Chamber at 2047 hrs and returned at 2051 hrs.*

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie



## **CJ110 - 06/06 PROPOSED CHANGE OF USE FROM CONSULTING ROOMS TO SERVICE INDUSTRY AT LOT 19 (6) DAVALLIA ROAD, DUNCRAIG - [37920]**

**WARD:** South

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

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### **PURPOSE**

The purpose of this report is to request Council's determination of an application for planning approval for a change of use from Consulting Rooms to Service Industry at Lot 19 (6) Davallia Road, Duncraig.

### **EXECUTIVE SUMMARY**

The proposal is for a Cartridge World to operate from the above premises. Cartridge World recycles computer printer cartridges onsite. The premises is currently approved as a Consulting Room, however, it is vacant at present. The proposal is to change the use to a Service Industry.

The subject site is located within the Carine Commercial Centre which is zoned "Restricted Use". Service Industry is a permitted use within the Restricted Use zone, however, Service Industry is not defined within the City of Joondalup District Planning Scheme No 2 (DPS2). It must therefore be determined what the definition of Service Industry is and whether the proposed use meets the definition of a Service Industry.

The City has received legal advice stating that in the absence of a definition in DPS2 the normal and common English meaning should be used.

It is considered that the proposed use is a "Service Industry" under the definition within the Macquarie Dictionary. As a service industry is a permitted use within the Restricted Use zone, it is recommended that the application be supported.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 19 (6) Davallia Road, Duncraig
<b>Applicant:</b>	Cardno BSD
<b>Owner:</b>	David Stephen Wee
<b>Zoning:</b>	<b>DPS:</b> Restricted Use
	<b>MRS:</b> Urban
<b>Site Area:</b>	180 m <sup>2</sup>
<b>Structure Plan:</b>	Not Applicable

The subject site is located within the Carine Commercial Centre and is adjacent to the Carine Glades Shopping Centre (Attachment 1 refers). The Carine Commercial Centre is zoned Restricted Use in order to allow a range of land uses as described below.

In 1996, Council supported the rezoning of Lot 10 Davallia Road, Duncraig to Special Zone (Restricted Use – Consulting Rooms, Educational Establishment, Health Centre, Health Studio, Launderette, Medical Clinic, Office, Private Recreation, Public Amusement, Restaurant, Service Industry, Showroom, Veterinary Consulting Rooms, Video Library, Warehouse).

This restricted the land uses that could be approved on site to one of those listed above. At that time the land use “Service Industry” was defined within the City of Wanneroo Town Planning Scheme No.1 as:

*Industry – service: means a business, light industry, professional service or trade which, in the opinion of Council:*

- (a) *Provides for the needs of the local community;*
- (b) *Does not cause injury to or prejudicially affect the amenity of the neighbourhood or any adjoining residential area; and*
- (c) *Does not require the provision of services of a capacity greater than those normally required by the development in adjacent zones.*

However, the definition was not included in the City of Joondalup District Planning Scheme No 2 (DPS2) when it was gazetted.

The parent lot was subdivided in 1998 and then re subdivided in 2004.

In 2001 a development application (DA01/0194) for a Change of use to Service Industry (Watch clock and jewellery and repair centre and incidental sales) was approved on the subject strata lot.

In 2002 a development application (DA02/0575) to change the use to Consulting Rooms was approved.

Notably, under the current Notice of Delegation, authority is given for certain officers to deal with applications for land uses listed in the Zoning table of the DPS2. As this zoning is not listed in the table, the Council’s determination of the proposal is required.

## **DETAILS**

The development houses 7 commercial units, each of which is occupied by different tenants providing a range of different services.

The application is for a change of use from “Consulting Rooms” to “Service Industry” on Lot 19 (6) Davallia Road, Duncraig. The proposal is for a Cartridge World, which involves the recycling of computer printer cartridges. This service is carried out onsite whilst the customer waits.

The applicant provided the following statement regarding the operation of the business:

*“The business operation recycles printer cartridges onsite with ink products using approved equipment and techniques. This type of operation does not require large premises or bulky supplies; and involves minimal contained waste, utilising the City’s conventional waste disposal system.”*

The business also sells computer printer cartridges and accessories, however this is considered ancillary to the predominant function of the business. This use is a small component of the business and the premises are primarily set up for the recycling of ink cartridges whilst the customer waits. The business does not operate as a shop, nor is it set up like a shop.

This site is zoned Restricted Use under DPS2. The use “Service Industry” is listed as one of the Restricted Uses that are permitted within this zone. This use is not listed in the Zoning Table nor defined under the Interpretations of DPS2.

The proposed use class “Service Industry” is a permitted use within the Restricted Use zoning, although it is not defined within DPS2.

The issue for consideration is therefore not one of its permissibility within this zone, but one of what definition to use for the use class “Service Industry” and whether the proposed use is a “service industry” according to the definition that is used.

#### **Consultation:**

The proposal was not advertised as the use “Service Industry” is identified as being permitted use within the Restricted Use zone and therefore does not require advertising.

#### **Policy Implications:**

Not Applicable.

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

The applicant has the right of appeal against any decision or conditions made and imposed by Council in accordance with Planning and Development Act 2005 and the State Administrative Tribunal Act 2004.

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

City of Joondalup District Planning Scheme No 2

The following clauses are relevant under the existing District Planning Scheme No. 2.

#### **3.16 Restricted Uses (Schedule 2 – Section 2)**

*Notwithstanding anything contained in the Zoning Table, the land specified in Section 2 of Schedule 2 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 2 with respect to that land.*

#### **Schedule 2 – Section 2 (Clause 3.16) – Restricted uses**

No	Street/Locality	Particulars of Land	Restricted Use
2-1	6 Davallia Road, Duncraig	Lot 10	Consulting Rooms, Educational Establishment, Health Centre, Health Studio, Launderette, Medical Clinic, Office, Private Recreation, Service Industry, Showroom, Veterinary Consulting Rooms, Video Library, Warehouse

Clause 4.8 of DPS2 allows the City to consider appropriate car parking standards for all types of development within the City as follows:

#### 4.8 Car Parking Standards

4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.

4.8.2 The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.

#### Link to Strategic Plan:

The proposal is consistent with Clause 3.5.2 (*Assist the facilitation of local employment opportunities*) of the City's Strategic Plan 2003-2008.

#### Financial/Budget Implications:

Not Applicable.

#### Regional Significance:

Not Applicable.

#### Sustainability Implications:

Not Applicable.

#### COMMENT

##### Land Use Permissibility

The Town Planning Delegation Notice does not give delegated authority to determine an application for a use class not listed in Table 1 of DPS2 (the Zoning Table). The use "Service Industry" is not listed within the Zoning Table.

The definition of "Service Industry" taken from the Model Scheme Text is:

*"industry - service" means —*

- (a) *an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or*
- (b) *premises having a retail shop front and used as a depot for receiving goods to be serviced;*

The proposed use of the site for a Cartridge World is consistent with the above definition of a service industry as customers bring in their empty inkjet and laser cartridges, and have them refilled (serviced) while they wait.

Further to the above, the City has received legal advice which states that in the absence of a definition in DPS2, words and expressions should be given their ordinary English meaning.

In this regard the definition from an English dictionary should be used to define “Service Industry”, as it is not defined within the DPS2.

The Macquarie Dictionary defines “Service Industry” as:

*“An industry providing services such as transport or entertainment (opposed to manufacturing industry).”*

The proposed development will provide services as it recycles printer cartridges. Tasks performed will include the refilling of ink and laser toner cartridges for printers, photocopiers, and fax machines onsite for home and business use. It will not be a manufacturing industry, as nothing will be produced.

The Macquarie Dictionary defines “Manufacturing” as:

- 1 *The making of goods or wares by manual labour or by machinery, esp. on a large scale.*
- 2 *the making of anything.*
- 3 *the thing or material manufactured.....”*

Customers bring in their old, empty inkjet and laser cartridges, and have them refilled while they wait. This is a service; it is not a shop or a manufacturing industry. Therefore, according to the above definition, the proposed use is a “Service Industry”.

### Car Parking

In terms of the development of the total site, 77 bays have been provided on site, seven bays are provided on Lot 10 and 71 bays on Lot 739. There is an access easement between the Owners of Carine Glades Commercial Centre, City of Joondalup and G R and S J Macauley dated 26/2/99.

DPS2 does not prescribe a car-parking standard for a Service Industry, as it is not defined within the Scheme. DPS2 states that an Industrial use has a car parking requirement of 1 per 50 sqm Net Lettable Area (NLA) and a Showroom use has a parking requirement of 1 per 30sqm NLA. It is considered that the proposed use “Service Industry” be assessed using the same parking requirement as that of a showroom. The area of the proposed Cartridge World is 45sqm requiring the provision of two bays. Through previous Development Applications three bays have been allocated to the subject site, therefore the parking provision is adequate.

### **Conclusion**

It is considered that the proposed use is a “Service Industry” as defined by the Macquarie Dictionary. As a service industry is a permitted use within the Restricted Use zone, it is recommended that the application be supported.

**ATTACHMENTS**

Attachment 1      Location Plan  
Attachment 2      Site Plan

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Fishwick, SECONDED Cr Currie that Council:**

- 1      DETERMINES under Clause 3.3(a) of District Planning Scheme No 2 that:**
  - (a)      The definition of Service Industry is:**

*“An industry providing services such as transport or entertainment (opposed to manufacturing industry);”*
  - (b)      The proposed use is a Service Industry and therefore is a permitted land use within the Restricted Use zone;**
- 2      Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
  - (a)      the car parking standard for the use “Service Industry” shall be 1 car parking bay per 30m<sup>2</sup> Net Lettable Area;**
- 3      Subject to Part 1 above, APPROVES the application for planning approval received on 4 April 2006, submitted by Cardno BSD on behalf of the landowner, EF Marshall and IR Marshall, for the Change of Use from Consulting Rooms to Service Industry at Lot 19 (6) Davallia Road, Duncraig.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14agn270606.pdf](#)*

**C37-06/06      INSURANCE RENEWAL 2006/2007 - [05581]**

**WARD:**              All

**RESPONSIBLE**      Mr Mike Tidy  
**DIRECTOR:**        Corporate Services

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**PURPOSE**

The purpose of this report is for Council to give consideration to the renewal of Property, Public Liability and Workers' Compensation Insurance for the financial year 2006/2007.

## EXECUTIVE SUMMARY

The City's insurance premium for 2006/2007 financial year as advised by the Municipal Insurance Broking Scheme (MIBS) for the following covers are as shown in the table below:

CLASS OF INSURANCE	PREMIUM	INSURER
	\$ (exclusive of GST)	
<b>Municipal Property Scheme</b>		
Industrial Special Risks	314,694.29	Municipal Property Scheme
Multi Risks/General Property	10,426.24	Municipal Property Scheme
<b>Public Liability</b>	452,980.00	Municipal Liability Scheme
<b>Workers Compensation</b>	567,811.00	Municipal Workers Scheme
<b>TOTAL</b>	<b>1,345,911.53</b>	

*It is recommended that MIBS be advised that Council:*

- 1 *CONTINUES to participate in the burning cost scheme for the Workers Compensation insurance premium during 2006/2007 based on the following:*

<i>Minimum Payment</i>	<i>1.63% of payroll</i>
<i>Deposit Payment</i>	<i>2.03% of payroll</i>
<i>Maximum Payment</i>	<i>3.53% of payroll</i>

*And that payment of the deposit premium of \$567,811.00 (exclusive of GST) be made in two equal instalments on 15 August 2006 and 15 November 2006 respectively*

- 2 *ACCEPTS the 2006/2007 Public Liability insurance premium of \$452,980.00 (exclusive of GST) to be paid in two equal instalments, on 15 August 2006 and 15 November 2006 respectively*
- 3 *ACCEPTS the 2006/2007 Industrial Special Risks and Property insurance premiums totalling \$325,120.50 (exclusive of GST) to be paid in two equal instalments on 15 July 2006 and 15 September 2006 respectively.*

## BACKGROUND

In 1995/96 the former City of Wanneroo became an inaugural member of the Local Government Insurance Services insurance scheme operated under the auspices of WALGA. One of the main purposes of the scheme is to achieve cost savings through economies of scale for the benefit of all participating local governments in the areas of:

- Workers Compensation insurance (commenced 1995/1996)
- Public Liability/Professional Indemnity insurance (commenced 1995/1996)
- Property (ISR) Insurance (commenced 2002/2003)

As a participating member of these schemes, Regulation 11 (2) (b) of the Local Government (Functions and General) Regulations 1996 applies eliminating the need for the City to call tenders for the above insurance covers.

## DETAILS

### Workers Compensation Insurance

Since 1 July 2001 the City elected to operate its workers compensation insurance through the "Burning Cost" arrangement.

A burning cost arrangement operates where the annual premium is determined by reference to claims experience. A portion of the premium is paid as a deposit and the remainder is determined at a later stage based on claims made during the year and settled thereafter, which usually occur between three to five years after the date of the insured event.

The minimum premium is set at 1.63% with a deposit rate of 2.03% and is capped at a maximum rate of 3.53% of the total salaries/wages paid during the year, including superannuation.

	<b>2006/07</b>	<b>2005/06</b>
Estimated salaries and wages	\$27,971,025	\$25,891,255
Deposit Rate @ 2.03%	\$567,811	\$525,592
Maximum Exposure @ 3.53%	\$987,377	\$913,961

The minimum, deposit and maximum rates are all unchanged and the reason for the premium increase of \$42,219 at the deposit rate is due to salaries and wages growth. Note there is an end of year adjustment to reflect actual salaries and wages.

The government surcharge for the HIH collapse is payable on both the burning cost and the single rate premiums. It represents 0.03% of the City's estimated payroll for 2006/2007.

### Public Liability Insurance

The former City of Wanneroo (and the City of Joondalup since 1 July 1999) has been a member of the Municipal Liability Scheme since its inception on 1 July 1995.

Participants of the scheme have since enjoyed the benefits of lower premiums, enhanced insurance coverage and a better service. Comparative rates over the last two years are as follows:

	<b>2006-2007</b>	<b>2005-2006</b>
<b>Premium (GST exclusive)</b>	\$452,980.00	\$435,560.00

The premium increase in 2006-2007 is due to the increase in the Municipal Liability Scheme re-insurance costs.

Payment of the contribution will be made in two equal instalments, due on 15 August 2006 and 15 November 2006.

### Property (ISR) Insurance

This scheme is a relatively new scheme set up by Local Government Insurance Services, and commenced on 1 July 2002. Previously the City requested Municipal Insurance Broking Services (MIBS) to seek tenders on the City's behalf.



The City's buildings were valued by the Valuer General's Office during 2003/2004. Since then values have been adjusted according to the Cordell Building Cost Guide.

Additionally the City has conducted an internal review of the valuation of other insured asset classes, which in all total \$179,312,967 for 2006/2007 compared to \$170,534,404 in 2005/2006 representing approximately 5% increase in value.

The total declared Replacement Value for the financial year is dissected into the following asset classes:

	<b>2006/07</b>	<b>2005/06</b>
Buildings	\$144,887,050	\$144,887,050
Library Book Purchases	\$9,743,756	\$9,743,756
Ornamental Street Lighting	\$6,761,602	\$6,761,602
Artifacts and Artworks	\$365,548	\$365,548
Computer Equipment	\$5,769,380	\$5,769,380
Furniture & Fittings	\$1,141,042	\$1,141,042
Other Plant and Equipment	\$1,448,115	\$1,448,115
Miscellaneous Structures	\$3,485,548	\$3,485,548
Business Interruption	\$1,550,000	\$1,550,000
<b>Total Value</b>	<b>\$179,312,967</b>	<b>\$179,312,967</b>
Premium (exclusive of GST)	<b>\$325,120.50</b>	<b>\$320,057.00</b>

There has been no significant increase in ISR rates and the premium increase of \$5,063.50 is due to an increase in the declared replacement value.

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

Objective 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

Workers Compensation insurance is a requirement of the Workers Compensation and Injury Management Act 1981.

**Risk Management considerations:**

Insurance is a Risk Strategy to limit potential losses to the City's assets to the deductible amount of individual policies.

**Financial/Budget Implications:**

Workers Compensation Insurance	\$567,811.00	(excluding GST)
Public Liability Insurance	\$452,980.00	(excluding GST)
Property Insurance	\$325,120.50	(excluding GST)

**Policy Implications:**

Policy 2.1.3 – Occupational Safety and Health outlines the City’s commitment to providing a safe and healthy work environment for all its employees. Workers Compensation insurance links to this policy as does the burning cost premium option.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Property Insurance – financial and social sustainability is addressed by ensuring continuity of assets used in delivery of the City’s services.

Public Liability Insurance – financial sustainability is addressed by ensuring the City’s risk exposure to third party claims is reduced to deductible amount.

**Consultation:**

Not Applicable.

**COMMENT**

The City has reviewed the level of its insurance cover and received MIBS quotations for the provision of Property, Public Liability and Workers Compensation insurances as detailed in this report.

The Cover is provided by the relevant Municipal Insurance Schemes, of which the City is a participating member, which eliminates the need to call tenders as authorized under the Local Governments (Function and General) Regulations 1996.

Acceptance of this quotation is recommended.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cr Amphlett, SECONDED Cr Jacob that Municipal Insurance Broking Scheme be advised that Council:**

**1 CONTINUES to participate in the burning cost scheme for the Workers Compensation insurance premium during 2006/2007 based on the following:**

<b>Minimum Payment</b>	<b>1.63% of payroll</b>
<b>Deposit Payment</b>	<b>2.03% of payroll</b>
<b>Maximum Payment</b>	<b>3.53% of payroll</b>

**And that payment of the deposit premium of \$567,811.00 (exclusive of GST) be made in two equal instalments on 15 August 2006 and 15 November 2006 respectively;**

**2 ACCEPTS the 2006/2007 Public Liability insurance premium of \$452,980.00 (exclusive of GST) to be paid in two equal instalments, on 15 August 2006 and 15 November 2006 respectively;**

**3 ACCEPTS the 2006/2007 Industrial Special Risks and Property insurance premiums totalling \$325,120.50 (exclusive of GST) to be paid in two equal instalments on 15 July 2006 and 15 September 2006 respectively.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **C38-06/06                      NOTICE OF MOTION – CR S HART - [61581, 02089]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Hart gave notice of her intention to move the following motion at the Council Meeting to be held on 27 June 2006:

*“That Council is provided with the following information regarding the current issues involving the Mullaloo Tavern:*

- 1 A copy of the Planning Approval.*
- 2 All information regarding all SAT appeal cases, including but not limited to:*
  - (a) Details of DR 138 2006 and DR 147 2006,*
  - (b) matters to be Heard at SAT, Renet V CoJ 210606.*
  - (c) all delegated authority reports.*
  - (d) Details of mediated outcome 'notice to comply' CC33301 2004.*
- 3 The Independent report by Chris O'Neill.”*

Cr Hart has submitted the following comments in support of her motion:

It is the Council's role to direct and control the Local Governments affairs and is responsible for the performance of the Local Governments functions and the allocation of Finances and Resources.

The Council requires to be fully informed on all issues affecting the performance and affairs of the City and requests the above information and records in order to adequately perform its duties as specified by the Local Government Act 1995.

**OFFICER'S COMMENT**

A copy of the Planning Approval and details of State Administrative Tribunal Orders DR 138 2006 and DR 147 2006 have been provided. The Orders indicate the matters listed for a final hearing at the State Administrative Tribunal on 21 June 2006.

There have been no delegated authority reports on this matter.

Details of the mediated outcome CC 33301 2004 are not publicly available on the State Administrative Tribunal website. The actual report has a copyright clause on the front which indicates that "reproduction or dissemination of this document (or any part thereof, in any format) except with the consent of the Attorney-General is prohibited". The Attorney-General's consent has been sought for the document's reproduction and release to Elected Members.

A version of the Chris O'Neill reported edited for release under Freedom of Information has been provided. (The full report will be provided to Elected Members when it becomes available to the developer during the upcoming State Administrative Tribunal hearing.)

**MOVED Cr Hart, SECONDED Cr John that Council is provided with the following information regarding the current issues involving the Mullaloo Tavern:**

- 1 A copy of the Planning Approval.**
- 2 All information regarding all SAT appeal cases, including but not limited to:**
  - (a) Details of DR 138 2006 and DR 147 2006,**
  - (b) matters to be Heard at SAT, Rennet V CoJ 210606.**
  - (c) all delegated authority reports.**
  - (d) Details of mediated outcome 'notice to comply' CC33301 2004.**
- 3 The Independent report by Chris O'Neill.**

**1<sup>ST</sup> AMENDMENT MOVED Cr Corr, SECONDED Cr Magyar that Point 3 of the Motion be renumbered as Point 4, with a new Point 3 being added as follows:**

***"3 elected members have the ability to sight details of mediated outcome 'notice to comply' CC33301 2004."***

Discussion ensued.

**The 1<sup>st</sup> Amendment was Put and**

**CARRIED (7/6)**

**In favour of the Amendment:** Crs Corr, Currie, Evans, Hart, Hollywood, John and Magyar **Against the Amendment:** Mayor Pickard, Crs Amphlett, Fishwick, Jacob, McLean and Park

**2<sup>ND</sup> AMENDMENT MOVED** Cr Magyar, **SECONDED** Cr Jacob that an additional Point 5 be added to the Motion as follows:

**“5     *nothing in this resolution should be interpreted as restricting the CEO's right to mark documents as strictly confidential and nothing in this resolution interferes with Council's legal professional privilege with its lawyers.*”**

Discussion ensued.

**The 2<sup>nd</sup> Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**The Original Motion as amended, being:**

**That:**

- 1     Council is provided with the following information regarding the current issues involving the Mullaloo Tavern:**
  - (a)     A copy of the Planning Approval;**
  - (b)     All information regarding all SAT appeal cases, including but not limited to:**
    - (i)     Details of DR 138 2006 and DR 147 2006;**
    - (ii)    matters to be Heard at SAT, Rennet V CoJ 210606;**
    - (iii)   all delegated authority reports;**
  - (c)     elected members have the ability to sight details of mediated outcome 'notice to comply' CC33301 2004;**
  - (d)     The Independent report by Chris O'Neill;**
- 2     nothing in this resolution should be interpreted as restricting the CEO's right to mark documents as strictly confidential and nothing in this resolution interferes with Council's legal professional privilege with its lawyers.**

Further discussion ensued.

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie **Against the Motion:** Cr Park

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING****C39-06/06                    NOTICE OF MOTION – CR B CORR - [61581]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr B Corr has given notice of his intention to move the following motion at the Council Meeting to be held on 18 July 2006:

“That the City of Joondalup ACCEPTS that the transport, storage, treatment and use of radio-active substances could involve potential threats to the health and well-being of residents of the City and declares:

- 1        that approval will not be given for the building of any nuclear power stations, enrichment plants, weapons plants or radio-active storage facilities within the City;
- 2        that approval will not be given for the storage of uranium, nuclear waste or other materials connected with the nuclear power industry within the City's boundaries or transportation through the City;
- 3        that the responsible use of radio-active material in hospitals, health facilities and within smoke detectors is acceptable as the benefits to residents far outweigh the risks to the community at large;
- 4        that the City of Joondalup be designated a ‘nuclear-free’ City.”

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2141 hrs; the following Elected members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr T McLEAN  
Cr A JACOB  
Cr S MAGYAR  
Cr J PARK  
Cr G AMPHLETT  
Cr M JOHN  
Cr M EVANS  
Cr S HART  
Cr B CORR  
Cr R FISHWICK  
Cr R CURRIE