

DRAFT AGENDA

Briefing Session City of Joondalup

A BRIEFING SESSION
WILL BE HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



to be held on
TUESDAY 24 OCTOBER 2006

PUBLIC QUESTION TIME



Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday, 23 October 2006. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.



GARRY HUNT
Chief Executive Officer

20 October 2006

PROTOCOLS FOR BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

Protocols for Briefing Sessions

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

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

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

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

PUBLIC QUESTION TIME

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

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

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

PUBLIC STATEMENT TIME

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

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

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

PROCEDURE FOR PUBLIC STATEMENT TIME

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

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

DISCLAIMER

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

DEPUTATION SESSIONS

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

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

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 24 October 2006** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted verbally at the Briefing Session held on 3 October 2006:

Mr Greg Hall, Joondalup:

Q1 *What action plan has Council in place to protect the number of visitors who visit properties in Sittella Turn, not only those spaces occupied by visitors to Lot 201?*

A1 The City is in the early stages of addressing a range of parking strategies for the CBD and surrounds. One opportunity being considered is some type of restrictive parking in residential areas, and this would incorporate visitor parking bays.

Q2 *Can you investigate appropriate signage and road lining of the laneways to ensure no parking in the right of way surrounding the development?*

A2 Such systems are in place elsewhere in the City and can be considered.

Q3 *Can further detail be provided in the traffic audit in relation to enhancements to the local road network and road treatments?*

A3 This detail will be provided prior to the Council meeting.

4 PUBLIC STATEMENT TIME

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Mayor T Pickard	16 October 2006 to 30 October 2006 inclusive
Cr T McLean	17 October 2006 to 9 November 2006 inclusive
Cr G Amphlett	22 October 2006 to 3 November 2006 inclusive
Cr J Park	2 November 2006 to 27 November 2006 inclusive
Cr R Currie	7 November 2006 to 12 November 2006 inclusive

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosure of Financial Interests

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

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item 4 - Minutes of the Chief Executive Officer Performance Review Committee Meetings held on 18 September, 21 September and 10 October 2006
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item 5 – CEO Performance Review Committee - CEO Concluded Annual Performance Review Report
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Disclosure of interest affecting impartiality

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

Name/Position	Mr Mike Tidy – Director Corporate Services
Item No/Subject	Item 3 - Minutes of the Audit Committee held on 10 October 2006 (Item 1 – Supplementary Appointment of Auditor)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Tidy's brother is an employee of Deloitte, but not an auditor and not part of the audit team auditing the City of Joondalup.

Name/Position	Mr Mike Tidy – Director Corporate Services
Item No/Subject	Item 4 - Minutes of the Chief Executive Officer Performance Review Committee Meetings held on 18 September, 21 September and 10 October 2006
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy – Director Corporate Services
Item No/Subject	Item 5 – CEO Performance Review Committee - CEO Concluded Annual Performance Review Report
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO

Name/Position	Mr David Djulbic – Director Infrastructure Services
Item No/Subject	Item 17– Community Sport and Recreation Facilities Fund
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Djulbic has been a member of the Kingsley Football Club, and his son is currently a playing member.

Name/Position	Mr Mike Smith – Manager, Marketing Communications and Council Support
Item No/Subject	Item 17 – Community Sport and Recreation Facilities Fund
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Smith is a life member of the Joondalup Cricket Club which is a member of the Beaumaris Sports Association

7 REPORTS

ITEM NO	TITLE	WARD	PAGE NO
ITEM 1	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]	All	1
ITEM 2	ANNUAL PLAN 2006/07 AND QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2006 [20560]	All	4
ITEM 3	MINUTES OF AUDIT COMMITTEE MEETING HELD ON 10 OCTOBER 2006 - 50068]	All	7
ITEM 4	MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 18 SEPTEMBER, 21 SEPTEMBER AND 10 OCTOBER 2006 – [74754]	All	10
ITEM 5	CEO PERFORMANCE REVIEW COMMITTEE - CEO CONCLUDED ANNUAL PERFORMANCE REVIEW REPORT - [74574]	All	13
ITEM 6	REVIEW OF DISTRICT PLANNING SCHEME 2 AND LOCAL PLANNING STRATEGY – [50574]	All	17
ITEM 7	LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2006 – [09882]	All	20
ITEM 8	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2006 – [07882]	All	23
ITEM 9	CULTURAL FACILITY SITE ACQUISITION – [14977]	All	26

ITEM 10	TENDER 055-05/06 SUPPLY INCLUDING DELIVERY, ASSEMBLY AND ROLLOUT OF RECYCLING MOBILE GARBAGE BINS (MGB) TO RESIDENCES FOR THE CITY OF JOONDALUP – [67584]	All	30
ITEM 11	PROPOSED AMENDMENT TO THE BURNS BEACH STRUCTURE PLAN – NORTHERN RESIDENTIAL PRECINCT AND OTHER MINOR CHANGES – [29557]	North	35
ITEM 12	PROPOSED STANDARD AMENDMENTS TO STRUCTURE PLANS – [26549] [11160] [20514] [16047] [06878] [48934] [60560] [29557]	All	47
ITEM 13	PROPOSED REPEALING OF TOWN PLANNING SCHEME NO. 6 – GREENWOOD – [08771]	South East	54
ITEM 14	CLOSE OF ADVERTISING FOR LOCAL PLANNING POLICY - SATELLITE DISH, AERIALS AND RADIO EQUIPMENT – [81513]	All	57
ITEM 15	PROPOSED ROAD CLOSURE FOR EXCESS ROAD RESERVE: MITCHELL FREEWAY, DUNCRAIG – [09384]	South	61
ITEM 16	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – SEPTEMBER 2006 – [07032] [05961]	All	65
ITEM 17	COMMUNITY SPORT & RECREATION FACILITIES FUND – [22209]	All	69

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

11 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 241006.pdf](#)

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

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council.

EXECUTIVE SUMMARY

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

BACKGROUND

Not Applicable.

DETAILS

Document:	Grant Funding Agreement
Parties:	City of Joondalup and Office of Crime Prevention
Description:	Grant of \$30,000 towards Mobile Youth Service Programme
Date:	19.09.06

Document:	Section 70A
Parties:	City of Joondalup and Ian James Hulbert
Description:	Section 70A – Notification for Ancillary Accommodation – 27 Byrne Close, Padbury
Date:	19.09.06

Document:	Restrictive Covenant
Parties:	City of Joondalup and J R Turner
Description:	Lot 637 (31) Sheffield Place, Hillarys (Survey Plan 48382)
Date:	19.09.06

Document:	Restrictive Covenant
Parties:	City of Joondalup and AEGIS Aged Care Group P/L
Description:	Lot 2 (42) Woodlake Retreat, Kingsley
Date:	19.09.06

Document:	Restrictive Covenant
Parties:	City of Joondalup and Paltara P/L
Description:	Lot 9005 (21) Hepburn Avenue, Hillarys on Deposited Plan 51290
Date:	19.09.06

Document:	Restrictive Covenant
Parties:	City of Joondalup and Peet and Co Limited
Description:	Portion Lot 9001 (now Lot 100) Burns Beach Road, Deposited Plan 52094
Date:	19.09.06.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the schedule of documents executed by means of affixing the Common Seal on 19 September 2006, be NOTED.

ITEM 2 ANNUAL PLAN 2006/07 AND QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2006 [20560]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To present the Annual Plan 2006/07 Quarterly Progress Report for the period 1 July – 30 September 2006.

EXECUTIVE SUMMARY

The Annual Plan details the priorities for the 2006/07 financial year, and the Quarterly Progress Report provides information on progress against the milestones set for the July – September 2006 quarter.

It is recommended that Council RECEIVES The Annual Plan 2006/07 Quarterly Progress Report for the period 1 July – 30 September 2006 shown as Attachment 1 to this Report.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council at its meeting of 14 December 2004, requires the development of an *Annual Plan* and the provision of reports against the Annual Plan on a quarterly basis. (Item CJ307-12/04 refers)

The Annual Plan establishes the annual priorities for achievement of the Strategic Plan. Quarterly progress reports are provided to monitor progress and track achievement of milestones set within each quarter.

DETAILS

Issues and options considered:

The Annual Plan contains a brief description of the key projects and services that the City intends to deliver in the 2006/07 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide information on progress, or to provide an explanation where the milestone has not been achieved.

Link to Strategic Plan:

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

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

Legislation – Statutory Provisions:

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

This Act is intended to result in:

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

Risk Management considerations:

The quarterly progress reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

Financial/Budget Implications:

Not Applicable

Policy implications:

In accordance with Policy 8-6, Communications, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Not Applicable

COMMENT

The Council receives monthly reports against the Capital Works Program which supplement the information contained in the Annual Plan Quarterly Progress Reports.

The majority of project and program milestones have been met for the July to September quarter.

ATTACHMENTS

Attachment 1 Annual Plan 2006/07.

Attachment 2 Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2006.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council RECEIVES the Annual Plan 2006/07 – Progress Report for the period 1 July – 30 September 2006 shown as Attachment 1 to this Report.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf241006.pdf](#)

Disclosure of Interest affecting Impartiality

Name/Position	Mr Mike Tidy – Director Corporate Services
Item No/Subject	Item 3 - Minutes of the Audit Committee held on 10 October 2006 (Item 1 – Supplementary Appointment of Auditor)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Tidy's brother is an employee of Deloitte, but not an auditor and not part of the audit team auditing the City of Joondalup.

ITEM 3 MINUTES OF AUDIT COMMITTEE MEETING HELD ON 10 OCTOBER 2006 – [50068]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services

PURPOSE

To submit the unconfirmed minutes of the Audit Committee to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 10 October 2006.

The item of business that was considered by the Committee was the appointment of a supplementary Auditor.

It is recommended that Council NOTES the unconfirmed Minutes of the Audit Committee meeting held on 10 October 2006, forming Attachment 1 to this Report.

BACKGROUND

The Council's Audit Committee was established in May 2001 to oversee the internal and external Audit, Risk Management and Compliance functions of the City. The City has also employed an internal auditor since May 2002.

DETAILS**Issues and options considered:**

As detailed in the minutes of the meeting held on 10 October 2006.

Link to Strategic Plan:

- 4.2.1 Provide efficient and effective service delivery
- 4.3.3 Provide fair and transparent decision-making processes

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Local Government Amendment Act 2004

Amendments to the Act regarding audit include the insertion of a new division 7.1A entitled “Audit Committee”. The new division deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee. It also includes a new section 7.12A dealing with “Duties of local government with respect to audits”.

Local Government (Audit) Amendment Regulations 2005

Amendments have been made on several minor issues such as definitions and interpretations. The most significant change has been the inclusion of new regulation 16, which deals with the “Functions of the Audit Committee”.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 10 October 2006 are submitted to Council for noting only, as the matter of the appointment of a supplementary Auditor was dealt with at the Council meeting held on 10 October 2006.

ATTACHMENTS

Attachment 1 Minutes of the Audit Committee meeting held on 10 October 2006

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the unconfirmed Minutes of the Audit Committee meeting held on 10 October 2006, forming Attachment 1 to this Report.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf241006.pdf](#)

Disclosure of Financial Interests

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	<i>Item 4 - Minutes of the Chief Executive Officer Performance Review Committee Meetings held on 18 September, 21 September and 10 October 2006</i>
Nature of interest	<i>Financial</i>
Extent of Interest	<i>Mr Hunt holds the position of CEO.</i>

Disclosure of interest affecting Impartiality

Name/Position	Mr Mike Tidy – Director Corporate Services
Item No/Subject	<i>Item 4 - Minutes of the Chief Executive Officer Performance Review Committee Meetings held on 18 September, 21 September and 10 October 2006</i>
Nature of interest	<i>Interest that may affect impartiality</i>
Extent of Interest	<i>Due to the nature of his employment relationship with the CEO.</i>

ITEM 4 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 18 SEPTEMBER, 21 SEPTEMBER AND 10 OCTOBER 2006 – [74754]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To submit the minutes of the Chief Executive Officer Performance Review Committee meetings to Council for information and endorsement of the recommendations of the Committee.

EXECUTIVE SUMMARY

Meetings of the Chief Executive Officer Performance Review Committee were held on 18 September, 21 September and 10 October 2006.

It is recommended that Council NOTES the Minutes of the Chief Executive Officer Performance Review Committee held on 18 September, 21 September and 10 October 2006 forming Attachment 1 to this Report.

BACKGROUND

The Chief Executive Officer Performance Review Committee is formed for the purpose of conducting the annual performance reviews of the CEO in accordance with the following terms of reference:

- (a) *Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*

- (b) *Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) *Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) *Review the Key Performance Indicators to be met by the Chief Executive Officer;*
- (e) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
- (f) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.*

The CEO's annual performance review is required to be undertaken in August of each year or as soon thereafter as is possible. The 2006 review is currently underway.

DETAILS

Issues and options considered:

As contained within the minutes of the Chief Executive Officer Performance Review Committee.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Section 5.38 of the Local Government Act 1995 (the Act) states that each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of employment.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on an annual basis. The requirement for the performance review is a contractual one between the Chief Executive Officer and the Council. The Contract provides for the review to be conducted by the Chief Executive Officer's Performance Review Committee. Failure to undertake the review as required in the contract terms would risk a breach of contract.

Financial/Budget Implications:

The provisions of the Chief Executive Officer's Employment Contract in relation to performance reviews requires that the Performance Review Committee engage an independent consultant to advise it and assist it in undertaking the Chief Executive Officer's performance review. Provisions have been made within the City's consultancy budget for the engagement of a suitable consultant to assist the Committee in the performance review process.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The minutes of the Chief Executive Officer Performance Review Committee are submitted to Council for information.

ATTACHMENTS

Attachment 1 Minutes of the Chief Executive Officer Performance Review Committee held on 18 September, 21 September and 10 October 2006.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Minutes of the Chief Executive Officer Performance Review Committee held on 18 September, 21 September and 10 October 2006 forming Attachment 1 to this Report.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf241006.pdf](#)

Disclosure of Financial Interests

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	<i>Item 5 – CEO Performance Review Committee - CEO Concluded Annual Performance Review Report.</i>
Nature of interest	<i>Financial</i>
Extent of Interest	<i>Mr Hunt holds the position of CEO.</i>

Disclosure of Interest affecting Impartiality

Name/Position	Mr Mike Tidy – Director Corporate Services
Item No/Subject	<i>Item 5 – CEO Performance Review Committee - CEO Concluded Annual Performance Review Report.</i>
Nature of interest	<i>Interest that may affect impartiality</i>
Extent of Interest	<i>Due to the nature of his employment relationship with the CEO</i>

ITEM 5 CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE – CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW REPORT - [74574]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services

PURPOSE

To submit the CEO Performance Review Committee's confidential report on the outcome of their annual performance review of the CEO, for consideration by Council.

EXECUTIVE SUMMARY

The CEO Performance Review Committee (the Committee) has assessed the performance of the CEO, against the approved Key Performance Indicators (KPIs) for the reporting period August 2005 to July 2006. The Committee has also reviewed the KPIs and measures against each of the Key Result Areas (KRAs) for the next review period to July 2007.

It is recommended that Council:

- 1 ADOPTS the CEO Performance Review Committee's Confidential Concluded Annual Performance Review Report and endorses the overall rating of "Exceeds Performance Requirements";*
- 2 ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2006/2007.*

BACKGROUND

The Chief Executive Officer Performance Review Committee is formed for the purpose of conducting the annual performance reviews of the CEO in accordance with the following terms of reference:

- (a) *Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*
- (b) *Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) *Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) *Review the Key Performance Indicators to be met by the Chief Executive Officer;*
- (e) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
- (f) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.*

The CEO's annual performance review is required to be undertaken in August of each year or as soon thereafter as is possible.

DETAILS

Issues and options considered:

The Committee has met on five (5) occasions to progress the CEO's annual performance review in accordance with clause 11 Performance Development and Review, of the CEO's Employment Contract.

Meetings were held on:

- 1 & 8 August 2006 (Consultant/facilitator selection)
- 18 September 2006; (Committee discussion & preparation for interview with CEO)
- 21 September 2006. (Interview with CEO)
- 10 October 2006. (Adoption of Concluded Annual Performance Review Report and KPIs for next review period)

As a result of those meetings, the Committee has undertaken its evaluation of the CEO's performance and arrived at its own assessment, judged against the Key Performance Indicators for the period August 2005 to July 2006 inclusive.

The Committee's confidential report is submitted for Council's consideration.

The review process, specified within the CEO's Employment Contract, allows for a comment period by the CEO on the matters contained within the report. Any such comments received from the CEO are to be included by way of annexure to the Committee report and the concluded report then be referred to the next Council meeting for consideration and actioning.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

In accordance with section 5.38 of the Local Government Act 1995 the performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Clause 11.3 of the CEO's Employment Contract sets out that the annual performance review is to be undertaken by the Performance Review Committee. Part 5, division 2, subdivision 2 of the Local Government Act 1995 sets out the provisions in relation to the establishment and role of committees.

Risk Management Considerations:

The performance review process is designed to evaluate and assess the CEO's performance against Key Performance Indicators on a periodic basis and the Performance Review Committee is required to refer its concluded report to the Council for consideration and actioning. The KPI's for the period August 2005 to July 2006 were set following the initial performance review undertaken in 2005.

Financial/Budget Implications:

In conducting the performance review under the CEO's Employment Contract, the committee is required to consult with and seek guidance from an external and independent human resources expert, or similar, to facilitate the review of the CEO's performance (Clause 11.3(e)(i)).

The cost of the appointed consultant is covered by the City's consultancy budget for 2006/07.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

KPIs for the CEO have ongoing sustainability implications underpinning them.

Consultation:

As part of the review process under clause 11(3)(e)(ii) the Committee is required to seek written comments in relation to the CEO's performance from all individual Elected Members. This has been done and the feedback incorporated into the Committee's deliberations and final report.

COMMENT

The Committee has now completed all of the processes in the CEO's performance review and its report together with any comments of the CEO, are submitted to Council for its consideration. The report incorporates a review and recommendations for key performance indicators and measures against the key result areas for the next review period to July 2007.

ATTACHMENTS

- Attachment 1 Confidential Concluded Annual Performance Review Report for the CEO's Annual Performance Review 2006 (distributed under separate confidential cover at least five working days prior to the Council meeting)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ADOPTS the Chief Executive Officer Performance Review Committee's Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating of "Exceeds Performance Requirements";**
- 2 ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2006/2007.**

ITEM 6 REVIEW OF DISTRICT PLANNING SCHEME NO 2 AND LOCAL PLANNING STRATEGY – [50574]

WARD: All

RESPONSIBLE Mr Ian Cowie Governance and Strategy
DIRECTORS: Mr Clayton Higham Planning and Community Development

PURPOSE AND EXECUTIVE SUMMARY

To seek Council's approval of the process by which District Planning Scheme No 2 (DPS2) will be reviewed and Council's agreement on key issues which will form the basis of the first round of consultation.

BACKGROUND

The *Planning and Development Act 2005* requires local governments to review their Town Planning Schemes once every five years. DPS2 is the City's scheme which was introduced in 2000. Consequently it must be reviewed.

The Act also requires each local government to develop a Local Planning Strategy (LPS). Such strategies provide the broad framework which guides the development and operation of the more detailed Town Planning Schemes. Consequently, the City needs to implement an LPS.

The development of a new Scheme and an LPS are constrained in several ways. These include:

- A requirement to be consistent with the Metropolitan Region Scheme which is adopted by the State Government;
- A need to comply with Statements of Planning Policy and other State Government planning initiatives including Bush Forever; and
- The need to obtain support from the Minister for Planning and Infrastructure before an LPS can be implemented and a new Scheme adopted.

DETAILS

A draft process plan for the review is included at Attachment 1. This identifies three phases of public consultation and the stages at which Council decision making will be required. There is a prospect that the evolution of the process may also create further opportunities for consultation.

Attachment 2 identifies the topics that Issues Papers are proposed to cover. These papers will be designed as short 'punchy' documents which raise issues, ask questions and solicit feedback. The possible contents of an Issues Paper are outlined in Attachment 3.

This report seeks endorsement of the process described in Attachment 1 and the topics for Issues Papers identified in Attachment 2.

Issues and options considered:

Council can determine whether other stages are necessary within the review and/or whether some proposed stages should be deleted. Council can also determine whether other Issues Papers should be produced and/or whether some of the proposed Issues Papers should be deleted.

Legislation – Statutory Provisions:

As indicated under 'Background', the *Planning and Development Act 2005* requires Schemes to be reviewed and an LPS to be drafted.

Risk Management considerations:

There are no specific risks associated with reviewing DPS2 and drafting an LPS. However, because these documents provide the basis for planning within the City, certain elements of a new Scheme or Strategy could be highly controversial.

Financial/Budget Implications:

The budget for 2006/07 acknowledges that the review is likely to run over a number of years, with detailed budget requirements dependent upon a number of factors. Key cost variables include:

- 1 Resources required to run engagement and consultation processes.
- 2 Extent of external planning consultancy work required.

A total of \$60,000 has been earmarked for the project in the 2006/07 budget.

It should be noted that significant public engagement strategies and analysis can cost as much as 60% of the budget for Scheme and LPS preparation. For other large Councils, the cost of Scheme review and LPS development has been between \$250,000 - \$500,000 in today's dollar terms.

Policy implications:

Planning policies are likely to be amended as an outcome of the review.

Regional Significance:

The review is solely focused on planning within the City. However, planning policy positions adopted could have regional implications (ie. the growth of the Joondalup CBD as a regional centre).

Sustainability implications:

Planning is a key mechanism for achieving sustainability. Consequently, the outcomes of the review could have significant impacts on sustainability.

The DPS/LPS exercise will have, as its core product, the iteration of sustainability objectives.

Consultation:

To occur in accordance with the process plan for the review (as given or amended). Elected Members were invited to provide comments relating to the topics of the Issue Papers. All feedback from Elected Members has been incorporated amongst the topics for Issues Papers detailed as part of the review.

COMMENT

There are a variety of ways in which a review of DPS2 could be undertaken. Similarly, there are a wide range of Issue Papers which could be prepared. This report suggests a proposed way forward for Council's consideration.

ATTACHMENTS

Attachment 1	Process Plan
Attachment 2	Issues Paper topics
Attachment 3	Framework for an Issues Paper

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council APPROVES the attached process for the review of District Planning Scheme No 2 and SUPPORTS the drafting of Issues Papers on the topics identified in Attachment 2 to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf241006.pdf](#)

ITEM 7 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2006 – [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2006, totalling \$9,866,055.73.

It is recommended that Council NOTES the CEO's list of accounts for September 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$9,866,055.73

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 September 2006. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 76675 - 76926 EFT 7757 – 8127 net of cancelled payments Vouchers – 195A, 197A– 198A, 200A-201A	\$7,431,177.07 \$2,067,875.67
Trust Account	Cheque 201001	\$367,002.99
	Total	\$9,866,055.73

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 2006/7 Annual Budget as adopted by Council at its meeting of 25 July 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 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 May 2006 with an invitation for submissions in relation to the plan.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2006/07 Annual Budget as adopted by Council at its meeting of 25 July 2006, or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A	CEO's Delegated Municipal Payment List for the month of September 2006
Attachment B	CEO's Delegated Trust Payment List for the month of September 2006
Attachment C	Municipal and Trust Fund Vouchers for the month of September 2006

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for September 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$9,866,055.73.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf241006.pdf](#)

ITEM 8 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2006 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Director Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

The September 2006 year to date report shows an overall variance (under spend) of \$3.6m when compared to the year to date budget approved by Council at its meeting of 25 July 2006 (JSC25-07/06).

This variance can be analysed as follows:

- The **Operating Surplus** is \$49.9m compared to a budgeted surplus of \$46.8m at the end of August 2006. The \$3.1m variance is primarily due to additional interest income, fees and charges, contributions, reimbursements and donations and lower than budgeted expenditure in employee costs, utilities and materials and contracts.
- **Capital Expenditure** is \$2m against the year to date budget of \$2.5m. The \$0.5m under spend is due to purchasing of light vehicles and in the construction of infrastructure assets and council projects.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2006 forming Attachment A to this Report.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 30 September 2006 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial/Budget Implications:

Refer attachment A.

Policy implications:

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

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 29 April to 29 May 2006.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2006/07 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 30 September 2006.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 September 2006 forming Attachment A to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf241006.pdf](#)

ITEM 9 CULTURAL FACILITY SITE ACQUISITION – [14977]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To advise Council of the final settlement of the purchase of the cultural facility site, Lot 1001 Kendrew Crescent, Joondalup for the sum of \$583,999.65.

EXECUTIVE SUMMARY

Council has previously given approval for the purchase of Lot 1001 Kendrew Crescent, Joondalup as the cultural facility site and authorised the preparation and execution of the necessary documents. The City originally agreed to purchase on the basis of a site area of 8,150 square metres for \$595,000. This was prior to final subdivision and survey and with a condition that the price would be adjusted on a square metre basis to the final surveyed area.

The last report to Council in December 2004 advised that the area of the site to be purchased would be 7,919 square metres and adjusted final consideration would be \$578,171.65. The final surveyed area of the land purchased, however, is 7,999 square metres. In accordance with the Contract of Sale with the Department of Education and Training after adjustment for the final surveyed area the settlement price was \$583,999.65.

It is recommended that Council:

- 1 *NOTES that the final settlement details of Lot 1001 Kendrew Crescent, Joondalup are for an area of 7,999 square metres and in accordance with the terms of the Contract of Sale with the Department of Education and Training the adjusted final settlement price was therefore \$583,999.65;*
- 2 *ACKNOWLEDGES the Chief Executive Officer's action in finalising the settlement for the purchase of Lot 1001 Kendrew Crescent, Joondalup for the purpose of the cultural facility.*

BACKGROUND

Council considered a number of reports in relation to the acquisition of a site for a cultural facility that culminated in the report considered by Council on 2 November 2004 (CJ248-11/04) at which Council resolved as follows:

- 1 *AUTHORISE the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to a contract of sale between the City and the Department of Education and Training (DET) for the purchase of a 7919 square metre site for the purpose of constructing the Joondalup Regional Cultural Facility, for final consideration of \$578,171.65;*
- 2 *AUTHORISE the preparation and execution of the necessary documents by the Acting Chief Executive Officer to give effect to the road construction agreement between the City and the DET agreeing to contribute 50% of construction costs for a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, currently estimated at \$385,000;*

- 3 *REQUIRE that a report detailing forward landscaping plans for the site be prepared for consideration of Council taking into account the cultural and performing arts needs of the community, which will be assessed through a collaborative consultation process involving educational institutions, performing arts groups, arts consultants and other stakeholders;*
- 4 *NOTE that a concept design review will be commissioned to ensure the Joondalup Regional Cultural Facility remains appropriate to the region and affordable to the City;*
- 5 *REQUIRE an urgent review be conducted and interim report prepared and presented at the December 2004 Council meeting with regard to the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and allow for greater availability and usage for performing arts and other community events.*

At the time of initial agreement to purchase Lot 1001 Kendrew Crescent, Joondalup the area of the site used for negotiations was 8,150 square metres. This resulted in the initial agreed purchase price of \$595,000. The area had been determined prior to formal subdivision and it was acknowledged that the final area would be subject to survey.

By the time of the meeting on 2 November 2004 resulting in the above resolution it was recorded that the area was 7,919 square metres. It had been agreed in negotiations with the Department of Education and Training that to allow for a variation in area any increase or decrease would alter the original agreed value of \$595,000 by the rate of \$72.85 per square metre. As a consequence it was reported at the 2 November 2004 meeting that the purchase price was \$578,171.65 recognising the reduction in area at the rate of \$72.85 per square metre.

Subsequent to Council's resolution of 2 November 2004, there was a further report to Council in December 2004 in relation to adding a further condition to the Contract of Sale however it was still reported that the purchase was for 7,919 square metres at a final consideration of \$578,171.65.

It has taken some considerable period of time to achieve settlement in relation to this purchase however this was finalised on Wednesday 18 October 2006.

In dealing with the finalisation of the settlement the final surveyed area of the site was identified as 7,999 square metres not 7,919 square metres. Using the agreed adjustment formula in the Contract of Sale the final settlement price was therefore \$583,999.65.

DETAILS

Issues and options considered:

Notwithstanding the difference in area of the site of 80 square metres between that last reported to Council and the final survey, the Contract of Sale makes a provision for the possibility of such changes in the final area. On this basis officers proceeded to authorise the final settlement for the purchase of Lot 1001 Kendrew Crescent, Joondalup on Wednesday 18 October 2006.

Given the previous reports however it is important that Council be aware of the final settlement and the consideration involved and acknowledges the officer's action in finalising the settlement in accordance with the Contract of Sale.

Link to Strategic Plan:

Objective 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities.

Objective 1.2 - To meet the cultural needs and values of the community.

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

Objective 3.2 - To develop and promote the City of Joondalup as a tourist attraction.

Objective 3.5 - To provide and maintain sustainable economic development.

Legislation – Statutory Provisions:

Section 3.59 of the Local Government Act 1995 and Part 3 of the Local Government (Functions & General) Regulations 1996 apply in relation to land transactions. All of the statutory requirements have been completed.

Risk Management considerations:

With the settlement of the purchase now completed there are no further risk management considerations in relation to this matter.

Financial/Budget Implications:

Although the final settlement price was \$5,828 more than previously reported this will not have any material impact on the 2005/06 Budget.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The possibility of a variation in the final surveyed area of Lot 1001 Kendrew Crescent, Joondalup was anticipated and provisions included in the Contract of Sale provided a formula for adjusting the final settlement price accordingly. The final settlement was for an area of 7,999 square metres and under the terms of the Contract of Sale the final settlement price is \$5,828 more than was previously advised to Council. The report seeks Council's acknowledgement of the final settlement price and endorsement of the officer's action in finalising settlement.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION**That Council:**

- 1 NOTES that the final settlement details of Lot 1001 Kendrew Crescent, Joondalup are for an area of 7,999 square metres and in accordance with the terms of the Contract of Sale with the Department of Education and Training the adjusted final settlement price was therefore \$583,999.65;**
- 2 ACKNOWLEDGES the Chief Executive Officer's action in finalising the settlement for the purchase of Lot 1001 Kendrew Crescent, Joondalup for the purpose of the cultural facility.**

ITEM 10 TENDER 055-05/06 SUPPLY INCLUDING DELIVERY, ASSEMBLY AND ROLLOUT OF RECYCLING MOBILE GARBAGE BINS (MGB) TO RESIDENCES FOR THE CITY OF JOONDALUP – [67584]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by Clean Sweep for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup (Tender 055-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 19 August 2006 and 23 August 2006 through statewide public notice for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup. Six submissions were received from:

- Clean Sweep
- MASTEC Australia Pty Ltd
- Nylex Industrial Products
- Ossie Plastics Systems Pty Ltd
- Sulo MGB Australia Pty Ltd
- Waste Equipment Sales NSW Pty Ltd

It is recommended that Council, in relation to Tender 055-05/06 ACCEPTS the tender submitted by Clean Sweep for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup in accordance with the requirements as stated in Tender 055-05/06 for the Contract Price of \$1,846,325.00 (GST exclusive).

BACKGROUND

The City of Joondalup is implementing its Waste Strategy adopted by Council in December 2005. The Waste Strategy includes the provision for a universal recycling service.

The City provides a contracted waste and recycling service to approximately 54,600 residences, including multi residential premises. The service includes a weekly domestic rubbish service. The City is introducing a MGB recycling service, which consists of 240 litre mobile garbage bins (with yellow lids) serviced by automated one-arm trucks. It already has in place a user pays voluntary MGB recycling service with approximately 7,000 participants. The residences' existing MGBs will not be replaced with new MGBs in this roll out.

It is anticipated that the bins will be rolled out either later this year or early in the New Year subject to availability of stock.

DETAILS

Tenders were advertised on 19 August 2006 and 23 August 2006 through statewide public notice for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup. Six submissions were received from:

Tenderer	Total Contract Price (GST Exclusive)
Clean Sweep	\$1,846,325.00
Ossie Plastics Systems Pty Ltd	\$1,857,250.00
Waste Equipment Sales NSW Pty Ltd	\$1,894,300.00
MASTEC Australia Pty Ltd	\$2,325,125.00
Nylex Industrial Products	\$2,403,500.00
Sulo MGB Australia Pty Ltd	\$2,536,025.00

The first part of the tender evaluation process is to check conformance with the Compliance Criteria, in order to ensure that all essential requirements have been met.

One of the tenderers, Ossie Plastics Systems Pty Ltd, submitted an offer which did not address the qualitative criteria and as the company was newly established in 2006, the information provided in its tender submission was insufficient for the panel to facilitate assessment.

This Offer was deemed to be non-conforming and was not considered further.

The tenders submitted by Clean Sweep, Waste Equipment Sales NSW Pty Ltd, MASTEC Australia Pty Ltd, Nylex Industrial Products and Sulo MGB Australia Pty Ltd met all the essential requirements and were carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Panel members assessed each of the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments in order to ensure that the tenderers had the capability and resources to provide the Services and to make a recommendation.

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

The Selection Criteria for Tender Number 055-05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company and the structure of the business
- Suitability of proposed goods and services
- Service and Maintenance – availability of parts, frequency and response times
- Details of any specialised equipment that will be used
- Local infrastructure
- Safety Management Policy

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment;
- Maintain or increase arrangements with both Goods and Services providers within the City
- Provide value added services to the City

Demonstrated Experience in Completing Similar Projects

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

The evaluation panel carried out the evaluation of the above submissions in accordance with the Qualitative Criteria and concluded that the offers submitted by Clean Sweep represented the best value to the City.

Issues and options considered:

The following issues and options were considered and included in the Request.

Respondents were requested to provide a Roll Out Plan for the MGBs and to nominate the sites they intend to utilise for delivery of the sea containers and the rollout of the MGBs. As a guide the City's car parks at nominated reserves could be made accessible to the Contractor to enable the efficient distribution of the MGBs to residences in the respective areas. The car parks on the reserves will be chosen that will pose minimum noise risks and possible disruptions to residents.

Where these reserves or car parks are considered a noise risk and create possible disruptions to residents, the City will comply with normal working hours and keep affected residents informed of the situation.

Link to Strategic Plan:

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

2 Caring for the Environment.

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

Strategy 2.2.2 Plan for the development of waste management.

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondent will represent a low risk to the City based on it being an established WA company with a team of key personnel experienced in waste management and having completed similar projects for various local councils.

Financial/Budget Implications:

The City has \$2,115,000.00 allocated in the 2006/2007 operational budget for this Contract and therefore has sufficient funds for this Contract to proceed.

	Excluding GST
Budget Amount (2006/2007) – Project F883:	\$2,115,000.00
Tendered Contract Price (based on 47,500 bins at \$38.87 per unit):	\$1,846,325.00

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

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

The introduction of a universal recycling service is a long term sustainability initiative that will increase the diversion of waste from landfill.

It is noted that the recommended tenderer has nominated approximately 20% recycling component within the bins being supplied.

Consultation:

Late in 2005 the Waste Strategy 2005 was developed with community input. This tender is one of the key elements of the implementation plan and has community support.

In terms of the roll out, the residents around the car park may experience noise from the roll out operation. Where these residents are at risk of being impacted on from these stations, the City will communicate with them to advise them of the operational issues and expected impacts.

COMMENT

Clean Sweep achieved the highest qualitative score of 83% and is the lowest priced offer received.

It is a very well established company providing a diverse range of services covering street sweeping and waste management services which includes kerbside recycling collection and supply, delivery and repair of MGBs. The company provides such services to private enterprise, Government Agencies, and Local Government Authorities.

It has an existing fleet consisting of several small trucks and large trailers, and other purpose built equipment for loading and unloading the MGBs. Clean Sweep operates in accordance with its 'in-house' quality management system and Occupational Health and Safety policy.

The company also provides service and maintenance of the MGBs and all parts are held in stock at its warehouse in Bellevue.

Clean Sweep is currently providing services for the collection of Recycled Materials for the City and is, therefore, familiar with the layouts of the streets and suburbs within the City of Joondalup. It has demonstrated capacity to meet the rollout programme, and for bins to be delivered, assembled and rolled out to residences within an approximate timeframe of ten weeks.

Clean Sweep has also provided confirmation that its proposed Otto Mobile Garbage Bins supplied by Otto Holdings Asia Pacific Pty Ltd, a member of the Otto Group of companies based in Germany, will be manufactured in either Thailand or Malaysia based factories which are owned in a joint venture between Otto and a local company. Clean Sweep confirmed that its Tendered Price, in accordance with clause 1.13 CUSTOMS AND EXCISE DUTIES, TAXES AND CHARGES of the Request, includes all customs excise, levies, duties, taxes and charges and any dumping duties, if applicable.

Regarding the issue of 240 litre MGBs being dumped on the Australian market from Asia, an investigation into this claim shows that bins manufactured in Malaysia are subject to an anti dumping duty of 6.21%.

The proposed Otto Mobile Garbage Bins are manufactured to EN 840-1 standard and meet all aspect of the bin specifications. Clean Sweep provided confirmation of certification of conformity, and a sample bin for assessment. The sample bin was subjected to a number of robust drops from a one arm lifter rubbish truck. The view of the Waste Management Officers' from Wanneroo and Joondalup was that the bin stood up well to the treatment and that it would perform well as a recycling or domestic bin. The City also reviewed the performance of previously purchased Otto bins that it purchased in 1988 and 1989 and these bins shown they have exceeded their shelf life as they are currently in good form and in use by the City.

Further confirmation was received from Clean Sweep's supplier Otto Holdings Asia Pacific that the Otto Mobile Garbage bins to be provided to the City of Joondalup meet the specified AS1535 (requirements to exposure of UV light) and ISO4892 (UV degradation) and that its specification for the bins will also meet Australian Standards 4123 (pending approval) when issued. The proposed Otto bins are warranted for a period of ten years for defects in material or workmanship from the date of purchase.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, in relation to Tender 055-05/06 ACCEPTS the tender submitted by Clean Sweep for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup in accordance with the requirements as stated in Tender 055-05/06 for the Contract Price of \$1,846,325.00 (GST exclusive).

ITEM 11 PROPOSED AMENDMENT TO THE BURNS BEACH STRUCTURE PLAN - NORTHERN RESIDENTIAL PRECINCT AND OTHER MINOR CHANGES – [29557]

WARD: North

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

PURPOSE

This report is for Council to consider adding development provisions and making minor changes to existing provisions of the Burns Beach Structure Plan (BBSP), and to decide whether to initiate public advertising.

EXECUTIVE SUMMARY

The BBSP covers 147 hectares situated north of Burns Beach Road and west of Marmion Avenue, Burns Beach. The BBSP includes objectives, permissible land uses and development provisions to guide the future development of the site. It was adopted by the Council on 15 March 2005 and certified by the Western Australian Planning Commission (WAPC) on 3 May 2005.

The proposed amendment involves changes to both the Part 1 (Statutory Planning) and Part 2 (Explanatory Report) sections of the BBSP.

Proposed amendments to Part 1 include renaming the Special Design Precinct to the Northern Design Precinct and adding several medium density areas with associated development provisions. Additional building and wall heights limits are also proposed for development on R40 and R60 density sites within this Precinct. A change to the definition of ground lot level for all lots in the structure plan area is proposed, along with minor amendments to existing provisions requested by the developer as well as the City to provide greater clarity.

Proposed amendments to Part 2 include updating the public open space (POS) schedule to reflect minor changes to the layout of POS resulting from subdivision approvals and the final design of the Northern Residential Precinct.

The majority of the proposed amendments are considered acceptable. Proposed development provisions for the Northern Residential Precinct relating to building and wall heights for R40 and R60 density lots in the Northern Residential Precinct are considered excessive and are not supported.

It is recommended that the amending documents be altered accordingly prior to initiating public advertising.

BACKGROUND

Suburb/Location:	Portion of Lot 9017 Burns Beach Road
Applicant:	Development Planning Strategies
Owner:	Burns Beach Property Trust
Zoning:	DPS: Urban Development
	MRS: Urban/Parks and Recreation
Site Area:	147 hectares
Structure Plan:	Burns Beach

The BBSP applies to 147 hectares of land zoned 'Urban Development' under DPS2 and is located north of Burns Beach Road and west of Marmion Avenue. The adopted BBSP facilitates the future development of approximately 1600 low and medium density dwellings, by way of its objectives, permissible land uses and development provisions.

Seven development precincts are identified in the current BBSP, being:

- Residential R20 Precinct
- Residential R40 Precinct
- Special Residential Precinct
- Local Shop Precinct
- Beach Shop/Lunch Bar and Restaurant Precinct
- Parks & Recreation Reserve
- Special Design Precinct

The structure plan was certified by the WAPC on 3 May 2005 and adopted by the Council on 9 August 2005.

Following adoption and certification of the structure plan, the subject land is being progressively subdivided for residential purposes.

DETAILS

The proposed amendments to the BBSP involves the following amendments to the Part 1 (Statutory Planning) and Part 2 (Explanatory Report) sections. The developer has requested the following amendments:

Part 1:

- Renaming of Special Design Precinct to Northern Residential Precinct;
- Inclusion of additional development provisions for the Northern Residential Precinct;
- Clarification of existing provisions in the Residential R20, Residential R40 and R60 and Local Shop precincts.

Part 2:

- Additional background information on the design philosophy of the Northern Residential Precinct;
- Amending existing areas and schedule of POS to reflect the final design of the Northern Residential Precinct and approved engineering plans resulting from subdivision approvals.

In addition, the City's officers have suggested the following amendments:

- Inclusion of provisions relating to permissible land uses;
- Deletion of "Shop" use from the Local Shop Precinct.

Attachment 2 provides a table of all proposed amendments and the City's comments. Attachment 3 shows the proposed amendments within Parts 1 and 2 of the structure plan as tracked changes.

The main proposed amendments within Attachment 2 are detailed below:

Northern Residential Precinct

The adopted BBSP identifies a 'Special Design Precinct' over the northern portion of the site. This land is characterised by naturally steep topography where the highest points of the structure plan area are located. The highest point on the site is located towards the eastern end of the Precinct and the land falls away from this high point in all directions, with the lowest point located in the north-west corner of the land. A "spine" of POS areas linked by a portion of road with paths is proposed along the north-west orientation. This "spine" serves to also facilitate the retention of stands of native remnant trees, particularly Eucalyptus trees located within POS 2.

The BBSP states that future development of this Precinct is intended to be primarily R20 density with small pockets of high density sites. The key objective for this Precinct is to provide quality residential development whilst retaining the general landform.

Minimal provisions currently apply to this Precinct, recognising that detailed engineering design at a later stage of development of the structure plan site would determine more specific requirements to address the constraints of its topography.

Renaming of Precinct

It is proposed that the Special Design Precinct be renamed to the Northern Residential Precinct to reflect the fact that design work for this portion of the structure plan has been finalised and that particular structural or design features would not be necessary for development of the lots.

Additional Provisions

Density

The current provisions in the BBSP for this Precinct indicate that the future density of development in this area will generally be R20, with the exception of some higher density sites. The proposed amended structure plan identifies specific areas of R40 and R60 coded land.

The land identified for R60 density development is the highest residential land in the Precinct, and is adjacent to a large area of POS. Areas of R40 density are proposed adjacent to the foreshore.

Plot Ratio

The Residential Design Codes of WA (R-Codes) specify the maximum plot ratio applicable to land, depending on the density of the land. Plot ratio in the R-Codes is defined as:

" The ratio of the gross total of all floors of buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls but not include the areas the area of any walls but not include the area of lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively

for parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs open on at least two sides.”

In areas coded R60, the R-Codes specify a maximum plot ratio of 0.65 for single houses and grouped dwellings in, and a maximum plot ratio of 0.70 for multiple dwellings.

The proposed amendment will increase the maximum plot ratio for single houses, grouped dwellings and multiple dwellings in areas coded R60 from 0.65 and 0.70 to 0.85.

The applicant contends that the bulk and scale of any building would not be altered through the increase in plot ratio while the increased plot ratio enables the "living spaces" and "habitable rooms" within any proposed building to be increased in size.

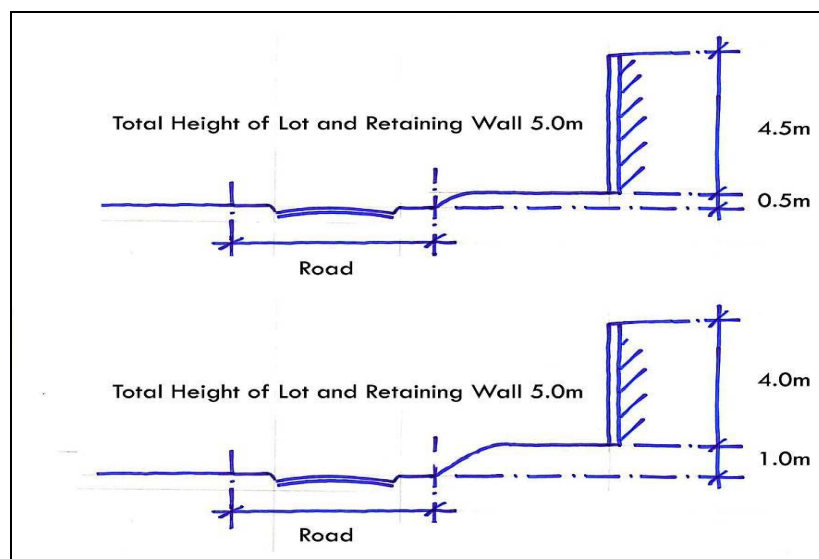
Ground Lot Level

Ground lot level is used in relation to the establishment of finished lot levels at the subdivision stage. It is not used as the reference point in determining building height under the BBSP.

The current definition in the BBSP for ground lot level is:

“GROUND LOT LEVEL shall mean the finished level of the lot relative to the midpoint of the verge that it fronts (existing or established at subdivision stage) and immediately adjacent to the lot. The finished lot level shall be +/- 0.5 metres from the level of the verge at the front of the lot, measured from the midpoint of the frontage of the lots. Lots with rear laneway access that are required to be accessed from the rear lane may be permitted to substitute +/- 1.5 metres in lieu of the +/- 0.5 metres.”

The amendment seeks to replace the difference in lot levels from +/- 0.5m with +1.0/-0.5m in relation to front verges and +/-2.0m to rear laneways. The proposal represents an increase of a further 0.5m above the level of the street verges and rear laneways (see diagram below). This is proposed to facilitate development of the Northern Residential Precinct with retaining walls no higher than 4.0 metres in height.



Proposed Increase to Ground Lot Level and Retaining Walls

The definition is proposed to be modified as follows:

“GROUND LOT LEVEL shall mean the finished level of the lot relative to the midpoint of the verge that it fronts (existing or established at subdivision stage) and immediately adjacent to the lot. The finished lot level shall be + 1.0/-0.5 metres from the level of the verge at the front of the lot, measured from the midpoint of the frontage of the lots. Lots with rear laneway access that are required to be accessed from the rear lane may be permitted to substitute +/- 2.0 metres in lieu of the +/- 1.0 metres.”

In order to reduce the impacts of raised Ground Lot Levels on the streetscape, it is proposed to ensure that the combination of retaining walls and front fencing does not present as high solid walls by including a front fencing provision. The diagram shown above in relation to the proposed increase in Ground Lot Level also shows the impact of the proposed retaining walls.

Retaining Walls

Due to the topography of the site, it is proposed that a provision be included in the structure plan to permit retaining walls to a maximum 4.0 metres in height at specific locations, as shown on Figure 3 in Part 1 of the draft amended BBSP.

The applicant's justification for this amendment is that the increased retaining wall heights will reflect the natural topography of the site and further, that their location at the rear and side of residential blocks will not have an adverse impact on streetscape.

Building Height

A maximum total building height of 3 storeys and 12.5 metres is proposed for R40 and R60 density sites in the Northern Precinct. The maximum wall heights (standard and parapet walls) are subsequently proposed to be amended to 9.5 metres and 10.5 metres.

The current maximum building height for the balance of the site is 9.5 metres, which is the same for the Residential R20 and Local Shop Precincts. This enables the development of 2 storeys plus a loft, which is defined in the structure plan as distinct from a storey. Maximum wall heights (standard and parapet walls) are 6.5 metres and 7.5 metres respectively in these Precincts.

The applicant's justification for this part of the amendment is that the increased building height will draw attention to the high point of the subdivision and enhance the diversity and variety of housing types within the development. The applicant asserts that the transition from 2 to 3 storeys will mostly be separated by road and that the requirements of the Structure Plan and the Residential Design Codes will ensure that the interface between the two and three storey homes (where they are immediately adjacent) is appropriate and issues of overlooking, overshadowing and amenity will be addressed.

Part 2 – Amendments to Public Open Space (POS) Schedule

The adopted BBSP notes 15 POS areas. Detailed engineering design stage for the Northern Residential Precinct had not been undertaken when the BBSP was adopted, leading to a redesign of the roads to better reflect the existing topography of the land and subsequent lot arrangement.

As part of this redesign, POS 1 in this Precinct was split into three separate POS areas, being POS 1A, 1B and 1C.

Two POS areas located opposite the proposed corner store site in the remainder of the BBSP area have been split at the subdivision stage, resulting in a total of 19 POS areas being proposed over the whole site. The resulting POS areas will serve as passive recreation areas, which was always the intended use for these sites.

Accordingly, it is proposed that the POS schedule be amended to accurately reflect the POS distribution throughout the structure plan area.

Options

The options available to Council in considering the proposal are:

- Adopt the proposed amendment to the BBSP and initiate public advertising;
- Adopt the proposed amendment to the BBSP, with modifications, and initiate public advertising;
- Refuse to adopt the proposed amendment to the BBSP.

Link to Strategic Plan:

The proposed amendments to the BBSP is supported by the following objective and strategy of the City's Strategic Plan 2003-2008:

Objective 3.3 To continue to meet changing demographic needs.

Strategy 3.3.1 To provide residential living choices

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

The following Council policies are of relevance to this proposal:

- Policy 3-4 Height and Scale of Buildings Within The Coastal Area (Non-Residential Zones); and
- Policy 7-8 - Retaining Walls (Subdivision).

The proposed amendments to the BBSP seek to enable heights of dwellings in the Northern Residential Precinct that exceed the maximum height threshold under Policy 3-4, and retaining walls exceeding the height that may be approved without Council approval under Policy 7-8. Discretion is therefore being sought in relation to these policies.

Should Council resolve to adopt the proposed amendment, it would be required to exercise discretion in relation to Policies 3-4 and 7-8.

Regional Significance:

The proposed amendment to the BBSP is of regional significance as it will facilitate the release of additional low and medium density residential land in a sought-after coastal location within the northern corridor of the Perth metropolitan area.

Sustainability implications:

It is considered that the proposed amendments to the Northern Residential Precinct provide for small lot and medium density subdivision (R40 and R60), which will facilitate better utilisation of the existing infrastructure, community facilities and public transport system in the locality, in line with the State's planning objectives.

The road network and orientation of residential lots within this Precinct have been designed in accordance with design and sustainability principles of Liveable Neighbourhoods, which provides a guide to subdivision design.

Furthermore, the proposed increased density will provide an opportunity for a wide variety of lot sizes and building styles throughout the structure plan area.

Consultation:

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of Clause 6.7, prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. In view of the significance of the site and the extent of the modifications proposed, an advertising period of 35 days is recommended.

Public advertising will consist of written notification of all adjoining landowners, signs being erected on the site, an advertisement being placed in the Joondalup community newspaper and a notice being placed on the City's website.

COMMENT

Northern Residential Precinct

The renaming of this Precinct has no planning implications and is supported.

Comment on the other proposed amendments follows:

Density

There are currently no density provisions within the BBSP for the Northern Residential Precinct. The predominant density over the balance of the BBSP is R20, with several pockets of R40 largely located around POS areas, and two pockets of R60 located adjacent to the coastal road and POS 6

With regards to the Northern Residential Precinct, two pockets of R40 and two pockets of R60 density sites are proposed within the predominantly R20 Precinct, providing the opportunity for a variety of lot sizes, housing types and styles (see plan at the rear of Attachment 3a). The proposed R40 areas adjacent to the foreshore are considered to have planning merit on the basis that public enjoyment of the coast is enhanced with the higher density, in accordance with the policy measures outlined in the WAPC's State Coastal Planning Policy.

It is considered that the increased density of the R60 site, at the high point of the estate, would assist in visually emphasising this site. The provision of medium density development sites in close proximity to areas of POS is also consistent with the provisions of Liveable Neighbourhoods.

The WAPC, in considering the draft BBSP for adoption, required a modification to the structure plan to include an area of R60 density to be located adjacent to POS 6 along the foreshore, in order to facilitate future development at a higher density. The proposed amendment is consistent with this requirement.

On this basis, the proposed R40 and R60 density areas are therefore supported.

Plot Ratio

Plot ratio is a relatively minor component of residential development, and other elements of the Structure Plan and the R-Codes are already in place to control building height, site coverage, privacy and other issues relating to potential building bulk.

The proposed plot ratio increase for the R40 and R60 density sites is therefore supported.

Retaining Wall Heights

An amendment to the structure plan is proposed that would allow retaining walls over 3 metres and up to 4.0 metres as of right at the rear of properties and adjacent to POS 1A.

Retaining walls are normally constructed by developers during the subdivision stage so that they occur in a uniform and comprehensive manner.

A Building Licence is required for all retaining walls in excess of 0.5 metres in height and those in excess of 3m are issued once Council has considered and approved an application. Council approval is required for retaining walls in excess of 3.0 metres, in accordance with the City's Policy 7-8 - Retaining Walls (Subdivision).

The new Planning and Development Act (P&D Act) was gazetted in April 2006 and replaces the Town Planning & Development Act 1928. Unlike the previous planning legislation, Section 157 (1) of the (P&D Act) 2005 exempts all subdivision works from requiring development approval, provided those works are shown on the plan of subdivision, or are required to be carried out as a condition of the subdivision.

It is therefore considered important to include provisions relating to any high retaining walls where possible at the structure plan stage. This would enable comprehensive assessment of retaining walls and avoid the need to acquire separate Council approval for over-height retaining walls prior to Building Licence approval.

It is acknowledged that higher retaining walls (4.5 metres) would be required should Council not permit the proposed amendment to the definition of Ground Lot Level referred to later in this report. However, the subject retaining walls are to be constructed at the rear of properties and adjacent to an area of POS and would therefore have minimal impact on the streetscape. For this reason, regardless of Council's decision on the proposed amendment to the Ground Lot Level definition, the proposed retaining wall heights are considered acceptable.

Building Height

A maximum of 3 storeys and 12.5 metre total building height is proposed in the Northern Residential Precinct, on lots of R40 and R60 density. A maximum wall height of 9.5 metres for standard walls and 10.5 metres for parapet walls are also proposed.

As noted earlier in this report, Council's Policy 3.2 Height and Scale of Buildings Within Residential Areas and Policy 3-4 Height and Scale of Buildings Within The Coastal Area (Non-Residential Zones) generally control the building heights throughout the City.

It is noted that the development on the medium density sites would serve as landmark features by virtue of being located at prominent points near the foreshore and at the high point of the estate. The density of development on these sites in themselves would, to some degree, set them apart from the majority of lots in the estate being developed at low density (R20), without the requirement for an increased building height limit.

Opportunities for housing variety (single, grouped and multiple dwellings) exists in R40 and R60 density coded areas irrespective of building height. Whilst dwelling size would be more limited with 2 storey development, elements such as the layout and design of the dwellings provide other options for variety in housing types and form.

The BBSP allows 2 storey plus loft development with a 9.5m total height limit for residential dwellings which is already 1.0m above the height threshold of 8.5m under the Council's Policy 3.2 that applies to most other residential areas within the City. Wall heights of 6.5m and 7.5m for standard and parapet walls respectively are permissible in the BBSP.

On this basis, it is considered that the proposed building height of 12.5m is excessive and could provide a precedent in terms of other future structure plans and developments within the City. It is considered that, should Council resolve to initiate the proposed structure plan amendment, the proposed building height should be modified to reduce the maximum permissible wall total building heights 12.5m for R40 and R60 coded land in this Precinct, prior to the commencement of public advertising.

Reference to the maximum number of storeys permissible should correspondingly also be amended as a 9.5m height limit still provides adequate vertical space to construct a 2 storey plus loft dwelling.

In addition, the corresponding maximum wall heights should be reduced for standard and parapet walls from the proposed 9.5m and 10.5m to 6.5m and 7.5m respectively.

Ground Lot Level Definition

The amendment seeks to replace the difference in lot levels from +/- 0.5m with +/-1.0m in relation to front verges and +/- 1.5m to +/- 2.0m to rear laneways, which is an increase of a further 0.5m above the level of the street verges and rear laneways.

This is proposed to facilitate development of the Northern Residential Precinct with retaining walls no higher than 4.0 metres in height. The proposed definition, however, is not confined to the Northern Residential Precinct where high retaining walls may be necessary to address the topography of the land and subsequent roads and lot arrangements.

Council recently considered and endorsed a submission to the Western Australian Planning Commission (WAPC) on review of the R-Codes (CJ125-07/06 refers) objecting to a proposal to amend Clause 6.6.1 A1.4 – Fill, to increase permissible fill on lots from 0.5 metres to 1.0 metres. The basis for objection was increased privacy implications for adjoining neighbours and impacts on streetscapes.

The applicant has maintained throughout the structure plan process that the intention for the Burns Beach estate is to develop the lots in a way that recognises the natural topography of the land, to be reflected in the site works. Subdivision approvals and subsequent earthworks have been occurring for the first stages of development of the estate, within which lot levels were required to comply with the current provision. Increasing the lot levels uniformly over the balance of the estate would have some visual impact yet could still enable the land's natural topography to be taken into account.

In view of the fact that the frontages of lots would be raised up to 1.0m above the level of the road, the impact of increased lot levels needs to be considered in terms of retaining the additional fill on the affected lots. The developer has Building Guidelines in place that all purchasers are to comply through approval of building plans, prior to their submission to the City for approval. These include the fencing provisions and it is proposed to include a provision in the BBSP that limits the extent of visually non-permeable front (solid) fencing to reduce the visual impact, as noted above in the applicant's justification.

Under Clause 3.2.5 of the R-Codes, front walls and fences are to be visually permeable 1.2m above natural ground level. A total fence height of 1.8m could be approved. The proposed provision would require fencing and retaining walls 1.3m above the verge level, 100mm more than the R-Codes. Fencing above this height would be permeable. The visual impact of the proposed increase in lot levels would therefore be marginal and the additional provision is considered acceptable.

Other Minor Amendments

Other, mainly textual, minor amendments are proposed to the BBSP generally aimed at providing clarity and have been included mainly at the request of the City's officers. Changes to Part 2 reflect some proposed amendments to Part 1 and also adjust the POS Schedule to reflect the approved arrangement of POS areas to date that has occurred through changes at the subdivision process. The Department for Planning and Infrastructure was consulted regarding the revised layout of POS which was subsequently supported and approved by the WAPC. Altered roads and lots layout for the Northern Residential Precinct are also proposed and are considered satisfactory. Attachment 2 provides a summary of all proposed amendments and officer comments.

It is noted that a separate report to this meeting of Council on standardising the wording of structure plans also includes land use permissibility provisions that form part of this proposed amendment. The standard wording report seeks only to provide clarity in the wording of some of the City's structure plans and does not address any other issues. However, as the Burns Beach Structure Plan report also includes the addition of design provisions which may create public interest and discussion. The relevant land use permissibility provisions for the Burns Beach Structure Plan have been included in both reports as report **COJ, and is addressing all structure plans that do not include these provisions.

CONCLUSION

The current BBSP includes few development provisions for the northern portion of the site (the Northern Residential Precinct) due to the unknown constraints of this land with its undulating topography at the time of adopting the structure plan. Engineering design details have now advanced to the point that additional provisions are proposed to facilitate the future development of the land.

The proposed amendments provide for a range of dwelling types to be developed on a difficult part of the BBSP site at the northern aspect, as well as providing clarity for existing provisions. Other than the proposed building height for medium density sites, the proposed amendments are considered acceptable for the purpose of achieving the objectives of the BBSP.

It is recommended that, prior to public advertising being undertaken, the structure plan be altered to reduce the maximum total building heights from 12.5m to 9.5m, and maximum wall heights for standard and parapet walls from the proposed 9.5m and 10.5m to 6.5m and 7.5m respectively. The maximum permissible storeys therefore would need to be reduced from 3 storeys to 2 storeys.

Following these alterations and public advertising, further consideration can be given to the building height matter, taking into account any submissions received, prior to Council deciding whether or not to adopt the amendments to the structure plan.

ATTACHMENTS

Attachment 1	Location Plan & Aerial
Attachment 2	Table of all proposed amendments with officer comments
Attachment 3(a)	Proposed Modifications to Burns Beach Structure Plan (tracked) - Part 1 and Plan 1
Attachment 3(b)	Proposed Modifications to Burns Beach Structure Plan (tracked) - Part 2
Attachment 4	Table 1 - The Zoning Table
Attachment 5	Structure plan process flowchart

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Pursuant to clause 9.7 of the City of Joondalup's District Planning Scheme No 2, INITIATES public advertising of the proposed amendments to the Burns Beach Structure Plan, including additional provisions for the Northern Residential Precinct and minor changes to existing provisions, as per Attachment 3 to this report, for a period of 35 days, once the following changes to clause 9.2 Land Use and General Provisions have been undertaken:**
 - (a) Dwellings shall be constructed to a maximum height of 2 storeys with loft areas within the roof space permitted;**

- (b) **The maximum building height measured from natural ground level shall be:**
- (i) **Maximum wall height (with pitched roof) – 6.5 metres**
 - (ii) **Maximum total building height to roof ridge – 9.5 metres**
 - (iii) **Maximum wall and total height (parapet wall with concealed roof) – 7.5 metres**
- 2 **NOTES that land use permissibility provisions are proposed to be included in the Burns Beach Structure Plan through the Proposed Standard Amendments to Structure Plan Report to be considered by Council at its meeting of 31 October 2006 (Item 12 refers).**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf241006.pdf](#)

ITEM 12 PROPOSED STANDARD AMENDMENTS TO STRUCTURE PLANS – [26549] [11160] [20514] [16047] [06878] [48934] [60560] [29557]

WARD: All

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

PURPOSE

The purpose of this report is to seek Council's consent to advertise proposed standard amendments to the wording of several adopted structure plans.

EXECUTIVE SUMMARY

A structure plan is a planning tool that sets out the vision and planning framework for the future development of an area or parcel of land.

A review of the City's structure plans has revealed the wording of a number of structure plans requires amendment to bring them into line with the requirements of the City's District Planning Scheme No 2 (DPS2) and the Residential Design Codes of Western Australia (R-Codes), and with one another.

The main issues for amendment relate to land use permissibility and the circumstances under which planning approval is required for the development of a single house.

It is recommended that the following structure plans be amended to include revised wording and new provisions to address the inconsistencies in wording.

- Cook Avenue Structure Plan
- Currambine Structure Plan
- Heathridge Structure Plan
- Hillarys Structure Plan
- Iluka Structure Plan
- Kinross Neighbourhood Centre Structure Plan
- Currambine Village Structure Plan
- Burns Beach Structure Plan

The proposed amendments are considered to be minor in nature and will not materially alter the intent of the subject structure plans.

In view of the above, it is recommended that the proposed amendments be advertised for 21 days for public comment.

BACKGROUND

Suburb/Location:	Hillarys, Currambine, Heathridge, Iluka, Burns Beach & Kinross
Applicant:	Not Applicable
Owner:	Not Applicable
Zoning:	DPS: Various
	MRS: Urban
Site Area:	Not Applicable
Structure Plan:	Various (as noted)

Unless otherwise specified in a structure plan, the provisions of DPS2 apply to the development of land the subject of a structure plan. In addition, the provisions of the Residential Design Codes (R-Codes) apply to residential development, unless otherwise stated in a structure plan.

Provisions within structure plans are intended to supplement the requirements of DPS2 and the R-Codes. Due largely to changes to the R-Codes over time, and the fact that the current structure plans have been developed over several years by different planning consultants, the wording and formatting of many of the City's adopted structure plans differ from one another.

This inconsistency in the wording of structure plans has created uncertainty for landowners and City staff in relation to the development and building approval processes, particularly for residential land.

A review of the City's structure plans has revealed two main issues that need to be addressed, being land use permissibility in structure plan areas and the circumstances under which development approval is required for a single house.

DETAILS

Schedule 7 of DPS2 sets out the elements that Council may require to be included in structure plans proposals. Structure plans are to have two parts: Part 1, which sets out the statutory requirements, and Part 2 which is an explanatory report providing background.

Part 1 is required to include definitions, objectives and development provisions relating to permissible land uses, density, building height, access, and any special provisions specific to the location and proposed form of development not adequately addressed through the provisions of R-Codes, DPS2 or Council's existing policies. A detailed plan showing proposed zones, densities, and roads and layout of areas of public open space also need to be included in Part 1.

The City's adopted structure plans have been prepared by different planning consultants over time, resulting in their content and presentation being varied.

A review of the City's adopted structure plans has identified the following as requiring amendment:

- Cook Avenue Structure Plan
- Currambine Structure Plan
- Heathridge Structure Plan
- Hillarys Structure Plan
- Iluka Structure Plan
- Kinross Neighbourhood Centre Structure Plan
- Currambine Village Structure Plan
- Joondalup City Centre Plan and Manual (JCCDPM)
- Burns Beach Structure Plan

The following adopted structure plans do not need amending:

- Caridean Street Structure Plan
- Currambine Structure Plan
- Woodlake Retreat Structure Plan
- Warwick Structure Plan

With regards to the Currambine Village Structure Plan, Council considered the intention to revoke this structure plan at its meeting on 8 August 2006 and resolved to publicly advertise the proposal (CJ135-08/06 refers). Advertising commenced on 31 August 2006 for a period of 35 days, until 5 October 2006.

Following the close of advertising, a report to Council will be prepared to allow for the consideration of public submissions and to decide on the revocation proposal. Should Council determine that the structure plan be revoked, the amendments proposed in this report may not apply.

The timing of the procedures associated with the proposed revocation and proposed amendments to the structure plans will determine whether the Currambine Village Structure Plan would need to be amended. As the structure plan is currently valid, it has been included in this report.

Exceptions to amendments

Of the structure plans identified in the above list, the JCCDPM is not the subject of this report.

The JCCDPM is a significant structure plan which relates to seven Districts within the City Centre and incorporates sub-categories of structure plans in relation to the Edith Cowan University and Arena Joondalup sites.

The JCCDPM is an important tool for guiding residential and commercial development in the Joondalup City Centre. The JCCDPM was prepared in 1995 by Landcorp and presents differently in wording and format to more recent structure plans. For these reasons, the JCCDPM does not form part of this review and is subject to a separate review.

Land Use Permissibility

Residential Areas

The subject structure plans predominantly relate to residential land. The structure plans do not include adequate provisions relating to land use permissibility. This has led to some ambiguity regarding the planning and building approval processes in these areas.

In particular, the subject structure plans do not identify the use class “Single House” as being a permitted use in residential zoned land. Subsequently, single houses in these structure plan areas currently require planning approval, creating delays for landowners and substantially increasing the workload volume of City staff.

In areas of the City not controlled by structure plans, land use permissibility in the Residential Zone is controlled through Table 1 of DPS2 (the Zoning Table). Where a proposed land use is not listed in Table 1, Council is required to determine a development application for that use based on the merits of the application. Table 1 is shown as Attachment 4 to this report.

Table 1 identifies “Single House” as a permitted use in the Residential Zone, meaning that planning approval is not required unless the proposed development does not meet the Acceptable Development Standards of the R-Codes.

In order to provide consistency throughout the residential areas of the City, it is proposed that the following provision be added to the subject structure plans under the appropriate headings:

Land use permissibility and general provisions in the (specify Precinct/Zone and density code as appropriate) shall be the same as those within the Residential zone under the Scheme unless otherwise specified in this Structure Plan.

By introducing this Clause, land use permissibility for residential areas of the subject structure plans will be controlled by Table 1 of DPS2.

It should be noted that notwithstanding the provisions of Table 1, a planning approval would still be required for a single house where any variations to the provisions of the R-Codes or the relevant structure plan are proposed.

Non-Residential Areas

The following structure plans provide for non-residential land uses:

- Currambine Structure Plan – Commercial and Community Precincts
- Hillarys Structure Plan – Mixed Use Precinct
- Kinross Neighbourhood Structure Plan – Commercial Land Use Area, Civic and Cultural Land Use Area

While these structure plans do include land use permissibility provisions, there is inconsistency in the wording of the structure plans.

It is proposed that existing provisions of these structure plans be amended, as follows:

Land use permissibility and general provisions in the (specify Zone/Precinct as appropriate) shall be the same as those within the (specify Zone) under the Scheme unless otherwise specified in this Structure Plan.

By introducing this Clause, land use permissibility for non-residential areas of the subject structure plans will be controlled by Table 1 of DPS2.

Other minor amendment – Cook Avenue Structure Plan

In Western Australia, all residential development is assessed against the Acceptable Development Provisions (ADPs) of the R-Codes. Where the ADPs are not met, applicants can request that the local government exercises discretion and approve a Codes Variation, provided that the relevant Performance Criteria (PC) of the Codes has been met.

Clause 1.5 of the Cook Avenue Structure Plan states the following:

1.5 Residential Design Codes

All dwellings are required to comply with the Acceptable Development Provisions (ADP's) of the Residential Design Codes of Western Australia (the Codes), unless otherwise provided for by the specific requirements of this Structure Plan. Any proposed development that deviates from the ADP's will be required to address the Performance Criteria of the Codes by way of an application for development approval to the City of Joondalup.

Pursuant to Clause 4.2.5 of the Scheme, Plan 1 - 'Structure Plan Map' - identifies the location of the R25 and R40 residential densities that apply to the site.

Whilst the City's other structure plans make reference to the provisions of the R-Codes, only the Cook Avenue Structure Plan refers specifically to the PC. The current wording of the structure plan is unnecessary and inconsistent with other structure plans within the City.

The Clause also incorrectly states that an application for development approval is required for a proposal to be assessed against the PC of the R-Codes. A Codes Approval Application Form for a variation to the R-Codes is required in this case. It is proposed that Clause 1.5 of the Cook Avenue Structure Plan be amended as follows:

1.5 Residential Design Codes

All dwellings are required to comply with the Residential Design Codes of Western Australia (the Codes), unless otherwise provided for by the specific requirements of this Structure Plan.

Pursuant to Clause 4.2.5 of the Scheme, Plan 1 - 'Structure Plan Map' - identifies the location of the R25 and R40 residential densities that apply to the site.

The revised clause will remove ambiguity in the approvals process for development in the Cook Avenue Structure Plan.

Attachment 2 provides a list of the specific amendments proposed and how each structure plan would read when amended in relation to the respective provisions of the structure plans. Attachment 3 shows tracked copies of extracts of the structure plans, showing the proposed amendments in relation to the respective structure plans.

Options

Council has the following options with regard to this proposal:

- Support the initiation of the proposed amendments to the structure plans;
- Support the initiation of the proposed amendments to the structure plans, with modifications;
- Not support the initiation of the proposed amendments to the structure plans for stated reasons.

Link to Strategic Plan:

The recommendation in this report is not linked to the objectives and strategies of the City's Strategic Plan 2003 –2008.

Legislation – Statutory Provisions:

Clause 9.7 of DPS2 enables Council to amend an Agreed Structure Plan subject to the approval of the Western Australian Planning Commission (WAPC). Should Council determine that the amendments to the Structure Plans are satisfactory, advertising of the proposals is required in accordance with Clause 9.5 of DPS 2.

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

Attachment 5 sets out the structure plan process.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Should Council determine that the proposed amendments to the structure plans are satisfactory, public advertising is required in accordance with clause 9.5 which requires advertising for a minimum of 21 days.

It is considered that the proposed amendments are minor in nature and will not alter the intent and purpose of the subject structure plans. It is recommended that a 21 day advertising period be undertaken for these amendments.

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

COMMENT

The City's adopted structure plans have varied in format and wording over time. The amendments will remove ambiguity that currently exists relating to land use permissibility and approvals processes in the subject structure plan areas.

The proposed amendments are considered to be minor in nature and will not materially alter the intent of the subject structure plans. The amendments will provide greater consistency between the subject structure plans, the City's DPS2 and the R-Codes.

The wording of Clause 1.5 of the Cook Avenue Structure Plan to the R-Codes should also be amended to be consistent with the wording of the R-Codes and the City's other structure plans.

In view of the above, it is recommended that the proposed amendments be advertised for 21 days for public comment. Furthermore, in view of the problems associated with the different forms and content of structure plans that has occurred, the adoption of a standard structure plan template under DPS2 will be progressed as a matter of priority.

ATTACHMENTS

Attachment 1	Location plan of subject structure plans areas
Attachment 2	List of proposed amendments to structure plans
Attachment 3	Extracts of Cook Avenue, Currambine, Heathridge, Hillarys, Iluka and Kinross Neighbourhood Centre, Currambine Village and Burns Beach Structure Plans (tracked, showing proposed amendments)
Attachment 4	Table 1 – The Zoning Table
Attachment 5	Structure plan process

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 Pursuant to clause 9.7 of the City's District Planning Scheme No 2, ADOPTS the proposed standard amendments to the Cook Avenue, Currambine, Heathridge, Hillarys, Iluka, Kinross Neighbourhood Centre, Currambine Village and Burns Beach Structure Plans, as shown within Attachment 3 to this Report and make these available for public comment for a period of 21 days;**
- 2 REQUIRES the preparation of a standard structure plan template by the City, to be adopted through an amendment to District Planning Scheme No. 2.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf241006.pdf](#)

ITEM 13 **PROPOSED REPEALING OF TOWN PLANNING SCHEME NO 6 – GREENWOOD – [08771]**

WARD:	South East
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider repealing Town Planning Scheme No. 6 (TPS6).

EXECUTIVE SUMMARY

TPS6 was gazetted in April 1972 and covered a 120 hectare portion of Greenwood bounded by Hepburn Avenue, Wanneroo Road, Warwick Road and Cockman Road.

TPS6 is a guided development scheme that facilitated the subdivision of several small rural landholdings into residential sized lots. TPS6 is now no longer required as all land has been developed and all necessary scheme costs paid.

Section 74 of the Planning and Development Act 2005 allows the Local Government to repeal a local planning scheme where it is no longer required.

It is recommended that Council resolves to repeal TPS6.

BACKGROUND

TPS6 was gazetted in April 1972 and covered an area of approximately 120 hectares bounded by Hepburn Avenue, Wanneroo Road, Warwick Road and Cockman Road.

TPS6 was a guided development scheme that facilitated the development of several small rural landholdings into a residential subdivision and set out landowner contributions, scheme costs, subdivision requirements and the provision of roads, drainage reserves, reticulated water & sewerage, school sites and Public Open Space for the suburb of Greenwood.

The general objectives of TPS6 were;

- To coordinate subdivision and development of the land within the Scheme Area;
- To plan suitable roads;
- To ensure the proper drainage of the roads or other such works.
- To make provision for the creation of drainage reserves and easements.
- To ensure the provision of reticulated water to and throughout the Scheme Area.
- To connect landholdings to sewer, and provide for sewerage works and facilities both within and outside the Scheme Area, where necessary;
- To make provision for Public Open Space.
- To make provision for Schools.

The area was progressively developed generally for residential purposes, with development having been finalised in the early 1990s. Administration of the scheme is therefore complete, with all remaining funds being disbursed and finalised through deed of releases with all TPS6 landowners.

A copy of TPS6 has been placed in the Councillors reading room for perusal.

DETAILS

Section 74 of the Planning and Development Act 2005 allows a local government to repeal a local planning scheme.

The development of the TPS6 area is now complete and on this basis, it is proposed that TPS6 be repealed.

Issues and options considered:

The options available to Council in considering the repealing of TPS6 are:

- Adopt the repeal of TPS6, execute the repeal notice and forward it to the WAPC or,
- Refuse the TPS6 repeal.

Link to Strategic Plan:

The recommendation in this report is not linked to the objectives and strategies of the City's Strategic Plan 2003 – 2008.

Legislation – Statutory Provisions:

Section 74 of the Planning and Development Act 2005 states that a local planning scheme may be repealed by a subsequent local planning scheme or an instrument of repeal prepared by the Local Government, approved by the Minister and published in the Gazette.

Risk Management considerations:

There are no apparent risks associated with repealing TPS6.

Financial/Budget Implications:

As no monies are held in the TPS6 account, there are considered to be no financial or budget implications associated with repealing TPS6.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

The repeal of TPS6 has no sustainability implications.

Consultation:

There is no legislative requirement for the City to publicly advertise the proposed repeal of TPS6, however, should the Minister grant approval, a notice must be published in the Government Gazette.

COMMENT

All subdivision and development within the area of Greenwood that were previously controlled by the provisions of TPS6 have now been completed.

Administration of the scheme is also complete, with all remaining funds having been disbursed. These administrative and financial actions were finalised through deeds of release between the then City of Wanneroo and all TPS6 landowners.

TPS6 is therefore no longer required and should be repealed.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES that Deeds of Release were signed by all landowners who developed under Town Planning Scheme No. 6 – Greenwood Scheme and that there are no surplus funds to be disbursed or other monies owing in relation to this Scheme;**
- 2 REPEALS Town Planning Scheme No. 6 – Greenwood Scheme and authorises the signing and the affixation of the Common Seal to the repeal notice.**

ITEM 14 CLOSE OF ADVERTISING FOR LOCAL PLANNING POLICY - SATELLITE DISH, AERIALS AND RADIO EQUIPMENT – [81513]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider submissions received during the advertising period and to consider adopting as final the planning policy – Satellite Dish, Aerials and Radio Equipment without modification.

EXECUTIVE SUMMARY

At the Council meeting of 14 March 2006 (CJ041-03/06), it was resolved to initiate a Local Planning Policy – Satellite Dish, Aerials and Radio Equipment for public advertising.

The policy is intended to provide parameters as to what types of equipment are considered as acceptable and ought to be allowed.

The communications equipment specified in the policy are not considered to be detrimental to the streetscape or to cause amenity issues, particularly given their size. The policy ensures that larger equipment that could be seen from the street or neighbouring properties is subject to planning consideration.

One objection was received during the public advertising period, however it is recommended that Council grant final approval to the policy and make the appropriate changes to DPS2.

BACKGROUND

The City's District Planning Scheme No.2 (DPS2) defines 'Communications Antenna' as:

“Any mast, antenna, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communication where its vertical or horizontal dimensions exceed two metres but does not include telecommunications infrastructure.”

A 'Communications Antenna' is a discretionary use in the Residential, Mixed Use, Business, Commercial, Private Clubs and Recreation zones and Rural zone. No specific development standards apply to satellite dishes, aerials or radio equipment in DPS2.

The Residential Design Codes provide some guidance on the acceptable location of communication equipment as follows:

A2.3 Antennas, satellite dishes and the like not visible from the street.

The City sometimes receives complaints from adjoining owners where communication equipment has been installed. Many of the complaints relate to devices that are large and are sited inappropriately.

There is currently no policy relating to satellite dishes, aerials and radio equipment within the City of Joondalup. A policy can assist with setting the parameters for the consideration of the exercise of discretion.

DETAILS

The proposed policy (Attachment 2 refers) would provide guidance to residents who are considering erecting communications equipment on a residential property. Communication equipment can include satellite dishes, aerials and radio equipment. The policy provides guidance with regard to the location and maximum heights of such equipment.

While some types of communication equipment may be considered appropriate, such as domestic antennas, in some instances larger equipment can be particularly problematic.

The policy states that the following are considered acceptable 'as of right' and would not require a planning approval:

- A satellite dish which is located on the roof and has a diameter of not greater than 0.9 metres. (0.9 metres is based on an average Foxtel Satellite Dish).
- A satellite dish (combined dish and support) which is located at existing natural ground and is 2.4 metres or less in total height (considered to be a standard size dish). The dish is to be located so as not to be visible from any street or adjoining property.
- A domestic television antenna not greater than 4 metres in dimensions.
- A radio antenna which is not greater than 2 metres in height if mounted on the roof, or does not project more than 2 metres above roof ridge if located at ground level and is not located between the street and the house.

A maximum of one of each type of communication equipment would be permitted, exclusive of a domestic television antenna.

It is noted that in order to accommodate the provisions of the draft policy, DPS2 would need to be amended in the event that the draft policy is adopted. This would give statutory effect to the above 'as of right' provisions.

Options

In considering the draft local planning policy, Council can:

- Adopt the policy for the purpose of public advertising
- Modify the draft policy, then adopt it for the purpose of public advertising
- Not adopt the draft policy.

Consultation:

The proposed policy was advertised for a period of 21 days from 30 March 2006 to 20 April 2006. Advertising was in the form of an advertisement placed in the Joondalup Times (30 March 2006) and also on the City's website.

Upon closure of advertising one submission had been received, being an objection.

Policy implications:

It is proposed to implement a new City policy. Council has determined the City's policies as follows:

“A policy that is developed for administrative and operational imperatives and has an internal focus.

City policies are referred to Council for review and endorsement”

Risk Management considerations:

Not Applicable.

Legislation – Statutory Provisions:

Clause 8.11 of DPS2 outlines the requirements and process steps for the preparation of local planning policies. This clause enables the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the scheme area.

Once the draft policy is prepared, it is required to be advertised by way of a notice published once a week for two consecutive weeks in a local newspaper, giving notice where the draft policy may be inspected. The draft policy is also advertised on Council's website. The specified period for advertising is not less than twenty one (21) days as required.

Link to Strategic Plan:

The following objectives in the City's Strategic Plan 2003 – 2008 are relevant to this proposal:

Objective 1.2 To meet the cultural needs and values of the community (communication equipment is often used to gain access to a variety of overseas television programs).

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

Strategy 3.1.1 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Satellite dishes, aerials and radio equipment have the ability to support and enhance the cultural wellbeing of the community. However, the size and location of the equipment can have an impact on the visual amenity of that same community.

COMMENT

The policy seeks to specify standards relating to the installation of satellite dishes, aerials and radio equipment in residential areas. The policy provides guidance as to when planning approval is required, the relevant development provisions that would apply and details relating to public advertising.

The draft policy provides a balance between a straightforward, 'as-of-right' approach to domestic communication devices, and the need to be mindful of the impact of such devices on adjoining owners.

The submission received objecting to the policy was on the grounds that firstly a radio antenna projecting 2 metres above a neighbours roof would be unsightly and secondly that the policy should be more specific with regard to maximum heights, mounting heights and visibility from neighbouring properties and the street. It is not considered that the devices listed in the policy would have amenity issues particularly given their size.

In principle, it is considered that if communication equipment are either relatively small, or cannot be seen from the street or adjoining properties, then specific planning approval should not be required. Alternatively, larger equipment that can be seen from the street or neighbouring properties should be subject to planning consideration. The policy will provide guidance relating to the size and height of devices and will ensure that impacts on adjoining owners are minimised.

It is noted that in order to accommodate the provisions of the draft policy, proposed Amendment 31 to DPS2 (Omnibus Amendment) has included a new Clause 6.1.3(m) that states that the types of communications equipment specified in the policy will not require planning approval.

ATTACHMENTS

Attachment 1	Schedule of Submissions
Attachment 2	Draft Policy

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 ADOPTS the Satellite Dish, Aerial and Radio Equipment Policy in accordance with Clause 8.11.3 of District Planning Scheme No 2;**
- 2 NOTES the submission received and advises the submitter of Council's decision.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf241006.pdf](#)

ITEM 15 **PROPOSED ROAD CLOSURE FOR EXCESS ROAD RESERVE: MITCHELL FREEWAY, DUNCRAIG – [09384]****WARD:** South**RESPONSIBLE DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council approval to advertise a proposed road closure for portion of the Mitchell Freeway reserve, Duncraig.

EXECUTIVE SUMMARY

An application has been received to close a 302m² portion of the Mitchell Freeway Reserve. The land is surplus to the requirements of Main Roads Western Australia and a 97m² portion of this land is proposed to be purchased by an adjoining landowner. The remainder of the closed portion of surplus road reserve land (approximately 205m²) is expected to be offered for purchase by three other adjoining landowners.

Council is required to consider the road closure application made by one of the adjoining landowner's as the surplus portion of land is part of the Mitchell Freeway road reserve.

Council's statutory involvement in this process is to advertise the proposed road closure and then, upon completion of the public advertising period, consider submissions received and resolve whether or not to proceed with the closure.

The road reserve land is not owned or managed by Council and therefore Council has no entitlement to the land.

It is recommended that Council resolve to initiate the proposed closure of the portion of Mitchell Freeway reserve for the purposes of public advertising for a period of 35 days.

BACKGROUND

Suburb/Location:	Mitchell Freeway, Corner Warwick Road, Duncraig
Applicant:	Keith Davie - Owner of Lot 214 (No. 29) Sycamore Drive, Duncraig
Owner:	Crown (Main Roads WA)
Zoning:	DPS: Primary Regional Road & Residential R20
	MRS: Primary Regional Road & Urban
Site Area:	302m ²
Structure Plan:	Not Applicable

The subject land is known as Pt Lot 150 Mitchell Freeway and is located immediately south-west of the intersection of Warwick Road and Mitchell Freeway, Duncraig (refer attachment 1).

In December 2005, an amendment to the Metropolitan Region Scheme (MRS) was finalised, which sought to transfer portion of Lot 150 from 'Primary Regional Roads' to 'Urban'.

The Council is currently proposing to rezone portion of Lot 150 from 'Primary Regional Road' to 'Residential R20' through the omnibus Amendment No. 31 to District Planning Scheme No. 2 (DPS2). This rezoning will ensure the zoning of the land under DPS2 aligns with the zoning of the land under the MRS. Zoning alignment is also necessary should the closed portion of the surplus road reserve be eventually amalgamated into adjoining residentially zoned lots.

Amendment No. 31 is currently being assessed by the Department of Environment and Conservation and upon the City's receipt of its advice, will be advertised for public comment.

DETAILS

A 302m² portion of Lot 150 Mitchell Freeway, Duncraig is surplus to Main Roads WA requirements.

A 97m² portion of this land is to be disposed of by Main Roads to the applicant, who is the adjoining landowner of Lot 214 (No. 29) Sycamore Drive. This 97m² portion of the closed portion of road reserve is to be amalgamated into the residential lot and will require a future subdivision application to be submitted to, and approved, by the WAPC.

The remainder of the closed portion of surplus road reserve land (approximately 205m²) is expected to be offered for purchase by Main Roads to three other adjoining landowners. The envisaged allocation of the surplus road reserve land, together with existing and resultant lot sizes as a result of the amalgamation of the surplus road reserve land into all four adjoining residential lots, is shown in Attachment 1.

Only Lot 259 (No. 33) Sycamore Drive currently has development potential for two grouped dwellings under DPS2. All remaining lots will continue to be single residential lots as amalgamation of the surplus road reserve land as shown in Attachment 1 will not change the lots' development potential.

It is expected that the land, once acquired and amalgamated into adjoining residential lots, will be used and/or developed for private open space purposes.

Council has the option to:

- (a) Resolve to support the road closure for the purposes of public advertising, or
- (b) Resolve to not support the road closure for the purposes of public advertising.

Link to Strategic Plan:

Objective 4.2 To provide quality services within the best use of resources.

Strategy 4.2.1 Provide efficient and effective service delivery.

Legislation – Statutory Provisions:

The road closure is required to be undertaken in accordance with Section 58 of the Land Administration Act (LAA). This section of the Act outlines that the proposed road closure must be advertised for 35 days with a notice placed in a newspaper.

Council is required to consider any submissions received, resolve to close the road and forward the request to the Minister for Planning & Infrastructure for determination.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The City is responsible for all costs associated with advertising the proposed road closure. The current budget has sufficient funds to cover these costs.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Initial consultation was undertaken with service authorities in September 2006 in order to identify any services located within or adjacent to the subject land.

All service authorities (Telstra, Western Power, Alinta Gas and Water Corporation) have advised that they have no services or assets which would be affected by the proposed road closure.

If this proposal is supported by Council, public advertising shall occur for 35 days as required under Section 58 of the Land Administration Act, as follows:

- Nearby landowners being notified in writing;
- A notice being placed in the local newspaper;
- A sign being erected on site;
- A notice being placed on the City's website.

Upon closure of advertising, the matter will be presented to Council for its further consideration, together with details of submissions received during the advertising period.

COMMENT

The proposed road closure is primarily the result of the gazettal of MRS Omnibus Amendment No. 1088/33A - North West Districts Omnibus No. 6, which effectively excised the land from the road reserve by rezoning it from 'Primary Regional Roads' to 'Urban'.

The recent change in zoning of the land under the MRS is also addressed within the City's proposed Amendment No. 31 to DPS2 to ensure zoning alignment between the MRS and DPS2.

The allocation of the envisaged closed portions of road reserve into adjoining residential lots is shown in Attachment 1. The plan has been prepared based upon a contract for sale of the land between the landowner of Lot 214 (29) Sycamore Drive Duncraig and Main Roads WA. Whilst the resultant lot boundaries (shown in Attachment 1) appear to be irregular in shape, it is unlikely to create any amenity impact as the land directly interfaces with the Freeway road reserve.

Notwithstanding the above, the road closure process prescribed under Section 58 of the Land Administration Act needs to be followed and the Council is involved in this process as the surplus road reserve land sought to be closed is located within the City of Joondalup.

The road closure proposal has no impact upon the City or service authorities and should be advertised for public comment.

ATTACHMENTS

Attachment 1 Road Closure Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council INITIATES the permanent closure of the excess portion of Mitchell Freeway reserve, Duncraig, as shown in Attachment 1 to this Report for the purposes of public advertising for a period of 35 days.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf241006.pdf](#)

ITEM 16 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – SEPTEMBER 2006 – [07032] [05961]

WARD: All

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

PURPOSE

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

EXECUTIVE SUMMARY

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

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

The normal monthly report on Town Planning Delegations identifies:

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

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

BACKGROUND

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

Approvals Determined Under Delegated Authority – Month of September 2006		
Type of Approval	Number	Value (\$)
Development Applications	102	16,981,179
R-Code variations (Single Houses)	34	708,120
Total	136	17,689,299

The number of development applications received in September 2006 was 105.

Subdivision Approvals Determined Under Delegated Authority Month of September 2006		
Type of Approval	Number	Potential new Lots
Subdivision Applications	10	179
Strata Subdivision Applications	10	21

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 102 development applications determined during September 2006, consultation was undertaken for 27 of those applications. Of the 20 subdivision applications determined during September 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.

Former CSIRO Lot 61 Leach Street, Marmion - Application SU131137.01 for 35 residential lots

The subdivision application was not supported by the City as the Structure Plan was not finalised at the time of it being considered by the West Australian Planning Commission (WAPC). The WAPC requested Council to provide it with a list of subdivision conditions and this was completed in correspondence dated 4 September 2006. The WAPC resolved to adopt the Structure Plan on 10 August 2006 and the WAPC conditionally approved the subdivision on 3 October 2006.

Lot 9001 (500) Burns Beach Road, Burns Beach (Burns Beach Structure Plan Area) – Application SU132057 for 79 residential lots and 1 foreshore reserve lot

This subdivision application relates to Stage 3 of development of the land. The application was in accordance with the Agreed Burns Beach Structure Plan and therefore supported by the City.

Lot 9001 (500) Burns Beach Road, Burns Beach (Burns Beach Structure Plan Area) – Application SU132060 for 93 residential lots, 1 primary school lot and 1 public open space lot

This subdivision application relates to Stage 6 of development of the land. The application was in accordance with the Agreed Burns Beach Structure Plan and therefore supported by the City.

ATTACHMENTS

Attachment 1 September 2006 decisions – Development Applications
Attachment 2 September 2006 decisions – Subdivision Applications

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

- 1 development applications for the month of September 2006 forming Attachment 1 to this Report;**
- 2 subdivision applications for the month September 2006 forming Attachment 2 to this Report.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf241006.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr David Djulbic – Director Infrastructure Services
Item No/Subject	Item 17– Community Sport and Recreation Facilities Fund
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Djulbic has been a member of the Kingsley Football Club, and his son is currently a playing member.

Name/Position	Mr Mike Smith – Manager, Marketing Communications and Council Support
Item No/Subject	Item 17 – Community Sport and Recreation Facilities Fund
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Smith is a life member of the Joondalup Cricket Club which is a member of the Beaumaris Sports Association

ITEM 17 COMMUNITY SPORT & RECREATION FACILITIES FUND – [22209]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning & Community Development

PURPOSE

To provide details on the applications received through the Community Sport & Recreation Facilities Fund (CSRFF) and to make recommendations to the Minister of Sport & Recreation outlining how the City has prioritised the projects.

EXECUTIVE SUMMARY

The Minister for Sport & Recreation has allocated nine (9) million dollars from the CSRFF for the 2006/07 round of applications. The City of Joondalup is required to assess, rank and rate all applications received from sporting and community groups located within the region. Four (4) community sporting groups submitted applications for consideration.

It is recommended that Council:

- 1 *NOTES the Community Sport & Recreation Facilities Fund applications and ENDORSES the project assessments, as stated below:*

Applicant's Rank	Applicant's Rating
1 Sorrento Surf Life Saving Club	Well planned and needed by the applicant.
2 Kingsley Junior Football Club	Well planned and needed by the applicant.
3 Sorrento Football Club	Well planned and needed by the applicant.
4 Beaumaris Sports Association	Not recommended.

- 2 *LISTS \$66,700 for consideration in the 2007/08 draft budget subject to the Sorrento Surf Life Saving Club meeting one third (1/3) of the project's total cost, and the Club being granted \$66,700 from Community Sport & Recreation Facilities Fund;*

- 3 *LISTS \$26,458 for consideration in the 2007/08 draft budget subject to the Kingsley Junior Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$26,459 from Community Sport & Recreation Facilities Fund;*
- 4 *LISTS \$22,727 for consideration in the 2007/08 draft budget subject to the Sorrento Football Club meeting one third (1/3) of the project's total cost plus all additional capital costs to upgrade the floodlighting to 'match play' standards and the Club being granted \$22,727 from Community Sport & Recreation Facilities Fund;*
- 5 *ENDORSES that the Sorrento Football Club be levied a 'match play' floodlighting charge, in line with the City's Schedule of Fees and Charges, as part of their seasonal ground hire fees once the project is completed; and*
- 6 *ADVISES the Beaumaris Sports Association that the proposed floodlight project is not recommended for Council support based on the following reasons:*
 - *the design concept submitted may jeopardise any future change of park user groups;*
 - *the scope of the project would establish a precedent regarding floodlighting levels that could not be sustained by the City;*
 - *in accordance with City Policy 7-3 "Community Facilities – Built", the City will not enter into any pre-funded loan agreements with any clubs or external organisations.*

BACKGROUND

The Department of Sport & Recreation has invited Local Government Authorities and incorporated, not for profit sporting clubs and community groups to submit applications for funding to develop basic, sustainable infrastructure for sport and recreation. The CSRFF program aims to increase physical activity and participation through the development of good quality, well designed and well utilised facilities.

This year the Department of Sport & Recreation has placed a greater emphasis on a planned approach to facility provision and applicants have been encouraged to consider planning, design and management issues to demonstrate need for their project. The CSRFF program represents a partnership opportunity for community organisations to work with Local Government Authorities and the Department of Sport & Recreation in the construction or upgrade of sporting and community facilities.

A CSRFF grant will not exceed one third (1/3) of the total completed cost of the project, with the remaining funds to be contributed by the Local Government Authority and the applicant's own cash or 'in-kind' contribution to the project. CSRFF grants are available in one of two categories:

- 1 Annual Grants
- 2 Forward Planning Grants.

Annual grants will be given to projects of a less complex nature, which have a total project value between \$1,000 and \$50,000. Grants in this category must be claimed in the next financial year.

Forward Planning grants will be given to projects of a more complex nature, requiring a period of between one and three years to complete, for grants of between \$50,001 and \$1.5 million. Grants given in this category can be claimed in either the first, second or third year of the triennium in which the funds were allocated.

The City is required to assess, rank and rate all applications from organisations that fall within its boundaries and forward these rankings and ratings to the Department of Sport & Recreation for consideration against all other submissions. An announcement of the successful applications will be made in February 2007, with grants available in the 2007/08 financial year or in another financial year as nominated by the applicant.

All applications reviewed by the City have been assessed against the following key principles:

- Project Justification
- Community Input
- Project Design
- Coordinated Planning Approach
- Financial Viability / Sustainability
- Potential to Increase Physical Activity

The City is requested, by the Department of Sport & Recreation, to place a priority ranking and rating on all applications based on the following criteria:

- Well planned and needed by the municipality
- Well planned and needed by applicant
- Needed by the municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more preliminary work needed
- Not recommended

DETAILS

The City received four (4) applications for the CSRFF. A copy of the applications has been placed in the Council reading room for information, and a summary of the project descriptions and the breakdown of funding requested for each application has been included as Attachment 1. The assessments of the four (4) applications are as follows:

Project 1 Sorrento Surf Life Saving Club

The Sorrento Surf Life Saving Club application involves alterations to the clubroom facility including an expansion of the existing boat shed, re-development of the courtyard area into a storage compound and new external doors to the main hall. The facility is owned by the City and leased to the Sorrento Surf Life Saving Club.

The objective of the project is to:

- 1 Increase storage capacity to adequately accommodate the equipment (ie. surf skis) of individual members who may not be able to participate in club activities due to insufficient storage capabilities;
- 2 Provide on-site storage for the club's larger surf boats (presently these are stored off-site and this presents logistical issues that impact on participation);
- 3 Provide storage opportunities for current and future community user groups who book the main hall for the delivery of programs.

Currently, the number of club members able to participate in competition, training and general recreational and fitness activities is limited by the Club's ability to provide adequate storage facilities. The project proposal looks to resolve these issues with an extension to the boat shed to accommodate the Club's surf boats and the re-development of the courtyard for surf skis and similar equipment. This will greatly assist to increase participation in surf club activities and allow members easy access to their equipment.

The external doors that are included as part of the project are essential to provide access to the main hall. The proposed changes to the courtyard area will block the hall's only external access point. The new doors will enable free and safe movement for members and participants.

The City consulted with the Department of Sport and Recreation regarding Surf Life Saving Clubs being eligible for funding through the CSRFF program and more specifically this proposed project. The feedback received was encouraging and indicated that the project was within the guidelines and priorities of CSRFF.

In assessing the application, the City acknowledged that the design fitted within the aesthetics of the existing facility and that the project budget was well justified. The City rated the application as well planned and needed by the applicant. The total cost for the project is \$200,100. It is recommended that the City of Joondalup lists \$66,700 for consideration in the 2007/08 draft budget subject to the Sorrento Surf Life Saving Club meeting one third (1/3) of the project's total cost, and the Club being granted \$66,700 from CSRFF.

Project 2 Kingsley Junior Football Club

The Kingsley Junior Football Club's project application involves upgrading the floodlighting at Kingsley Park. Currently, there are four (4) light poles each twelve (12) metres high with two (2) floodlights of 1,000 watts. The proposal submitted is to increase the height of the poles, relocate them to enhance the coverage provided and increase the number of floodlights on each pole to three (3).

Kingsley Park is heavily utilised for active sports participation throughout the summer and winter seasons and for casual community use all year round. This project will greatly benefit both the Kingsley Junior Football Club and the Kingsley Amateur Football Club for training purposes and also has the support of the Kingsley Woodvale Cricket Club and the Kingsley Woodvale Junior Cricket Club.

The Kingsley Junior Football Club's project has the potential to increase physical activity opportunities for the wider local community. Improvements to the floodlighting at Kingsley Park could assist to facilitate use of the passive surrounds for unstructured activities such as walking due to the increased visibility and security that they would provide. The old lighting poles will also be available for the City to relocate to alternative passive parks and reserves for security lighting.

To assist the applicant in the contemporary design and receipt of an up-to-date cost for the project, the City and the Club agreed to undertake a strategy based on a previously approved application from the Joondalup Kinross Junior Football Club for the upgrade of floodlighting at Windermere Park. This application was successful through the CSRFF program in the 2005/06 funding round with a total project cost of \$63,500. The City saw this approach as a way of developing consistency in the upgrade of future floodlighting for its parks and reserves.

In July 2006, the City advertised a tender for the Windermere Park project. Thirteen (13) organisations sought tender documents, however no submissions were received by 8 October 2006 closing date. As a result, a price for the project could not be confirmed and the City is now in the process of re-advertising the tender.

The City approached a number of organisations to provide a quotation for the Kingsley Junior Football Club project without success. Each organisation was reluctant to provide a fully costed submission, knowing that the project would be advertised for tender in the future.

Rather than delay the Kingsley Junior Football Club's project for a further twelve (12) months, the City has recommended that the application proceed with the project cost based on the approved grant for the Windermere Park application, plus a contingency of 25%. This will result in a total project cost of up to \$79,375 (Note: the price could be less depending on the tender submissions received). The price determined is designed to take into account the dramatic increase in construction costs that have been experienced in the industry over the past two (2) years.

The design specifications for the Kingsley Junior Football Club project will be consistent with those of the tender documents prepared for the floodlighting upgrade at Windermere Park.

In assessing this application, the City considered the benefits that will be provided to the sporting clubs that use the reserve and the positive impact on physical activity opportunities for the community. The enhanced floodlighting will also enable the park to be used more efficiently, by redistributing the heavy wear and tear that occurs throughout winter more evenly across the park. This will assist to decrease costly maintenance expenditure. The new lights will not have a negative impact on local residents and represent a sound financial decision for the City.

The application is well planned and needed by the applicant. It is considered that the City should financially support the project by contributing one-third (1/3) of the total cost. The total cost for the Kingsley Junior Football Club's floodlighting project is estimated at \$79,375. It is recommended that the City of Joondalup lists \$26,458 for consideration in the 2007/08 draft budget subject to the Kingsley Junior Football Club meeting one third (1/3) of the project's total cost and the Club being granted \$26,459 from CSRFF.

Project 3 Sorrento Football Club

The Sorrento Football Club's proposed project involves upgrading the floodlighting provision to Pitch No.1 at Percy Doyle Reserve. Currently, there is no floodlighting to this ground. The application involves the installation of floodlighting to a 'match play' standard with four (4) light poles at twenty five (25) metres. The club understands that the City's policy only caters for floodlighting to training standards and as a result, the club is proposing to fully fund the cost difference between training lights and those suitable for match play.

The Sorrento Football Club was unsuccessful in applying for a CSRFF grant in last year's round of funding for a large scale project to install floodlighting on three (3) sports fields at Percy Doyle Reserve, with the total cost estimated at \$292,235.00. At it's meeting on 1 November 2005 (refer CJ242-11/05), Council resolved to:

“advise the Sorrento Soccer, Sports and Social Club that Council notes its proposed project, however more planning is required and the City will work with the club to further develop the application inline for next years funding round considerations by Council”.

In assessing this project, the City notes that the Club has downsized its original application to enable them to manage the project and associated costs in a more effective manner. The City also acknowledges the benefits that the enhanced floodlighting would provide to the Sorrento Football Club in its capacity to provide training and match opportunities for its participants. It is not anticipated that the new floodlights will have a negative impact on local residents and the project represents a sound financial decision for the City.

Consistent with City policy, the club is fully responsible for the costs associated with purchasing the additional luminaries to increase the standard of lighting from training standards to match play. It is also recommended that Sorrento Football Club be levied an annual 'match play' floodlighting charge, in line with the City's Schedule of Fees and Charges, as part of their seasonal ground hire fees once the project is completed. This is based on the additional electricity used for the lighting.

The breakdown of the proposed project costs are as follows:

	Club Contribution	Department of Sport & Recreation Contribution	City of Joondalup Contribution
Floodlighting to Training Standards	\$22,727	\$22,727	\$22,727
Additional Costs for Upgrade to Match Play Standards	\$7,273	-	-
Total Project Cost	\$30,000	\$22,727	\$22,727

The project is well planned and needed by the applicant. It is considered that the City should financially support this application by contributing one-third of the total project cost, however only to a 'training standard' provision. The total cost for the Sorrento Football Club's floodlighting project is \$75,454. It is recommended that the City of Joondalup lists \$22,727 for consideration in the 2007/08 draft budget subject to the Sorrento Football Club meeting one third (1/3) of the project's total cost plus all additional costs, being \$7,273, to increase the number of luminaries required to the floodlighting to 'match play' standards and the Club being granted \$22,727 from CSRFF.

This recommendation is consistent with City Policy 6-1 – "Reserves, Parks and Recreation Grounds" and City Policy 7-3 – "Community Facilities – Built". The Sorrento Football Club needs to agree to pay an annual 'match play' floodlighting charge as part of their seasonal ground hire fees.

Project 4 Beaumaris Sports Association

The Beaumaris Sports Association's (BSA) application is for the upgrade of floodlighting at the Iluka District Open Space. Currently, there are six (6) light poles providing floodlighting to the two (2) sports grounds. The application involves increasing the number of poles to eleven (11) and improving the lighting standards to accommodate training for small ball sports across the whole reserve. Within the project budget, the BSA has requested a Council loan totalling \$75,000 to assist in meeting their one third (1/3) contribution.

The BSA successfully applied for a grant in the 2002/03 round of the CSRFF program for the upgrade of floodlighting at the Iluka District Open Space. In approving the grant, the Department of Sport & Recreation allocated funding for the project in the 2005/06 financial year. The total cost of the project was \$260,000 with the funding breakdown listed below;

\$86,667	Department of Sport & Recreation
\$86,666	City of Joondalup
\$86,666	Beaumaris Sports Association

Council endorsed the project with full funding support (refer CJ256-10/02). As part of the approved application, the BSA sought a pre-funded loan of \$60,000 from the City. The loan effectively increased the City's contribution towards the project to \$146,666. In 2004, the City implemented a policy stating that the "City will not enter into any such agreements with any clubs or external organisations".

In February 2006, due to changes in the scope of the project, cost escalations and a failure to meet deadlines associated with the program, the BSA chose to relinquish the grant and reapply with a revised project application in the current 2006/07 funding round.

The current proposal from the BSA was considered in the assessment process as a 'new' application. The need for this project has been identified by the BSA as part of the phased development of the facility required to meet the needs of the user clubs. The BSA consists of three member clubs, Joondalup District Cricket Club, Joondalup Lakers Hockey Club and Beaumaris Bowling Club. However, the Heathridge Soccer Club and Joondalup Brothers Rugby Union Football Club also utilise the park during the winter season. All of the clubs that utilise the park are in support of the application.

It is maintained by the applicant that the installation of additional training lights will alleviate the congestion currently experienced by the different sporting clubs using the venue at the same time. It is their belief that the additional light towers will enable more effective management of the grass-playing surface to occur, as areas can be systematically rotated to minimise the wear. The grounds are heavily used throughout the year, especially during the winter season. The installation of the floodlights will also facilitate opportunities for the introduction of additional activities during summer.

In 2007, it is anticipated that the Joondalup Brothers Rugby Union Football Club will relocate to Arena Joondalup as a founding member of the Arena Community Sport & Recreation Association (a project that the City has committed \$710,000 towards). This will help to relieve some of the pressures on ground maintenance.

To assist the BSA, the City developed a project plan identifying key actions and timelines. In addition, the City undertook the task of seeking community feedback on the proposed project. A letter was sent to 600 local residents requesting comments on a floodlighting upgrade at the reserve. These findings were compiled and used to assess the BSA's final application.

The breakdown of the proposed project costs are as follows:

Beaumaris Sports Association Contribution

Cash	\$50,000
Volunteer Labour	\$27,668
Donated Materials	\$12,000
Total	<u>\$89,668</u>

City of Joondalup Contribution

Funding Grant	\$164,666
Council Loan	\$ 75,000
Total	<u>\$239,666</u>

Department of Sport & Recreation Contribution

Funding Grant	\$164,666
Total	<u>\$164,666</u>

Total Project Cost **\$494,000**

This funding arrangement will result in a total contribution by the City of \$239,666 towards the cost of the project. The BSA is proposing to repay the \$75,000 loan from the City over a seven (7) year period by means of an annual player levy. The proposed levy is \$5 per junior member and \$10 per senior or veterans member.

In assessing this application, the total cost of the project is significant in comparison to previous floodlighting projects supported by the City. In recent years, the City has approved three (3) floodlighting upgrades through the CSRFF program with each application receiving support from the Department of Sport & Recreation. The individual costs of these projects were:

2002/2003	Sorrento Duncraig Junior Football Club	\$42,000
2004/2005	Edgewater Woodvale Junior Football Club	\$11,803
2005/2006	Joondalup Kinross Junior Football Club	\$63,500

The proposed lighting design and pole locations is considered limiting to the long-term scope of the park and may jeopardise any future variations to the sporting user groups. Floodlighting poles should be strategically placed around the perimeter of the playing area to provide maximum opportunities for multi-use sporting activities. Alternative options should be explored utilising the existing light poles and increasing the number of lights on each. This will be more cost effective and still achieve the desired improvements to the floodlighting standards provided at the park.

As part of the proposal, the BSA is requesting a Council loan of \$75,000 to supplement their one third (1/3) contribution to the project. Despite the Association being regarded as financially sustainable, this request is contrary to City Policy 7-3 – “Community Facilities – Built” and therefore should not be supported by the City.

It is recommended that the BSA review the extent of the works proposed, as the current project is deemed inappropriate. A staged approach of floodlight provision should be considered, resulting in a more affordable concept for the BSA. As a result, the application is not recommended for funding and further planning is required.

Link to Strategic Plan:

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

Objectives: 1.3 To continue to provide services that meet the changing needs of a diverse and growing community.

- Strategies
- 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.
 - 1.3.3 Provide support, information and resources.

Legislation – Statutory Provisions:

Australian Standard AS2560.2.3 - Guide to Sports Lighting for Football (All Codes).

The scope of this code sets out specific recommendations for the lighting of outdoor football grounds for all codes commonly played in Australia (Rugby League, Rugby Union, Australian Rules and Soccer). The standard provides recommendations on lighting to facilitate an adequate visual environment for 'semi-professional' and 'club competition' training and match standards of play.

Australian Standard AS2560.2.7 - Guide to Sports Lighting for Hockey – Outdoor.

The scope of this code sets out specific recommendations for the lighting of outdoor hockey grounds for standards associated with ball training for juniors and minor grade clubs, as well as major grade clubs, national and international levels.

Risk Management considerations:

Following the assessment process of the CSRFF applications, two (2) issues were specifically raised as potential risk factors:

- 1 Sorrento Surf Life Saving Club - Funding for storage areas.

It was considered that a precedent could be set regarding future funding requests for storage areas. However, following consultation with the Department of Sport and Recreation and considering the potential to increase participation in surf life saving activities, the application was deemed compliant with the guidelines and priorities of the CSRFF program;

- 2 Beaumaris Sports Association - Application and subsequent Council loan request. The Beaumaris Sports Association's request for a Council loan is contrary to City Policy 7-3. Support for this project would breach the policy and set an unsustainable precedent.

Financial/Budget Implications:

It is proposed that the funding recommendations presented to Council be listed for consideration in the City's 2007/08 draft budget, subject to approval for the projects being provided by CSRFF. The process involved for projects seeking approval through the CSRFF program, is designed to enable a comprehensive assessments to be carried out and allow adequate time for successful applications to be budgeted for in the forthcoming financial year.

Policy implications:

The two (2) City policies that have been adhered to throughout the assessment process of the CSRFF applications are:

- City Policy 6-1 “Reserves, Parks and Recreation Grounds”.

This policy is specific to sport lighting and has an objective “to support best management practice for Council controlled reserves, parks and recreation grounds while recognising community needs and community and Council responsibilities”;

- City Policy 7-3 “Community Facilities – Built”.

This policy addresses community proposals for capital works and requests for Council loans.

Based on these policies, the future replacement of floodlighting on City parks and reserves will be in accordance with the City Policy at the time.

Regional Significance:

Not Applicable.

Sustainability implications:

The CSRFF aligns with the City’s strategic plan and supports the goals and objectives of leisure and recreational services in the provision of increased opportunities for participation in sport and physical activity.

The City has followed a clear and equitable process to enable applicants the opportunity to meet with City staff and receive feedback on their proposed projects to ensure that their application meets the program aims and objectives.

The CSRFF program assists to facilitate the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to leisure, recreational and health services.

Consultation:

The CSRFF was advertised via a formal Expression of Interest, in the Community Newspaper in June 2006. The Expression of Interest forms are designed to provide the City with details of the applicant’s proposed project and enable feedback prior to a full submission being lodged. In doing so, the City aims to assist potential applicants, whilst helping to save valuable resources (time and effort) from being spent on aspects that do not meet the program guidelines.

The City received two (2) Expressions of Interest by the 30 June 2006 closing date. Council officers assessed the Expressions of Interest and a meeting was held with each applicant (Sorrento Football Club and Beaumaris Sports Association) to provide feedback on their proposed project. The two (2) applicants were presented with suggestions and directions to assist in their final application and encouraged to contact the City if they had any questions regarding their proposal prior to the closing date. It is also important to note that the Sorrento Surf Life Saving Club and Kingsley Junior Football Club did not submit Expressions of Interests, however after liaising with the City, it was agreed to allow both organisations to submit a final CSRFF application for their respective proposals.

The City, as well as the applicants, were regularly in contact with the Department of Sport and Recreation to seek guidance and clarification on certain issues / matters throughout the application process.

COMMENT

The Department of Sport & Recreation, through the CSRFF, aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

The program guidelines list floodlighting projects specifically as applications that will be considered for funding assistance. This indicates that the Department of Sport & Recreation recognises the need to improve the provision of floodlighting on active sporting fields to develop quality facilities that are safe for all participants. Improved floodlighting facilitates the important philosophies associated with sport and recreation of multi-use and shared use, whilst assisting in the long-term maintenance of the grounds by enabling even wear.

It is considered that the Kingsley Junior Football Club and Sorrento Football Club applications will have a positive impact on the provision of opportunities for increased participation in physical activity. Supporting these projects represents a sound financial commitment toward sport and recreation in the Joondalup region for clubs and the community in general.

In assessing the Sorrento Surf Life Saving Club's application, it was considered that the intent to increase their storage area to accommodate additional surf and safety equipment would also assist to increase participation in surf lifesaving activities. Currently, the number of club members able to participate in competition, training and general recreational and fitness activities is limited by the Club's ability to provide adequate storage facilities. This project would enable the clubroom to better accommodate the needs of the other current and future users, demonstrating a multiple and shared use approach to facility provision.

The Beaumaris Sports Association's application was not recommended for funding. The total project cost was assessed as excessive in comparison to previously funded applications. In addition, the request for a Council loan is contrary to City Policy 7.3 and the floodlighting concept design was deemed to be at a level that would limit the community's future use of the park and set a precedent for other projects.

ATTACHMENTS

Attachment 1 Project Descriptions and Breakdown of Funding Requested from CSRFF Applications.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the Community Sport & Recreation Facilities Fund applications and endorses the project assessments, as stated below:**

	Applicant's Rank	Applicant's Rating
1	Sorrento Surf Life Saving Club	Well planned and needed by the applicant.
2	Kingsley Junior Football Club	Well planned and needed by the applicant.
3	Sorrento Football Club	Well planned and needed by the applicant.
4	Beaumaris Sports Association	Not recommended.

- 2 LISTS \$66,700 for consideration in the 2007/08 draft budget subject to the Sorrento Surf Life Saving Club meeting one third (1/3) of the project's total cost, and the Club being granted \$66,700 from Community Sport & Recreation Facilities Fund;**
- 3 LISTS \$26,458 for consideration in the 2007/08 draft budget subject to the Kingsley Junior Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$26,459 from Community Sport & Recreation Facilities Fund;**
- 4 LISTS \$22,727 for consideration in the 2007/08 draft budget subject to the Sorrento Football Club meeting one third (1/3) of the project's total cost plus all additional capital costs to upgrade the floodlighting to 'match play' standards and the Club being granted \$22,727 from Community Sport & Recreation Facilities Fund;**
- 5 ENDORSES that the Sorrento Football Club be levied a 'match play' floodlighting charge, in line with the City's Schedule of Fees and Charges, as part of their seasonal ground hire fees once the project is completed;**
- 6 ADVISES the Beaumaris Sports Association that the proposed floodlight project is not recommended for Council support based on the following reasons:**
- the design concept submitted may jeopardise any future change of park user groups;**
 - the scope of the project would establish a precedent regarding floodlighting levels that could not be sustained by the City;**
 - in accordance with City Policy 7-3 "Community Facilities – Built", the City will not enter into any pre-funded loan agreements with any clubs or external organisations.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf241006.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION – CR BRIAN CORR - [61581]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Brian Corr has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 31 October 2006:

“That a report be prepared on the pros and cons of the “first-past-the-post” and “proportional preferential” voting systems so that a Council preference can be conveyed to the relevant authorities.”

Cr Corr has submitted the following comment in support of his notice of motion:

“Both systems are currently in use in Australia at different levels of Government. Both have strong points and weaknesses. What effect does each have on the number of candidates seeking election? What effect does each have on voter turnout? Is one system more democratic than the other? Many questions!!

In the months ahead, there will be much discussion on the matter and it is important that this Council makes a decision on its preference and conveys that decision to the relevant authorities.”

OFFICER’S COMMENT

A report can be prepared that indicates the relative strengths and weaknesses of the voting systems.

- 10 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**
- 11 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

DUE DATE	MARCH 2006
SUBJECT	LEGAL REPRESENTATION COSTS TO THE CITY IN RELATION TO THE MCINTYRE INQUIRY – Ex CJ168-08/05 - Report on Funding to date to the City of Joondalup Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees “5 NOTES that a further report be prepared by Administration at a later date that quantifies the legal representation costs to the City. This report will not be able to be completed until the McIntyre Inquiry hands down its final report.”
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	97788
STATUS	A report is currently being drafted, to be submitted to a future Council meeting.

DUE DATE	APRIL 2006
SUBJECT	<p>PROPOSAL TO PROTECT NATIVE AREAS OF SIGNIFICANCE - ex CJ193-09/05 Meeting of the Conservation Advisory Committee held on 24 August 2005</p> <p>4 REQUESTS the Chief Executive Officer to provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect native areas of significance under Schedule 5 of the District Planning Scheme No 2;</p> <p>PROPOSAL TO PROTECT NATURAL AREAS OF SIGNIFICANCE UNDER SCHEDULE 5 OF THE DISTRICT PLANNING SCHEME NO 2 - ex CJ256-11/05 - Minutes of the Conservation Advisory Committee Meeting held 26 October 2006</p> <p>"3 NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of the District Planning Scheme No 2;"</p>
RESPONSIBLE DIRECTOR	Planning and Community Development
ACTION NUMBER	100428 and 104027
STATUS	<p>The Conservation Advisory Committee has identified reserves of significance. A report by Planning & Community Development on the DPS2 implications will be submitted to Council in April 2006.</p> <p>Revised Status:</p> <p>Advice is being sought from the Department of Planning and Infrastructure in relation to this matter. It is anticipated that Planning and Community Development will submit a report to Council in June 2006.</p> <p>Revised Status</p> <p>Advice is currently being sought on the best way of legally incorporating open space that contains both bushland areas of conservation and active parks. As a consequence, this report will now be submitted to Council in July 2006.</p> <p>Revised Status</p> <p>It was originally anticipated for this report to be presented to Council in July 2006, however the required advice is yet to be received. A report will be prepared upon receipt of the advice.</p> <p>Revised Status – 16 August 2006</p> <p>A report is being finalised and will be presented for consideration shortly.</p> <p>Revised Status – 11 October 2006</p> <p>The report is under further refinement, pending the receipt of additional legal advice. Dependent on the legal advice received, it is anticipated that the report will be presented to Council in November 2006.</p>

DUE DATE	SEPTEMBER 2006
SUBJECT	REVIEW OF LEVEL OF DELEGATION TO THE CEO IN RELATION TO WRITE-OFF OF MONIES – MINUTES OF THE AUDIT COMMITTEE MEETING HELD 26 APRIL 2006
	3 REQUESTS the Audit Committee to review the level of delegation to the CEO to write-off monies before the end of the year 2006;
	4 REQUESTS the Audit Committee to include the following references in the determination of the appropriate level of delegation to write-off monies:
	(a) The Local Government Act 1995, Section 1.3(2) (c) and (d), that is greater accountability of local governments to their communities and more efficient and effective local government;
	(b) The Local Government Act 1995, Section 2.7(1):
	(1) That the Council directs and controls the local government's affairs and is responsible for the performance of the local government's functions;
	(2) Without limiting subsection (1), the Council is to oversee the allocation of the local government's finances and resources;
	(c) The Local Government Act 1995, Section 5.41 (d) – the CEO's functions to manage the day to day operations of the local government;
RESPONSIBLE DIRECTORATE	Corporate Services
ACTION NUMBER	115355
STATUS	A report will be submitted to the Audit Committee to be held on 24 October 2006.

DUE DATE **OCTOBER 2006**

SUBJECT **PROVISION OF ANIMAL LITTER BAGS THROUGHOUT THE CITY OF JOONDALUP** - Reports/Presentations Requested by Elected Members – Briefing Session – 11 July 2006

Mayor Pickard requested that a report be provided on the provision of Animal litter bags, costs of bags and where these are located throughout the City.

Cr Hart queried the feasibility of seeking sponsorship towards the costs of production of bags from pet product companies.

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER 117321

STATUS A report will be presented in due course.

Revised Status – 31 August 2006

A report is currently being prepared and is anticipated to be presented to Council in October 2006.

Revised Status – 10 October 2006

A report is currently being prepared and is anticipated to be presented to Council in November 2006.

DUE DATE **OCTOBER 2006**

SUBJECT **PAYMENT OF CITY'S ACCOUNTS BY EFTPOS** - Reports/Presentations Requested by Elected Members – Briefing Session – 11 September 2006

Cr Park requested a report on the feasibility of the City's invoices/acc being paid by EFTPOS as opposed to the drawing of cheques.

RESPONSIBLE DIRECTORATE Corporate Services

ACTION NUMBER 120878

STATUS A Report will be submitted to Elected Members by 27 October 2006.



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

NAME

ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

NAME

ADDRESS

STATEMENT

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
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Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called