

AGENDA

Council Meeting City of Joondalup

NOTICE IS HEREBY GIVEN THAT THE NEXT
**ORDINARY MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP**
WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



on
TUESDAY, 18 MARCH 2008
commencing at 7.00 pm

PUBLIC QUESTION TIME



Public Question Time

Members of the public are requested to lodge questions in writing by 9.00 am on Monday, 17 March 2008. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Council meeting.



GARRY HUNT
Chief Executive Officer

14 March 2008

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 18 December 2007:

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an ordinary 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.
- 3 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.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 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.
- 7 Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten 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. 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 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. The Presiding Member shall decide to:
 - Accept or reject any question and his/her decision is final;
 - Nominate a member of the Council and/or City employee to respond to the question;
 - Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
 - making a statement during public question time;they may bring it to the attention of the meeting.

- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 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.

Questions in Writing

- 1 Members of the public may submit questions to the City in writing.
- 2 Questions submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of 5 written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00 am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 10 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.

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an ordinary Council meeting must 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.
- 3 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.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 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.
- 6 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 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.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that is not relevant to the operations of the City of Joondalup, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting may present a written statement rather than making the Statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the minutes of the Council meeting.

CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 180308.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 18 MARCH 2008** commencing at **7.00 pm**.

GARRY HUNT
Chief Executive Officer
Friday, 14 March 2008

Joondalup
Western Australia

VISION

A sustainable City and Community that are recognised as innovative, unique and diverse.

MISSION

Plan, develop and enhance a range of community lifestyles to meet community expectations.

VALUES

Vibrancy

- We will work with stakeholders to create a vibrant City Centre and community.
- We will be dynamic and flexible.

Innovation

- We will provide innovative programs and services.
- We will have a strong team spirit to generate positive ideas.
- We will develop a culture of innovation and excellence.

Responsiveness.

- We will respond to changing community needs.
- We will promote a sense of community spirit and ownership.

Respect

- We will acknowledge community and individual opinions.
- We will respect community and individual contributions.

Trust

- We will have an environment of openness and transparency.
- We will make information accessible.

Safety

- We will work towards the development of a safe and secure environment.
- We will develop partnerships.

AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor Pickard will say a Prayer.

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 PUBLIC QUESTION TIME

The following questions were received in writing prior to the Council meeting:

Mr R Van der Voorden, Joondanah: (Joondanna)

Q1 *What change in circumstances caused you not to declare an interest affecting your impartiality in relation to questions submitted to Council by Mr Robinson at its February meeting when you had previously declared an interest affecting impartiality in relation to similar questions at the December meeting of the Council?*

A1 Disclosures of impartiality are made by individuals in keeping with their assessment of the situation.

Q2 *Does the Local Government Act or Regulations or the City's Code of Conduct provide the CEO with authority to refuse to consider complaints relating to the Mayor's conduct?*

A2 No.

Q3 *Do the provisions of the Local Government (Rules of Conduct) Regulations remove the need for Council's to have Codes of Conduct?*

A3 No.

Q4 *Does the CEO consider it appropriate to refuse to consider complaints relating to the Mayor's conduct and suggest that the complainant take their grievances to an external agency?*

A4 If an external agency is appropriate to deal with a complaint, this will be suggested.

Q5 *Have any Code of Conduct complaints relating to the Conduct of the Mayor been inadvertently overlooked by the CEO.*

A5 No.

Mr S Kobelke, Sorrento:

Q1 With regard to Sacred Heart College, Hocking Parade Sorrento, can The City of Joondalup advise details of any rezoning of the College's southern end from Educational use only to Clubs and Recreation?

A1 As part of the gazettal of the City's District Planning Scheme No.2 (DPS2) in November 2001 from the City of Wanneroo Town Planning Scheme No.1 (TPS1) all private schools zonings were reclassified from the TPS1 zoning of Public Use – PC (Private School) to Private Clubs and Recreation.

The City has not received any application to rezone or subdivide any part of Sacred Heart College, Sorrento, since that time.

Q2 If there has been a rezoning to Clubs and Recreation were the immediate local residents asked for comment prior to it happening, and if not why not?

A2 The rezoning was a part of the larger scheme review which included many changes. Extensive advertising was carried out during the 2001 Scheme review.

Q3 Does the proposed new development of the Sacred Heart College fall within the Building Height Controls In Non-Residential Adjacent To The Coast (Clause 4.17) area. That is land within 300 metres of the horizontal setback datum of the coast as defined in the Western Australian Planning Commission Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height?

A3 The proposed development does fall within the 300m horizontal setback datum of the coast, and it does also exceed the 10m Council Height Policy.

The Western Australian Planning Commission (WAPC) Statement of Planning Policy 2.6 differs from Council's policy in that the WAPC policy (SPP 2.6) states that the height of buildings should be limited to a maximum of five storeys (and not exceeding 21 metres) in height.

Therefore the proposed development complies with the WAPC's SPP 2.6 but not Council Policy 3-4.

Mr K Robinson, Como:

Please arrange for the questions set out below to be considered by the Council. As the questions total more than 5 I appreciate that it will take a number of meetings of Council for each of the questions listed to be raised. This is of no concern.

Q1 What investigations were undertaken by the CEO to ascertain whether the City received an e-mail from myself dated 21 November 2007 12:17:16 + 0900 addressed to garry.hunt@joondalup.wa.gov.au that provide details of alleged breach of the Code of Conduct and requesting the matter be investigated?

A1 Appropriate checks were undertaken which determined that the email of 21 November 2007 was not received by the City.

- Q2 *Can the CEO recall whether he received and read e-mail dated 23 November 2007 and two e-mail dated 21 December 2007 all of which clearly referred to complaints previously submitted by myself relating to the conduct of the Mayor?*
- A2 The email of 23 November 2007 was received and read.
- Q3 *Why did the CEO's letter to Mr Robinson dated 30 January 2008 refer only to my letter of 23 November 2007 and not Mr Robinson's e-mail response of 21 December 2007 thanking the CEO for his letter dated 10 December 2007 in response to my e-mail dated 21 November 2007 and which provided detail of my code of conduct complaints relating to the Mayor's conduct?*
- Q4 *Why didn't the CEO in response to Mr Robinson's advice providing details of the e-mail dated 21 November 2007 12:17:16 + 0900 request a copy of the e-mail given the subject matter and the numerous other e-mails from Mr Robinson that referred to this e-mail?*
- Q5 *On what basis did the CEO refuse to acknowledge or respond to numerous requests from Mr Robinson for an update on the progress of investigations into his Code of Conduct complaints and seeking the opportunity to discuss with the person conducting the investigation details of his grievances?*
- A3-5 The City did not receive the email dated 21 November 2007. It was provided as an attachment to another email from Mr Robinson dated 24 February 2008. Requests to provide updates on confidential investigations are assessed on a case-by-case basis.

Mr M Woodhouse, North Perth:

- Q1 *Does the CEO receive copies of all e-mails received by the City where they raise concerns with conduct of the Mayor and breaches of the Code of Conduct?*
- A1 It is the CEO's responsibility to investigate breaches of the Code of Conduct.
- Q2 *Does the CEO when considering the contents of an e-mail that relates to a code of conduct complaint against the Mayor ensure that he has all the obvious available information relevant to the matter that has been submitted by the person making the complaint prior to responding to the matter?*
- Q3 *In the event that it becomes obvious to the CEO that there is additional information that has been provided by the person making a code of conduct complaint against the Mayor's action does he seek to obtain the information or request further details from the complainant?*
- Q4 *If not, why not?*
- A2-4 These questions appear to relate to complaint allegedly sent to the City on 21 November 2007, but received by the City on 24 February 2008. The substance of this complaint is now being assessed.

Q5 *Does the CEO follow the same or a similar process to that used by Mr Peter Burgess the external consultant engaged by the City for his expertise and experience in investigating complaints when investigating complaints relating to the Mayor's conduct?*

A5 No. The process depends on the nature of the complaint.

Mr J Jones, Lintonmarc Drive, Redcliffe:

Q1 *Does the Code of Conduct require Code of Conduct complaints relating to the conduct of the Mayor to be submitted in any particular format?*

A1 No.

Q2 *Where a Code of Conduct complaint relating to the conduct of the Mayor contains insufficient detail for the matter to be adequately investigated does the CEO request more details from the complainant or conclude his investigation without having sought further details?*

A2 If necessary, further information is sought.

Q3 *If further details are not sought, why not?*

A3 Not applicable.

Q4 *Is the CEO available to discuss with members of the public who request the opportunity matters relating to alleged conduct of the Mayor that breach the provisions of the Code of Conduct?*

Q5 *If not, why not?*

A4-5 The CEO considers requests from members of the public and makes a determination on how to respond in each case.

Mr J Spack, Mary Street, Como:

Q1 *Does the Code of Conduct require complaints against the Mayor to be submitted in a specific format?*

A1 No.

Q2 *Does the Code of Conduct limit the number of complaints that can be submitted relating to the actions of the Mayor?*

A2 No.

Q3 *In accordance with the Code of Conduct does the City provide a response or an indication of when a response will be provided to people submitting Code of Conduct complaints against the Mayor?*

Q4 *If no, why are the provisions of the Customer Service Charter not observed in relation to Code of Conduct complaints relating to the Mayor's conduct?*

A3-4 These questions appear to relate to complaint allegedly sent to the City on 21 November 2007, but received by the City on 24 February 2008. The substance of this complaint is now being assessed.

Q5 Does the CEO consider each and every complaint on its merit in determining whether or not the complaint is justified?

A5 Yes.

3 PUBLIC STATEMENT TIME

4 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr M Norman 3 – 30 March 2008 inclusive

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 19 FEBRUARY 2008

RECOMMENDATION

That the Minutes of the Council Meeting held on 19 February 2008 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

7 DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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

Name/Position	Cr G Amphlett
Item No/Subject	Item CJ041-03/08 - Tender 005/08 – Supply and Delivery of Pre-Mix Concrete
Nature of interest	Financial Interest
Extent of Interest	Cr Amphlett's wife works for one of the bidding companies

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 Garry Hunt, Chief Executive Officer
Item No/Subject	Item CJ031-03/08 – Minutes of the Audit Committee Meeting held 26 February 2008 including 2007 Compliance Audit Return (Item 3 - Quarterly Report - Corporate Credit Card Usage)
Nature of interest	Interest that may affect impartiality
Extent of Interest	The CEO is the card holder

Name/Position	Mr Mike Tidy – Director Corporate Services
Item No/Subject	Item CJ036-03/08 - List of Payments made during the month of January 2008
Nature of interest	Interest that may affect impartiality
Extent of Interest	One of Mr Tidy's children is a member of WA Swimming Association

Name/Position	Cr Albert Jacob
Item No/Subject	Item CJ044-03/08 - Monthly Town Planning Delegated Authority Report, Development and Subdivision Applications – January 2008
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Jacob had a development application approved under delegated authority

Name/Position	Cr Marie Macdonald
Item No/Subject	Item CJ048-03/08 - Proposed Short Stay Accommodation Policy and Amendment No 36 to District Planning Scheme No 2
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald lodged a submission on this Item.

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

9 PETITIONS

PETITION IN RELATION TO PARK SITUATED BETWEEN TODEA COURT AND BRACKEN COURT, DUNCRAIG INCLUDING LANEWAYS LINKING PARK TO HALGANIA WAY AND FROM HALGANIA WAY, TO DAVALLIA ROAD, DUNCRAIG - [071113] [27018] [09127]

A 43-signature petition has been received from Duncraig residents requesting the City of Joondalup to:

- 1 install reticulation to the park located at the end of Todea Court and Bracken Way, Duncraig and to carry regular maintenance to keep this park to a suitable standard for all residents to enjoy;

- 2 replace existing paths in the laneway from Halgania Way and the laneway from Davallia Road to Halgania Way, Duncraig.

RECOMMENDATION

That the following Petition be RECEIVED, referred to the CEO and a subsequent report presented to Council for information:

Petition requesting the City of Joondalup to:

- 1 **install reticulation to the park located at the end of Todea Court and Bracken Way, Duncraig and to carry regular maintenance to keep this park to a suitable standard for all residents to enjoy;**
- 2 **replace existing paths in the laneway from Halgania Way and the laneway from Davallia Road to Halgania Way, Duncraig.**

10 REPORTS

CJ029-03/08 EXECUTION OF DOCUMENTS - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 5 February 2008 to 19 February 2008.

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 to be executed by affixing the Common Seal or signed by the Mayor and the CEO are reported to the Council for information on a regular basis.

BACKGROUND

Not Applicable.

DETAILS

The following documents have been executed by affixing the Common Seal.

Document:	Restrictive Covenant
Parties:	City of Joondalup and the Roman Catholic Archbishop of Perth
Description:	Restrictive Covenant – Lot 9006 Burns Beach Road, Iluka preventing vehicle access from/to Burns Beach Road from adjoining Lots 1244, 1245 and 1246
Date:	05.02.08
Signed/Sealed:	Sealed

Document:	Instrument of Authorisation
Parties:	City of Joondalup and Main Roads WA
Description:	WA Road Traffic Code 2000 Regulations 297 (2) – Instrument of Authorisation relating to traffic management for events
Date:	19.02.08
Signed/Sealed:	Sealed

Document:	Deed of Agreement
Parties:	City of Joondalup and Moselle Holdings Pty Ltd
Description:	Deed of Agreement to ensure the owner fulfils outstanding obligations pertaining to subdivision application 535 – 06 – Lot 66 (12) Ferndene Mews, Hillarys on Deposited Plan 48397
Date:	19.02.08
Signed/Sealed:	Sealed

Document:	Deed of Caveat
Parties:	City of Joondalup and Damien Alexander Jambu
Description:	Deed of Caveat to provide vehicular access to car parking – Strata Lot 7 on Lot 947 (8) Dugdale Road, Warwick on Strata Plan 35814 – a replacement new Deed following purchase
Date:	19.02.08
Signed/Sealed:	Sealed

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and L E Lindenbaum
Description:	Permanent Withdrawal of Caveat at Lot 950 on Diagram 92878 – No 18 Dugdale Street, Warwick. The caveat is no longer required as the obligations have been satisfied in relation to Easement in Gross K108860
Date:	19.02.08
Signed/Sealed:	Sealed

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 that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 5 February 2008 to 19 February 2008 executed by means of affixing the common seal.

**CJ030-03/08 MINUTES OF EXTERNAL COMMITTEE - [02153]
[18879] [41196]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To submit minutes of an external committee to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of Western Australian Local Government Association – North Metropolitan Zone held 31 January 2008
- Meeting of Western Australian Local Government Association State Council held 8 February 2008
- Meeting of Tamala Park Regional Council held 21 February 2008

ATTACHMENTS

Attachment 1 Minutes of Meeting of Western Australian Local Government Association – North Metropolitan Zone held 31 January 2008

Attachment 2 Minutes of Western Australian Local Government Association State Council held 8 February 2008

Attachment 3 Minutes of Meeting of Tamala Park Regional Council held 21 February 2008

(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Minutes of the:

- 1 Meeting of Western Australian Local Government Association – North Metropolitan Zone held 31 January 2008 forming Attachment 1 to Report CJ030-03/08;**
- 2 Meeting of Western Australian Local Government Association State Council held 8 February 2008 forming Attachment 2 to Report CJ030-03/08;**
- 3 Meeting of Tamala Park Regional Council held 21 February 2008 forming Attachment 3 to Report CJ030-03/08.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf110308.pdf](#)

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Item CJ031-03/08 – Minutes of the Audit Committee Meeting held 26 February 2008 including 2007 Compliance Audit Return (Item 3 - Quarterly Report - Corporate Credit Card Usage)
Nature of interest	Interest that may affect impartiality
Extent of interest	The CEO is the card holder

CJ031-03/08 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 26 FEBRUARY 2008 INCLUDING 2007 COMPLIANCE AUDIT RETURN - [50068] [09492]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To submit the unconfirmed minutes of the Audit Committee to Council for noting and consideration of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 26 February 2008.

The items of business that were considered by the Committee were:

- 2007 Compliance Audit Return
- Half Yearly Report – Write Off of Monies – 1 July 2007 – 31 December 2007
- Quarterly Report – Corporate Credit Card Usage
- Half Yearly Report – Contract Extensions – 1 July 2007 – 31 December 2007

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 26 February 2008, forming Attachment 1 to Report CJ031-03/08;*
- 2 *ADOPTS the completed Local Government Compliance Return for the period 1 January 2007 to 31 December 2007 forming Attachment 3 to Report CJ031-03/08;*
- 3 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development.*

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:

The Motions carried at the Audit Committee meeting held on 26 February 2008 are shown below, together with officer's comments.

2007 Compliance Audit Return

The following Motion was carried:

"That the Audit Committee recommends that Council:

- 1 *ADOPTS the completed Local Government Compliance Return for the period 1 January 2007 to 31 December 2007 forming Attachment 1 to this Report;*
- 2 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development."*

Officer's Comment

The Compliance Audit is required to be presented to the Audit Committee prior to consideration by the Council. Following adoption of the Compliance Audit Return at the 18 March 2008 Council meeting, the Mayor and the Chief Executive Officer will jointly certify it.

Half Yearly Report – Write Off of Monies – 1 July 2007 – 31 December 2007

The following Motion was carried:

"That the Audit Committee RECEIVES the report of monies written off under delegated authority for the period 1 July 2007 to 31 December 2007."

Officer's Comment

No further action is required.

Quarterly Report – Corporate Credit Card Usage

The following Motion was carried:

"That the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 31 December 2007 forming Attachment 1 to this Report."

Officer's Comment

No further action is required.

Half Yearly Report – Contract Extensions – 1 July 2007 – 31 December 2007

The following Motion was carried:

“That it is recommended that the Audit Committee NOTES the report detailing Contracts extended by the CEO during the period 1 July 2007 to 31 December 2007 forming Attachments 1 and 2 to this Report.”

Officer’s Comment

No further action is required.

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.

Part 7 of the Act sets out the requirements in relation to Audits. Division 1A of Part 7 deals with the establishment, membership, decision-making and duties that a local government can delegate to an 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 26 February 2008 are submitted to Council for noting, and to consider the recommendations of the Committee.

It is a requirement of the Compliance Audit Return that details of voting at the Council meeting is recorded in the Minutes.

ATTACHMENTS

Attachment 1	Minutes of the Audit Committee meeting held on 26 February 2008
Attachment 2	Statutory Requirements not included in the 2007 Compliance Return
Attachment 3	2007 Compliance Audit Return

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 26 February 2008, forming Attachment 1 to Report CJ031-03/08;**
- 2 ADOPTS the completed Local Government Compliance Return for the period 1 January 2007 to 31 December 2007 forming Attachment 3 to Report CJ031-03/08;**
- 3 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf110308.pdf](#)

CJ032-03/08 ANIMALS LOCAL LAW AMENDMENT CONSULTATION RESULTS - [21067]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present Council with public feedback on proposed amendment to the City's *Animals Local Law 1999* and to recommend that Council adopt the *City of Joondalup Animals Amendment Local Law 2008* by an absolute majority.

BACKGROUND

At its Meeting of 20 November 2007, Council resolved to:

"APPROVE the content of the City of Joondalup Animals Amendment Local Law 2007 forming Attachment 1 to Report CJ229-11/07 and AGREE to release the document for a 44-day statewide community consultation period as part of the overall local law amendment process;"

A statewide community consultation process was subsequently undertaken, commencing on 8 December 2007 and ending on 21 January 2008.

DETAILS

The consultation process ran for a 44-day period, as required under section 3.12 of the *Local Government Act 1995*. Given the technical nature of the proposed amendment (updating reserve numbers), a standard approach to encouraging public feedback was pursued. This approach included:

- Statewide notification in the West Australian on one occasion;
- Advertisements in local newspapers on two occasions; and
- Public notices placed on the City's website, in all four of the City's libraries and in the two Customer Service Centres at Joondalup and the Whitford City Shopping Centre. Information on the proposed amendment was available upon request at these facilities.

Outcomes of the Consultation

There were no public comments submitted to the City during the consultation period. This was anticipated given the nature of the amendment, which would not be likely to affect nor rouse the interests of most community members.

Issues and options considered:

- Option 1: adopt the local law amendment
- Option 2: do not adopt the local law amendment

It is recommended that Council pursues option 1 and adopts the amendment.

Link to Strategic Plan:

Key Focus Area: Organisational Development

Outcome: The City of Joondalup is an interactive community.

Objective: To ensure the City responds to and communicates with the community.

Legislation – Statutory Provisions:

Relevant Local Law:

Animals Local Law 1999.

Section 10(2): Dog Exercise Areas

Section 26(6): Horse Exercise Area

Second Schedule: Prohibited Dog Exercise Areas

Second Schedule: Diagram 1 – Dog Exercise Area Map

Third Schedule: Horse Exercise Area

Third Schedule: Diagram 2 – Horse Exercise Area Map

Relevant State Legislation:

Section 3.12 of the *Local Government Act 1995*

Risk Management considerations:

Should Council decide not to adopt the amendment, there is a risk that locations described within the local law, in their current form, will be incorrectly defined and out-of-date. This may lead to potential discrepancies about the area of application of some offences.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The community consultation process is outlined in the details section of the report.

COMMENT

Provided as Attachment 2 for Council's consideration is a flow chart outlining the process for amending or making a local law under section 3.12 of the *Local Government Act 1995*. Highlighted is the current stage in the process, namely, Council considering the adoption of the local law. The flow chart is attached to provide Elected Members with a better understanding of the processes involved in amending or making a local law and to display the remaining stages still left to complete.

ATTACHMENTS

Attachment 1 City of Joondalup Animals Amendment Local Law 2008
Attachment 2 Section 3.12 Process Flow Chart

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY, pursuant to Section 3.12(4) of the Local Government Act 1995, ADOPTS the City of Joondalup Animals Amendment Local Law 2008 in the manner prescribed in Attachment 1 of Report CJ032-03/08.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf110308.pdf](#)

CJ033-03/08 PARKING AMENDMENT LOCAL LAW COMMUNITY CONSULTATION RESULT - [24185]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present Council with public feedback on the proposed amendment to the City's *Parking Local Law 1998* and to recommend that Council adopts the *City of Joondalup Parking Amendment Local Law 2008* by an absolute majority.

BACKGROUND

At its Meeting of 20 November 2007, Council resolved to:

“APPROVE the content of the City of Joondalup Parking Amendment Local Law 2007, forming Attachment 1 to Report CJ231-11/07 and AGREES to release the document for a 44-day statewide community consultation period as a part of the overall local law amendment process.”

A statewide community consultation process was subsequently undertaken, commencing on 8 December 2007 and ending on 21 January 2008.

DETAILS

The consultation process ran for a 44-day period, as required under Section 3.12 of the *Local Government Act 1995*. The amendment relates to process enhancement (in relation to parking) and to the modification of current penalties. Given that penalty increases were proposed, the City ensured that all practical methods for encouraging public feedback were pursued. These included:

- Statewide notification in *The West Australian* on one occasion;
- Advertisements in local newspapers on two occasions;
- Public notices placed on the City's website, in all four of the City's libraries and in the two Customer Service Centres at Joondalup and the Whitford City Shopping Centre. Information on the proposed amendment was available upon request at these facilities.

Outcomes of the Consultation

The City received only one submission, which related to a personal issue a resident was experiencing in relation to parking at the entrance of their home. The submitter suggested that minor alterations to the proposed amendment be included to alleviate the issue. The City responded to the resident, informing this person that internal processes were in place to deal with their concerns, therefore further amendments would not be necessary.

The City did not receive any comments in relation to the proposed penalty increases.

Issues and options considered:

- Option 1: adopt the local law amendment
Option 2: do not adopt the local law amendment

It is recommended that Council pursue option 1 and adopt the amendment.

Link to Strategic Plan:

Key Focus Area: Organisational Development

- Outcome: The City of Joondalup is an interactive community.
Objective: To ensure the City responds to and communicates with the community.

Legislation – Statutory Provisions:

Relevant Local Law: *Parking Local Law 1998*

Relevant State Legislation: *Local Government Act 1995*, Section 3.12.

Risk Management considerations:

Should Council decide not to pursue option 1, there is a risk that City processes will not assist in providing fully adequate parking facilities and enforcement procedures.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The community consultation process is outlined in the details section of the report.

COMMENT

Provided as Attachment 2 for Council's consideration is a flow chart outlining the process for amending or making a local law under section 3.12 of the *Local Government Act 1995*. Highlighted is the current stage in the process, namely, Council considering the adoption of the local law. The flow chart is attached to provide Elected Members with a better understanding of the processes involved in amending or making a local law and to display the remaining stages still left to complete.

ATTACHMENTS

Attachment 1 City of Joondalup Parking Amendment Local Law 2008
Attachment 2 Section 3.12 Process Flow Chart

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY, pursuant to Section 3.12(4) of the Local Government Act 1995, ADOPTS the City of Joondalup Parking Amendment Local Law 2008 in the manner prescribed in Attachment 1 of Report CJ033-03/08.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf110308.pdf](#)

**CJ034-03/08 LANDSCAPE MASTER PLANNING – ADOPTION OF
AIM AND PRINCIPLES - [53597]**

WARD: All

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

PURPOSE / EXECUTIVE SUMMARY

To seek Council endorsement of the aim and principles that will progress landscape master planning and to provide information relating to the development of landscape planning concepts, documents and projects at the City of Joondalup.

This report recommends that Council endorses the aim and principles for landscape master planning within the City as outlined in the report, notes the concepts and tools that will be applied, requests the preparation of a Landscape Master Plan and selects six iconic projects for listing in the 2008-09 budget process.

BACKGROUND

In February 2007, a desktop review of landscape planning and management within the City of Joondalup was undertaken. The purpose of this study was to assess the City's current approach to landscape master planning and to develop new principles and concepts that would underpin a future Landscape Master Plan. These principles and concepts would be developed in alignment with community expectation and sustainable environmental management. In conjunction with the desktop review, an external advisor was contracted to prepare a master species list that would be used for the planning of all future plantings within the City.

DETAILS

The Landscape Master Planning report prepared by the consultant has provided a set of key principles, concepts and planning tools from which the City can develop a Strategic Landscape Master Planning Framework (SLMPF) as shown in Attachment 1. The SLMPF will enable the City to achieve what may seem to be competing objectives, namely: a response to climate change through reducing and conserving water and an increase in public amenity and beautification of the City's public open spaces, verges, medians and building surrounds in line with community expectation.

A key external driver for change in the area of landscaping is reducing rainfall patterns caused by climate change. The Consultant's Report (Attachment 2 refers) recognised the following potential implications of climate change on the provision of sport and recreation facilities: disruption of the provision of outdoor facilities and programs, creation of socio-cultural tension between competing users of facilities, adverse effects on the natural environment and man-made landscapes used for recreational activity, creation of financial stress on facilities managers and providers and disadvantaging of already financially struggling outdoor sporting and leisure-based clubs.

The report also identified the implications on the broader environment. Reduced rainfall and falling ground water levels were identified as leading to:

- Increased oxidation causing increased dissolved iron in groundwater,
- Increased risk of acid sulphate soils from lowering ground water levels,
- Disconnection of ground water dependent ecosystems (i.e. Yellagonga Wetlands),
- Unpredictable changes in the floristics of natural areas, and
- Water scarcity for existing and new created public open spaces, verges and medians and building surrounds.

In 2007 the State Minister for Water announced significant changes for local government in addressing water usage levels. By June 2008 all local governments will need to submit a Water Conservation Plan and by July 2009 all local governments will need to conform to regulated water usage limits. The City is currently undertaking a comprehensive review of its water consumption which will provide the data needed to formulate the Water Conservation Plan. The landscape master planning process will assist the City to meet the State Government's requirements.

An internal driver for change has been the ongoing desire by the community to increase the amenity of its public open space areas and retain its image of a well maintained, sustainable 'and natural' looking City. Recent research (Carter. M, 2007 – ECU Joondalup PhD student) has found that the majority of the community have a preference for a diverse open space experience. This translates to a community preference for diverse landscapes with a mix of irrigated turf and garden beds (largely native but with a mixture of exotic in some cases) rather than large wide spaces of bright green irrigated turf. The research also indicates that the community now recognises the need to effectively balance water conservation with amenity and biodiversity.

Aim and Key Principles

The aim of landscape master planning is to clarify and develop City policy and planning for landscaping within the City's jurisdiction.

A number of key principles have been developed that will underpin all future planning of initiatives relating to landscapes within the City, while also addressing the key drivers for change.

These principles include:

- 1 Provide an image for the City in its CBD and entry points of high visibility that demonstrated the use of colour and indigenous species that exemplify the biodiversity of Joondalup;*
- 2 Provide more opportunities for passive recreational pursuits in 'natural' bushland ecosystems;*
- 3 Increase active and passive recreational opportunities within attractive and functional created landscapes incorporating expanses of irrigated turf, maintained native garden beds and rehabilitating more natural bushland areas;*
- 4 Provide attractive and functional streetscapes i.e. verges and medians;*
- 5 Provide attractive created landscapes and maintained native garden beds around key community facilities;*

- 6 *Provide a wide range of purpose built sporting grounds based mostly on areas of irrigated turf where community utilisation can be maximised;*
- 7 *Provide an effective response to the issue of climate change through reducing overall water consumption patterns across the City where appropriate;*
- 8 *Ensure that the City's town planning scheme and development plans for commercial and residential development reflect the principles of landscape master planning;*
- 9 *Ensure community awareness and engagement occurs during planning and implementation processes.*

To achieve these principles the City will need to introduce new concepts, work practices and decision making and planning tools to assist with the advancement of sustainable landscaping initiatives in the future.

Key Concepts and Components

The key concepts and components underpinning the new direction for landscape planning will be the introduction of ecozones, hydrozones and a toolkit containing processes and procedures.

Ecozones

Are areas of public open space that are set aside for the planting of native (local where possible) species that over time will survive with little or no watering regimes in place through soil profile development and treatment. The ecozone concept will, to a large extent, be fostered through a number of pilot projects where various local and non local native plant species and soil conditions are developed, tested and monitored for effectiveness. Ecozones will also require an increased level of ongoing maintenance in the area of re-planting, rubbish removal, mulching, weeding and pruning. The development of ecozones in the early years of implementation will require the acquisition of new technical support, such as horticulturalists and botanists to assist the City in developing its plant species and soils profiles and in setting up appropriate monitoring and testing systems.

Hydrozones

Relate to irrigation systems that have the ability to utilise different rates of water application. Hydrozones are differentiated on the basis of the infrastructure used and the water levels required for different types of passive and active turfed areas. Determining which areas should have the different levels of hydrozones will be dependant upon community utilisation patterns. The use of the hydrozone concept within the City will involve various upgrades to the City's existing irrigation system, which will incur capital costs where new installations or retrofitting is required.

Toolkit

The toolkit for landscape master planning is another key ingredient that will enable the City to make decisions and to implement actions. A number of tools have been developed and will be refined as projects are implemented. Some tools have yet to be developed and this will occur during the 2008 planning and development phase.

The key strategic tool that will form the basis for developing the City's landscape master planning toolkit is a strategic "**Landscape Master Plan**" (LMP).

One of the first actions for the City to address is the preparation of a LMP. Once developed the LMP will provide a fully comprehensive approach to landscape planning and will include the following components:

- A vision for landscape master planning across the City which will encapsulate the principles of, biodiversity preservation, public amenity through beautification and aesthetics and water conservation.
- The key principles as approved by Council and outlined in this report.
- Key objectives for different types of public open spaces, verges and medians and building surrounds, such as:
 - Environmental objectives;
 - Recreational/ cultural objectives;
 - Aesthetic/beautification amenity objectives;
 - Safety and technical objectives.
- Key strategies that support the objectives of landscape master planning may include:
 - a commitment to improving the City's reticulation infrastructure;
 - strategies for undertaking community awareness and education;
 - a commitment to the water wise concepts and water reduction strategies;
 - investigations of alternative water sources;
 - a commitment to water monitoring and water quality issues (i.e. stormwater management);
 - developing biodiversity links and corridors;
 - developing long term recreational analysis and planning processes;
 - developing soil monitoring systems for soil testing and mapping issues (such as acid sulphate soils);
 - dealing with the use of chemicals, fertilisers, herbicides and pesticides; and
 - the development of processes that address species propagation and the ongoing health of plant and tree stock.
- A priority listing of public open space, verges, medians and building surrounds that will enable individual Management Plans be developed, funded and scheduled for works.

Other tools forming the toolkit will include:

- A system for monitoring and recording the City's water usage patterns which includes benchmarks/targets of water use for different types of public open space, verges, medians and building surrounds. This information can be used for other requirements such as the development of a Water Conservation Plan (WCP) as requested by the Minister for Water and the ICLEI Water Campaign, which is another commitment of the City. Both of these plans will require the City to set targets and reduce its water consumption.
- A master species list and associated database to manage species development.
- Guidelines and tools for achieving different objectives such as a generic template and a user guide for preparing individual landscaping management plans.

- A classification hierarchy for the different types of public open space, verges, medians and building surrounds across the City that will assist in the formulation of a long term works program.
- Criteria for assessing the feasibility and priority for developing individual public open space, verges and medians and building surrounds management plans.

Pilot and Iconic Projects

While the concepts developed by the consultant provide considerable value in water reduction and sustainable water use, the City will need to implement pilot and iconic projects to determine more detailed information about the true cost of installations and ongoing maintenance. These costings will be important for future financial decisions to roll out a city-wide program. Pilot projects and iconic projects will need to be implemented on a staged basis to enable issues such as plant selection and propagation, planning design, consultation, installation and monitoring to occur.

Pilot Projects

Pilot projects are those that are currently under development. The City has commenced the implementation of four pilot projects that have adopted the concept of ecozoning. These are:

- Shenton Avenue verge project stage 1, Connolly.
- Ocean Reef Road median strip, Ocean Reef.
- Joondalup Drive stage 1, Joondalup.
- Corner Whitfords and Gibson Avenues.

All pilot projects are in the early stages of development and the monitoring of species survival, water allocations and effectiveness of ecozoning in these areas will continue over the next 2 years.

It should be noted that no pilot projects have been undertaken on any of the City's public open space (parks) that incorporate a combination of hydrozones and ecozones. It is envisaged that two parks will be selected and funded as iconic projects to be commenced in the 2008-9 financial year. This approach will enable knowledge and data to be collected to gain a better understanding of how these concepts will work together in a larger and more complicated context.

Iconic Projects

Iconic Projects are future projects that need to be determined by Council and funded in the forthcoming budget process. In order to satisfy the City of the effectiveness of landscaping using the new concepts, testing across the full range of public open space, verges/medians and building surrounds is essential.

It is proposed that the Council will select and approve funding for six iconic projects to commence in 2008-9. It should be noted that while these projects will commence in 2008-9 they will be planned to span a 2-3 year timeframe to completion.

The six iconic projects will be selected from projects identified in each ward. The projects will comprise of two parks, two verges/medians and two building surrounds spread across the six wards. The process of selection will occur prior to the 2008-9 budget process so that the projects selected can be cost estimated and listed for budget consideration.

It should be noted that the key purpose of iconic projects is to provide the City with a source of detailed knowledge and experience, hence why it is strongly recommended that projects comprise of a mix of public open space, verges/medians and building surrounds and is not limited to one type of spatial area (i.e. verges and medians only).

Issue and Options

There are four options in relation to the principles being proposed in this report. They are:

- 1 Council can approve the principles.
- 2 Council can modify the principles.
- 3 Council can request the redevelopment of principles.
- 4 Council can decide not to proceed with the proposed principles for landscape master planning within the City.

The issue with not proceeding may lead to consequences arising from climate change and not meeting community expectation as outlined previously in this report.

Link to Strategic Plan:

This report links to two of the key focus areas – Caring for the Environment and City Development.

The City's recently adopted Environment Plan has three key actions relating to landscape master planning.

- Action 1.1.1** Develop a comprehensive Landscape Master Plan that incorporates environmental aspects.
- Action 1.1.2** Develop a generic Parks Management Plan for the City (i.e. template and user guide).
- Action 1.1.3** Develop individual Parks Management Plans in accordance with the generic Parks Management Plan. (Note Individual Management Plans will also be developed for verge/medians and building surrounds)

Legislation – Statutory Provisions:

There are currently no legislative requirements for the City to adopt landscape master planning however, recent State Government legislation will require Local Governments to assess and reduce water usage within prescribed limits which can be largely achieved through effective landscape master planning.

Risk Management considerations:

A key operational and financial risk for landscape master planning will be the costs associated with the implementation and maintenance of ecozones and hydrozones. Given that these concepts are introducing a level of diversity and complexity into business practices it is important that pilot and iconic projects are implemented with a view to ascertain all costs and evaluate benefits. This aspect will be assessed, monitored and brought to the attention of Council after pilot projects and iconic projects have been trialed and tested.

Another risk will be the reaction of the community to changing the profile of the parks. The community will need to be engaged and advised through effective consultation at all times during the planning and implementation of projects. This is another aspect that will need to be evaluated as pilot and iconic projects are undertaken.

Financial/Budget Implications:

Should Council decide to support and progress the principles and concepts for landscape master planning the City will develop cost estimations for the implementation of iconic projects selected for the 2008-9 budget process.

The only information the City has regarding financial implications is indicated in the consultant's report which estimates three scenarios of what the capital and maintenance costs for hydrozoning and ecozoning would most likely be.

For example a park scenario where hydrozoning and ecozoning is undertaken over a 5.8 hectare area, the capital cost is estimated to be \$278,000 with ongoing annual maintenance being \$37,000 per annum. The City has no data to validate these figures until it undertakes a thorough estimate for the proposed iconic projects. The City may find that costs are far higher than estimated in the consultants report or it may find that retrofitting is the cheaper option if the City's existing infrastructure is adaptable.

With respect to ongoing maintenance it is anticipated that these costs will be higher than current costs because maintaining ecozones will require hands on labour to weed, mulch, clear rubbish, prune and replant scrubs. This is perceived to be more labour intensive than what it currently costs to water and mow grass. However, this aspect will come clear as pilot and iconic projects are trialed and monitored.

Policy Implications:

The landscape master planning proposal has a link to the City's Sustainability Policy. It will also link in with the City's commitment to designing out crime and all detailed planning of individual open space areas will occur with this in mind.

Regional Significance:

The City may consider partnerships with other local governments in undertaking projects particularly those that share common boundaries. It is understood that the City of Stirling has commenced piloting the concepts developed by the consultant. This may provide partnership opportunities going forward.

Sustainability Implications:

Effective landscape master planning using the concepts developed has the potential to produce long-term sustainability for the City's public open space.

Consultation:

A key component of landscape master planning will be the need for community consultation, engagement and education. This will require an intensive effort to encourage community participation and endorsement when rolling out the projects. Unless the community is supportive of the changes being proposed it is likely that landscaping projects may well be jeopardised by public concern. This issue will likely be mitigated as Individual Management Plans are developed with a process for community engagement included in each document.

COMMENT

The City of Joondalup has a significant opportunity and challenge to become a leader in climate change response whilst retaining public amenity within public open spaces. Developing and maintaining public open spaces, verges/medians and building surrounds are

critical aspects of the core business of local government. Particularly now while so much pressure is placed upon local government to change and explore new ways for managing its public spaces.

The LMP will directly support the objectives of other key plans the City has developed, or is in the process of developing, including the ICLEI Water Action Plan and the Department of Water's - Water Conservation Plan.

The LMP document would be developed during 2008 in accordance with an approved project plan. Running in tandem with the development of the LMP will be a number of pilot projects, which are currently being trialed to provide real time data that will assist in the development of the overarching plan.

As part of the LMP, all of the City's public open space, verges/medians and building surrounds will be assessed on the basis of pre-formulated criteria to determine their priority for landscape master planning. This priority listing will lead to a schedule of works to enable Individual Management Plans for parks, verges/medians and building surrounds to be developed over time, as priority dictates. An initial priority listing will be developed as a component of the LMP.

It should be noted that the LMP will provide a program of works that will likely span a 10 - 20 year rolling program, depending on the results of the prioritising of works and the resourcing allocations required. It is envisaged that the program of works to be developed would replace the dry parks program of the capital works program and that the landscape master planning program would be implemented once pilot and iconic projects have been completed and evaluated.

ATTACHMENTS

Attachment 1	Strategic Landscape Master Planning Framework
Attachment 2	Consultant's Report

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ENDORSES that the aim of landscape master planning is to clarify and develop City policy and planning for landscaping within the City's jurisdiction;**
- 2 ADOPTS the principles from which the City will base its future landscape master planning processes upon, namely:**
 - Provide an image for the City in its CBD and high visibility entry points that demonstrates the use of colour and indigenous species that exemplify the biodiversity of Joondalup;**
 - Provide more opportunities for passive recreational pursuits in 'natural' bushland ecosystems;**
 - Increase active and passive recreational opportunities within attractive and functional created landscapes incorporating expanses of irrigated turf,**

maintained native garden beds and rehabilitating more natural bushland areas;

- *Provide attractive and functional streetscapes i.e. verges and medians;*
 - *Provide attractive created landscapes and maintained native garden beds around key community facilities;*
 - *Provide a wide range of purpose built sporting grounds based mostly on areas of irrigated turf where community utilisation can be maximised;*
 - *Provide an effective response to the issue of climate change through reducing overall water consumption patterns across the City where appropriate;*
 - *Ensure that the City's town planning scheme and development plans for commercial and residential development reflect the principles of landscape master planning;*
 - *Ensure community awareness and engagement occurs during planning and implementation processes.*
- 3** **NOTES** the concepts and tools associated with developing a landscape master planning process for the City;
- 4** **REQUESTS** the development of a strategic Landscape Master Plan to specifically guide the implementation of landscape planning within the City;
- 5** **AGREES** to the selection of six (6) iconic projects (one for each ward and will include overall two parks, two verges/medians and two building surrounds) for listing in the 2008-09 budget process;
- 6** **REQUESTS** the Chief Executive Officer to facilitate a process for Elected Members to select the six iconic projects prior to budget deliberations so that cost estimations of the selected projects can be undertaken.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf110308.pdf](#)

**CJ035-03/08 DRAFT STRATEGIC PLAN – CONSULTATION –
[01529]**

WARD: All

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

PURPOSE/EXECUTIVE SUMMARY

To provide feedback to Council on the results of the consultation with respect to the draft Strategic Plan.

BACKGROUND

The Draft Strategic Plan 2008-2011 (Attachment 1 refers) was endorsed for a community consultation period of 60 days at the Council Meeting on 28 August 2007 (CJ157–09/07 refers) which involved advertising the draft document and making copies available on the City's website (electronically); in all the City's libraries, at the customer service centres at the Joondalup Administration Building and the Whitford City Shopping Centre and by request. Members of the public were invited to use a feedback form to give their comments on the document.

Also at the Council Meeting of 28 August 2007, it was resolved that the consultation process would include consideration of "...the outcomes of a community workshop before final adoption of the Strategic Plan 2008 – 2011." A community workshop was scheduled for Wednesday 12 December 2007 but later cancelled.

The results of the community consultation were presented to the Strategic Financial Management Committee in February 2008 and the Committee agreed to recommend progressing this report in its current form.

DETAILS**Survey Responses**

Nine submissions were received by the close of the consultation period on 5 November 2007. The results are summarised in Attachment 2 to this report. Levels of support for the draft plan (expressed as percentages) have been summarised as follows:

Support for the draft Strategic Plan overall – 89%

Support for the Key Focus Areas:

- Leadership and governance – 78%
- The natural environment – 89%
- Community wellbeing – 89%
- Economic prosperity and growth – 78%
- The built environment – 78%

Community Workshop

In accordance with the resolution, a community workshop was scheduled for Wednesday 12 December 2007. 93 people were randomly selected from the City's databases and were sent a personalised invitation to attend. Of those invited, only 3 responses were received by the due date and they could not attend the workshop. Consequently, the workshop was cancelled. Given the above, it is recommended that the draft Strategic Plan is adopted without further amendment or consultation.

Issues and options considered:

Council could recommend that either:

- The draft Strategic Plan is adopted without further consultation
- The City undertakes further consultation on the draft Strategic Plan
- Council makes additional changes to the draft Strategic plan prior to adoption

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

The draft Strategic Plan will fulfil the requirements of the Local Government Act with respect to Council's obligation to develop a "Plan for the Future."

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Once adopted, there will be incidental costs arising from the printing and distribution of copies of the Strategic Plan.

Policy Implications:

There are links between the Policy Manual and the Key Focus Areas in the present Strategic Plan 2003 – 2008. As the new Key Focus Area of Leadership and Governance is introduced in the new Strategic Plan it will be necessary to revise the manual and policy references to align with that document. Further, there is the potential for the development of new City or Council Policies to achieve the direction indicated in the new Strategic Plan.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

As noted in the report.

COMMENT

Nil.

ATTACHMENTS

Attachment 1 Draft Strategic Plan
Attachment 2 Consultation feedback

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ADOPTS the Strategic Plan 2008-2011 as shown in Attachment 1 to Report CJ035-03/08 without further amendment.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf110308.pdf](#)

Name/Position	Mr M Tidy – Director Corporate Services
Item No/Subject	Item CJ036-03/08 - List of Payments made during the month of January 2008
Nature of interest	Interest that may affect impartiality
Extent of Interest	One of Mr Tidy's children is a member of WA Swimming Association

CJ036-03/08 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2008 - [09882]

WARD: All

RESPONSIBLE: Mr Mike Tidy

DIRECTOR: Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of January 2008 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2008 totalling \$8,341,981.01.

It is recommended that Council NOTES the CEO's list of accounts for January 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ036-03/08, totalling \$8,341,981.01.

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 January 2008. 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 80602 - 80770 and EFT 14629 - 15026 Net of cancelled payments	\$5,757,582.85
	Vouchers 357A-360A 362A-363A & 365A -367A	\$2,372,926.26
Trust Account	Cheques 201854 - 201937 Net of cancelled payments	\$211,471.90
Total		\$8,341,981.01

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 authority 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 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 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 June 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 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A	CEO's Delegated Municipal Payment List for the month of January 2008
Attachment B	CEO's Delegated Trust Payment List for the month of January 2008
Attachment C	Municipal and Trust Fund Vouchers for the month of January 2008

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the CEO's list of accounts for January 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ036-03/08, totalling \$8,341,981.01.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf110308.pdf](#)

CJ037-03/08 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2008 - [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The January 2008 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The January 2008 year to date report shows an overall increase in budgeted surplus from operations and capital of \$7,224K when compared to the 2007-2008 approved budget (JSC01-07/07 refers).

This variance can be summarised as follows:

- The **Operating** surplus at the end of January 2008 is \$2,420K above budget, comprising lower Revenue of \$(111)K and operating expenditure of \$2,532K.

Revenue variances arose from a \$(560)K variance in the budgeted Profit on Disposal mainly as a result of the delayed sale of land at Kinross. There was additional revenue of \$118K for Fees & Charges, \$92K for Rates and \$118K for Contributions, Reimbursements and Donations as detailed in the attached notes.

Expenditure variances arose principally from Materials and Contracts expenditure and Employee Costs partially offset by depreciation.

- **Capital Expenditure** is \$4,795K below the year to date budget of \$11,650K. The variance relates mainly to lower than expected expenditure on the Fee Paid Car Parking \$1145k, Joondalup Works Depot project \$781K, Ocean Reef Development delayed expenditure of \$600K, other various Capital Works projects \$945K and delayed vehicle replacement of \$456K.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2008.

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**Issues and options considered:**

The Financial Activity Statement for the period ended 31 January 2008 is appended as Attachment A.

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 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 January 2008.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 January 2008 forming Attachment 1 to Report CJ037-03/08.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf110308.pdf](#)

CJ038-03/08 MID YEAR REVIEW OF ANNUAL BUDGET FOR THE 2007/08 FINANCIAL YEAR – [72578] [61597]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The purpose of this report is for Council to consider and adopt the mid year review of the Annual Budget for the 2007/08 financial year.

EXECUTIVE SUMMARY

The review of the 2007/08 annual budget has identified an overall budget surplus of \$32,128 compared to an original budget surplus of \$38,116. A review of capital projects and works shows a reduction in capital expenditure of \$7,823,842, which is mainly offset by associated reductions in grant revenue and reduced funding from reserves and loans that will not be required in the current financial year.

The surplus can be summarised as follows:

- The increased budgeted deficit from **Operations (excluding rate revenue)** of \$1,259k can be attributed to additional grants income of \$407k, additional interest of \$392k and offset by higher expenditure on Materials & Contracts \$1,959k among others as detailed in the attached report.
- **Capital Revenue** from grants and contributions will be \$4,064k less than budget as a result of rescheduling of capital works that will not be completed in the current financial year and hence the budgeted grants will not be able to be claimed.
- The **Capital Expenditure** Budget has reduced by an overall sum of \$7,824k due principally to the re-prioritisation of capital works and projects and reduced loan repayments as detailed in the attached report.
- The net **Funding** budget has reduced by \$2,901k due to adjustments to reserve fund transfers, loans and proceeds from asset disposals.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY, APPROVES the mid year review of the budget for the 2007/08 financial year;*
- 2 *in accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2007/08 annual budget review and determination to the Department of Local Government and Regional Development;*

- 3 *BY ABSOLUTE MAJORITY, APPROVES the inclusion of the following projects to be undertaken in the 2007/08 financial year;*
- (a) *\$22,400 as a one-off final without prejudice payment on completion of resurfacing works for Courts 5, 6, 9, and 10 at Sorrento Tennis Club;*
 - (b) *\$80,000 Traffic Modelling to clearly highlight the impacts of significant existing and future major developments within the Joondalup CBD for strategic planning purposes;*
 - (c) *\$195,000 additional funds to meet the identified shortfall in the budget for the Clontarf Street Retaining Walls and Footpath construction;*
 - (d) *\$200,000 for the detailed project design phase for the Connolly Drive: North of Burns Beach Road in order to commence the construction works at the earliest opportunity;*
 - (e) *\$20,000 for the initial development of concepts for future lighting and signage and overall vitalisation of Central Walk;*
 - (f) *\$10,000 for the planting of landscape screening in Candlewood Boulevard in front of existing fences to deter the visual pollution of Graffiti;*
 - (g) *\$284,000 for the City's agreed contribution to the Joondalup Arena Development Project;*
 - (h) *\$81,000 for relocation of the current Whitfords Customer Service Centre within the Whitfords Shopping Centre;*
 - (i) *\$218,182 for a new grant funded Community Water project to undertake stormwater management at Lake Goollelal including installation of gross pollutant traps, vegetation filters, sediment basins and traps and water monitoring;*
 - (j) *\$173,080 for a new grant funded Eco Business project to undertake Eco Business Environmental Assessment, Mentoring and Awareness Program to improve the environmental performance of local small business;*
 - (k) *\$120,000 to purchase additional chairs and tables for City community facilities.*

BACKGROUND

The City has historically undertaken a mid year review of its annual budget for management purposes, however this is also a legislative requirement of the Local Government (Financial Management) Regulations 1996 (regulation 33A). The process considers changes in the City's operating environment and conditions with a view to forecasting the financial impacts likely to arise for the remainder of the year.

DETAILS

The outcome of the 2007/08 budget review is detailed in the Attachments.

Issues and options considered:

The budget review has essentially comprised three elements:

- A review of the adopted budget and an assessment of actual projected results against that budget,
- Consideration of any issues not provided for in the adopted budget that may need to be considered, and
- The proposals and recommendations that result from the first two elements.

The review of the adopted budget has taken into account what has transpired over the first six months of the year and the likely outcome over the remaining six months. The latter has taken into account the prevailing economic conditions and the ability to engage contractors and resources. This element of the review represents a best estimate after thorough analysis.

It is normal in a budget review to give consideration to issues not included in the original budget particularly where it appears there is financial capacity to accommodate them. Financial capacity however should not be the sole determinate. The focus in this review has been on issues, for which there is a benefit in undertaking them now rather than in 2008/09 and most importantly where the organisation has capacity to undertake them now.

The following inclusions in the budget review have been proposed.

Additional projects since the original budget was adopted:**(a) Sorrento Tennis Club**

A one-off final without prejudice payment on the completion of resurfacing works for Courts 5, 6, 9 and 10 as a reimbursement claim for court resurfacing at Sorrento Tennis Club.

Budget \$22,400

(b) Joondalup CBD Traffic Modelling

An overall assessment of current and future traffic modelling for the Joondalup CBD for strategic planning purposes needs to be undertaken.

Budget \$80,000

(c) Clontarf Street: Retaining Walls and Footpath Construction

Clontarf Street path and associated retaining walls has now been fully designed in preparation for tender advertising. The construction estimate has indicated a major shortfall in budgeted funds for this project. The construction estimate indicates \$450,000, which is \$195,000 over budget.

Budget \$195,000

(d) Connolly Drive: North of Burns Beach Road

Pre-funding \$200,000 from municipal funds for the detailed project design phase to commence in order for the construction works to proceed at the earliest opportunity following grant funds becoming available.

Budget \$200,000

(e) **Central Walk: Lighting and Signage**

The initial development of concepts for future lighting, signage and overall vitalisation of Central Walk.

Budget \$20,000

(f) **Candlewood Boulevard: Large Scale Screen Planting**

A request has been received from a resident in relation to Graffiti issues. The planting of landscape screening in front of existing fences would deter the visual pollution of Graffiti.

Budget \$10,000

(g) **Contribution to the Joondalup Arena Development Project**

The agreed amount for the City's agreed contribution to the Joondalup Arena Development project.

Budget 284,000

(h) **Whitfords Customer Service Centre**

Relocation of the current Whitfords Customer Service Centre within the Whitfords Shopping Centre (will result in reduced rents that will repay the cost of the relocation).

Budget 81,000

(i) **Community Water Grant Project**

A new grant funded project to undertake stormwater management at Lake Goollelal including installation of gross pollutant traps, vegetation filters, sediment basins and traps and will also include water monitoring.

Budget 218,182

(j) **Eco Business Grant Project**

A new grant funded project to undertake Eco Business Environmental Assessment, Mentoring and Awareness Program to improve the environmental performance of local small business.

Budget 173,080

(k) **Additional Chairs and Tables for Community Facilities**

Purchase chairs and tables for City community facilities to replace aging furniture in addition to the original budget allocation for 2007/08 which has already been spent.

Budget 120,000

Council is required to consider the budget review submitted to it (regulation 33A of the Local Government (Financial Management) Regulations 1996) and make a determination in relation to the outcomes and recommendations.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 as amended, requires the local government to carry out a review of its annual budget between 1 January and 31 March each year as follows:

“33A Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.*
 - (2) Within 30 days after the review of the annual budget of a local government is carried out it is to be submitted to the council.*
 - (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.*
- *Absolute majority required.*
- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

Risk Management considerations:

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

Financial/Budget Implications:

Taking into account the additional proposed project items the anticipated budget surplus is \$32,128. Financial details are set out in the attachments.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Budget parameters are structured based on financial viability and sustainability principles.

Consultation:

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

No consultation is required in relation to the local government's review of its annual budget.

COMMENT

The Budget Review has identified a surplus of \$32,128 compared to the budgeted surplus of \$38,116. The Rate Setting Statement detailing all of the variations is attached.

The original budget provided for Council to exercise its powers to borrow \$4 million during the budget year 2007/08. \$1.5 million is to fund the initial concept plan and design of the 50-metre pool at Craigie Leisure Centre and \$2.5 million to cover the expenditure necessary to implement Fee Paid Parking in the CBD. Due to delays being experienced in these projects \$2.35 million of these loan funds will not be required in the current financial year.

ATTACHMENTS

Attachment 1 Mid Year Review of Annual Budget for the 2007/08 Financial Year

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY, APPROVES the mid year review of the budget for the 2007/08 financial year;**
- 2 in accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2007/08 annual budget review and determination to the Department of Local Government and Regional Development;**
- 3 BY AN ABSOLUTE MAJORITY, APPROVES the inclusion of the following projects to be undertaken in the 2007/08 financial year:**
 - (a) \$22,400 as a one-off final without prejudice payment on completion of resurfacing works for Courts 5, 6, 9, and 10 at Sorrento Tennis Club;**
 - (b) \$80,000 Traffic Modelling to clearly highlight the impacts of significant existing and future major developments within the Joondalup CBD for strategic planning purposes;**
 - (c) \$195,000 additional funds to meet the identified shortfall in the budget for the Clontarf Street Retaining Walls and Footpath construction;**
 - (d) \$200,000 for the detailed project design phase for the Connolly Drive: North of Burns Beach Road in order to commence the construction works at the earliest opportunity;**
 - (e) \$20,000 for the initial development of concepts for future lighting and signage and overall vitalisation of Central Walk;**

- (f) **\$10,000 for the planting of landscape screening in Candlewood Boulevard in front of existing fences to deter the visual pollution of Graffiti;**
- (g) **\$284,000 for the City's agreed contribution to the Joondalup Arena Development Project;**
- (h) **\$81,000 for relocation of the current Whitfords Customer Service Centre within the Whitfords Shopping Centre;**
- (i) **\$218,182 for a new grant funded Community Water project to undertake stormwater management at Lake Goollelal including installation of gross pollutant traps, vegetation filters, sediment basins and traps and water monitoring;**
- (j) **\$173,080 for a new grant funded Eco Business project to undertake Eco Business Environmental Assessment, Mentoring and Awareness Program to improve the environmental performance of local small business;**
- (k) **\$120,000 to purchase additional chairs and tables for City community facilities.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf110308.pdf](#)

CJ039-03/08 MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 26 FEBRUARY 2008 – [01529, 00906, 66610, 19136]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To submit the unconfirmed minutes of the Strategic Financial Management Committee (SFMC) to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

EXECUTIVE SUMMARY

A meeting of the SFMC was held on 26 February 2008.

The items of business that were considered by the Committee were:

- Item 1 Draft Strategic Plan - Results of Consultation.
- Item 2 South Australian Strategic Action Planning Guide for Sustainable Public Lighting.
- Item 3 Development of the 2008/09 Budget.
- Item 4 Review of Investments Policy 8-9.

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 26 February 2008, forming Attachment 1 to Report CJ039-03/08;*
- 2 *REQUESTS the North Metropolitan Zone to ask the WA Local Government Association to present a whole of government approach to the State Government for the provision of sustainable public lighting;*
- 3 *ENDORSES the key parameters for establishing the development of the draft 2008/09 budget based on:*
 - (a) *increases in fees and charges of 3.0%;*
 - (b) *employment cost increases be budgeted at business unit level in line with current EBA provisions of 4% and any additional provision for the new EBA be separately budgeted for; and*
 - (c) *non employment operating cost increases being maintained at 3.0% recognising that this increase will not be uniform and areas will vary;*
- 4 *ENDORSES the programme for the adoption of the 2008/09 budget, forming Attachment 2 to Report CJ039-03/08;*

- 5 *REFERS the new Policy 8-9 Investment forming Attachment 5 to Report CJ039-03/08 to the Policy Committee for comment prior to final adoption by Council;*
- 6 *REQUESTS reports to be submitted to the Strategic Financial Management Committee in relation to:*
- (a) Street advertising;*
 - (b) Library bookmarks.*

BACKGROUND

At its meeting held on 2 November 2004 (Item CJ249-11/04 refers) Council established the SFMC with the following terms of reference:

- 1 Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;
- 2 In particular advise Council on:
 - (a) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;
 - (b) Levels of service delivery – determine:
 - (i) which services to be provided;
 - (ii) Standards of service. Such standard will be determined with reference to:
 - best industry practice standards where applicable;
 - internally agreed standards which will be determined with reference to local community expectations;
 - (c) Preparation of the Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;
 - (d) Alignment of the Plan for the Future to the Council's Strategic Plan;
 - (e) Consideration of public submissions to the Plan for the Future;
 - (f) Final acceptance of the Plan for the Future'
- 3 Policy development and review of policies with financial implications for the City.

DETAILS

Issues and options considered:

The Motions carried at the SFMC meeting held on 26 February 2008 are shown below, together with officer's comments.

Item 1 Draft Strategic Plan - Results of Consultation.

The following motion was carried at the Committee meeting held on 26 February 2008:

“That the Strategic Financial Management Committee:

- 1 NOTES the comments received from the nine submissions;*
- 2 REFERS the draft Strategic Plan to Council for adoption without further amendment or consultation.”*

Officer’s Comment

The draft Strategic Plan is the subject of a separate report to be submitted to the Council meeting on 18 March 2008.

Item 2 South Australian Strategic Action Planning Guide for Sustainable Public Lighting.

The following motion was carried at the Committee meeting held on 26 February 2008:

“That the Strategic Financial Management Committee:

- 1 NOTES the attached South Australian Strategic Action Planning Guide for Sustainable Public Lighting Report;*
- 2 REQUESTS the North Metropolitan Zone to ask the WA Local Government Association to present a whole of government approach to the State Government for the provision of sustainable public lighting.”*

Officer’s Comment

No further comment.

Item 3 Development of the 2008/09 Budget.

The following motion was carried at the Committee meeting held on 26 February 2008:

“That the Strategic Financial Management Committee recommends that Council:

- 1 ENDORSES the key parameters for establishing the development of the draft 2008/09 budget based on:
 - (a) increases in fees and charges of 3.0%;*
 - (b) employment cost increases be budgeted at business unit level in line with current EBA provisions of 4% and any additional provision for the new EBA be separately budgeted for; and*
 - (c) non employment operating cost increases being maintained at 3.0% recognising that this increase will not be uniform and areas will vary.**
- 2 ENDORSES the programme for the adoption of the 2008/09 budget.”*

Officer's Comment

No further comment.

Item 4 Review of Investments Policy 8-9.

The following motion was carried at the Committee meeting held on 26 February 2008:

"That the Strategic Financial Management Committee recommends that Council:

- 1 *REVOKES the current Policy 8-9 Investment forming Attachment 1 to this Report;*
- 2 *ADOPTS a new Policy 8-9 Investment forming Attachment 3 to this Report;*
- 3 *REFERS the new Policy 8-9 Investment forming Attachment 3 to this Report to the Policy Committee for comment prior to final adoption by Council."*

Officer's Comment

No further comment.

Requests for Reports

The following reports were requested:

- Street advertising
- Library bookmarks.

Officer's Comment

The reports will be prepared.

Link to Strategic Plan:

Key Focus Area 4 - Organisational Development

- 4.1 To manage the business in a responsible and accountable manner;
- 4.1.1 Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

In accordance with Section 2.7 of the Local Government Act 1995, included in the role of the Council is the responsibility to oversee the allocation of the local government's finances and resources.

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

Risk Management considerations:

The main risk considerations related to the SFMC are of an economic nature and pertain principally to issues of sustainability.

Financial/Budget Implications

The terms of reference of the SFMC include promoting and advocating sound financial advice to the Council on strategic financial management issues.

Policy Implications:

Not Applicable.

Sustainability Implications:

The terms of reference of the SFMC are consistent with establishing a sustainable financial plan for the future by advising Council on funding for capital works projects, levels of service and preparation of the Strategic Financial Plan.

Consultation:

Not Applicable.

COMMENT

The reports to the SFMC are self explanatory and the Committee's recommendations are supported.

ATTACHMENTS

Attachment 1	Minutes of the Strategic Financial Management Committee meeting held on 26 February 2008
Attachment 2	Budget Preparation Timetable
Attachment 3	WALGA Economic Briefing December 2007
Attachment 4	Existing Policy 8-9
Attachment 5	Proposed new Policy 8-9

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 26 February 2008, forming Attachment 1 to Report CJ039-03/08;**
- 2 REQUESTS the North Metropolitan Zone to ask the WA Local Government Association to present a whole of government approach to the State Government for the provision of sustainable public lighting;**

- 3** **ENDORSES** the key parameters for establishing the development of the draft 2008/09 budget based on:
 - (a) increases in fees and charges of 3.0%;
 - (b) employment cost increases be budgeted at business unit level in line with current EBA provisions of 4% and any additional provision for the new EBA be separately budgeted for;
 - (c) non employment operating cost increases being maintained at 3.0% recognising that this increase will not be uniform and areas will vary;
- 4** **ENDORSES** the programme for the adoption of the 2008/09 budget, forming Attachment 2 to Report CJ039-03/08;
- 5** **REFERS** the new Policy 8-9 Investment forming Attachment 5 to Report CJ039-03/08 to the Policy Committee for comment prior to final adoption by Council;
- 6** **REQUESTS** reports to be submitted to the Strategic Financial Management Committee in relation to:
 - (a) Street advertising;
 - (b) Library bookmarks.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf110308.pdf](#)

CJ040-03/08 TENDER 057/07 PROVISION OF PLANT HIRE - [78607]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Archer
Infrastructure Services (Acting)

PURPOSE

This report is to seek the approval of Council to accept the Offers submitted by Dalco Earthmoving, Coates Hire Operations Pty Ltd and Environmental Land Clearing Services for the Provision of Plant Hire (Tender 057/07).

EXECUTIVE SUMMARY

Tenders were advertised on 28 November 2007 through state wide public notice for the Provision of Plant Hire for three (3) years. Tenders closed on 13 December 2007. Five (5) submissions were received from:

- Coates Hire Operations Pty Ltd;
- Dalco Earthmoving
- Environmental Land Clearing Services
- Stampalia Contractors
- Western Plant Hire (WA) Pty Ltd

The offers representing best value to the City are those as submitted by Dalco Earthmoving, Coates Hire Operations Pty Ltd and Environmental Land Clearing Services. The Panel recommends that these Respondents be established as service providers on a Panel Contract to be used for the provision of plant hire on an 'as and when required' basis. The recommended Respondents have demonstrated capacity and extensive experience in completing similar projects as they have been providing plant hire services for many years and have worked with various local governments, including the City of Joondalup.

It is recommended, in relation to Tender Number 057/07 that Council ACCEPTS the Offers submitted by Dalco Earthmoving, Coates Hire Operations Pty Ltd and Environmental Land Clearing Services for the Provision of Plant Hire for a three (3) year period in accordance with the statement of requirements in Tender 057/07 at the submitted Schedule of rates.

BACKGROUND

The Scope of Services is for the provision of various plant hire to be supplied with or without operator to nominated sites within the City of Joondalup on an 'as and when required' basis.

The Contractor's responsibility shall include:

- The supply of equipment with or without an operator on the nominated work site;
- The provision of operators that have appropriate knowledge and competency to operate specialised machinery, plant or trucks in a safe and legal manner;
- Operators that hold the required valid competency certificate / licence for operation of all plant or trucks;

- The registration of all plant with appropriate authority and fitted with the necessary safety equipment, including reverse alarm and Rollover Protection System (ROPS) and at least one (1) amber beacon, where applicable;
- The running costs and maintenance of plant provided where supply is with an operator;
- A full tank of fuel at the time of delivery where supply is without an operator;
- Mobilization and demobilization of the hired plant to be delivered at the City's Site; and
- Possession of a blue card 'construction awareness' certificate by all its personnel on Site.

If the requested equipment is unavailable, the Contractor shall provide equivalent plant at the contracted rate. Stand down charges will apply for supply without an operator, applicable to unused days, excluding Saturday, Sunday or Public Holiday and rostered day off for the City of Joondalup working on that project. Penalty rates shall not apply for hire equipment supplied without an operator on Saturday, Sunday or Public Holiday.

The current Contract 021-04/05 Hire of Plant and Trucks, which includes profile machine hire, is due to expire on 29 February 2008. For ease of contract management, the requirement for profile machine hire will now be established as a separate Contract on the basis that it is a specialised industry with different suppliers to plant hire.

DETAILS

Tenders were advertised on 28 November 2007 through state wide public notice for the Provision of Plant Hire for a three (3) year period. Tenders closed on 13 December 2007. Five (5) submissions were received from:

- Coates Hire Operations Pty Ltd;
- Dalco Earthmoving
- Environmental Land Clearing Services (ELCS)
- Stampalia Contractors
- Western Plant Hire (WA) Pty Ltd (WPH)

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	15%
4	Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two from Operations Services involved in coordinating and supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

The items that were tendered for are set out in the attached table.

To provide an estimated expenditure over a twelve (12) month period, historical data has been used for the items with high volume of usage and the following table provides a comparison of estimated expenditure between the Respondents.

Evaluation Summary

Respondent	Score %	Price					Price Rank
		Items 1 and 3 (b)	Items 2 and 4 (a & b)	Item 3 (a)	Items 3 (c & e) and 6 (a)	B, Items 1 (a & b)	
Environmental Land Clearing Services	58%	-	\$107,368		-	-	1
Coates Hire Operations	62%	-	-		-	\$9,569	1
Dalco Earthmoving	64%	\$148,402	\$123,631	\$216,765	\$72,967	\$12,267	2
Stampalia Contractors	66%	-	\$114,844	\$244,733	\$77,025	-	3
Western Plant Hire	73%	-	\$163,884		\$119,323	-	4

Issues and options considered:

The provision of plant hire services is essential in order to complete Capital and Maintenance works within Operations. The City does not have the internal resources and the range of plant required to carry out the works and, therefore, it is necessary to proceed with this Contract.

Link to Strategic Plan:

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

- 3 City Development.
- Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.
- Strategy 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.
- Objective 3.4 To provide integrated transport to meet regional and local needs.
- Strategy 3.4.1 Advocate and facilitate the creation of transport linkages.
- Strategy 3.4.2 Align use of land and modes of transport.

Legislation – Statutory Provisions:

A state wide 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 \$100,000. 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:

Should the Contract not proceed, the risk to the City will be high as the provision of the services required is essential in order for the City to complete Capital and Maintenance works within Operations.

It is considered that awarding the Contract to the recommended Respondents will represent a low risk to the City on the basis that they are well established companies that have been providing plant hire services for decades and have, in the past and currently, worked with various local governments, including the City of Joondalup.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2008	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$240,000	\$173,316 (current Contract to date) \$65,000 (new Contract)	\$200,000	\$600,000

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Offers representing best value to the City are that as submitted by Dalco Earthmoving, Coates Hire Operations Pty Ltd and Environmental Land Clearing Services. The evaluation panel recommends that these Respondents be established as service providers on a Panel Contract to be used for the provision of plant hire on an 'as and when required' basis.

Dalco Earthmoving, Coates Hire Operations Pty Ltd and Environmental Land Clearing Services scored 64%, 62% and 58%, respectively. They have demonstrated capacity and extensive experience in completing similar projects as they have been providing plant hire services for many years and have worked with various local governments, including the City of Joondalup.

Dalco tendered for all five (5) items listed under Schedules A and B of the Request and was the lowest priced offer for three (3) of these and the second lowest priced offer for the other two (2). Coates Hire and Environmental Land Clearing Services only tendered for items which they specialized in and both submissions were the lowest priced offers received.

Although Western Plant Hire scored the highest qualitative assessment, its tender is substantially higher than the others and the additional cost is not considered to be justified.

The attached summary of tender submissions includes the location of each of the tenderers.

The protocols that apply to the use of this panel will be that the City will ensure that the service provider with the lowest rates and availability of the acceptable range of plant and equipment necessary to meet the timeframe required to complete each project, will be contracted to provide its Services. If that service provider is not able to meet the required service timeframes, the City will seek those required Services from the next appropriate, available and competitively priced service provider.

This protocol will enable the City to obtain flexibility from its approved service providers while obtaining the most competitive price for each project at the time to meet the required outcomes for the City.

ATTACHMENTS

Attachment 1 Summary of Tender Submissions
Attachment 2 Tender Items

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council in relation to Tender Number 057/07 ACCEPTS the Offers submitted by Dalco Earthmoving, Coates Hire Operations Pty Ltd and Environmental Land Clearing Services for the Provision of Plant Hire for a three (3) year period in accordance with the statement of requirements in Tender 057/07 at the submitted Schedule of rates.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf110308.pdf](#)

Name/Position	Cr G Amphlett
Item No/Subject	Item CJ041-03/08 - Tender 005/08 – Supply and Delivery of Pre-Mix Concrete
Nature of interest	Financial Interest
Extent of Interest	Cr Amphlett's wife works for one of the bidding companies

CJ041-03/08 TENDER 005/08 SUPPLY AND DELIVERY OF PRE-MIX CONCRETE - [80609]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Archer
Infrastructure Services (Acting)

PURPOSE

This report is to seek the approval of Council to accept the offers submitted by Rinker Australia Pty Ltd trading as (T/as) Readymix and Boral Resources (WA) Ltd T/as Boral Concrete for the Supply and Delivery of Pre-mix Concrete (Tender 005/08).

EXECUTIVE SUMMARY

Tenders were advertised on 30 January 2008 through state wide public notice for the Supply and Delivery of Pre-mix Concrete. Tenders closed on 14 February 2008. Two (2) Submissions were received from:

- Rinker Australia Pty Ltd T/as Readymix; and
- Boral Resources (WA) Ltd T/as Boral Concrete.

The submissions received from Readymix and Boral Concrete both demonstrated significant industry experience and the capacity to meet the City's requirements. The Evaluation Panel recommends that these Respondents be established as service providers on a Panel Contract to be used for the supply and delivery of pre-mix concrete on an 'as and when required' basis.

It is recommended, in relation to Tender 005/08 that Council ACCEPTS the Tenders submitted by Rinker Australia Pty Ltd T/as Readymix and Boral Resources (WA) Ltd T/as Boral Concrete for the Supply and Delivery of Pre-mix Concrete for a three (3) year period in accordance with the statement of requirements in Tender 005/08 at the submitted schedule of rates.

BACKGROUND

This requirement is for the supply and delivery of pre-mixed concrete in accordance with this Specification and as directed by the Superintendent within the City of Joondalup and includes but is not limited to labour, materials, plant and equipment, mobilisation, demobilisation and transport. The pre-mix concrete is used in footpaths, kerbing and other miscellaneous maintenance projects.

The City currently has a single Contract for the Supply and Delivery of Pre-mix Concrete with Readymix which expired on 29 February 2008. The City is currently experiencing delays in service delivery with the current Contractor due to the high volume of work in major

construction and housing projects. To reduce the incidence of delays and improve service delivery to the City, the new Tender was advertised on a Panel Contract basis.

DETAILS

Tenders were advertised on 30 January 2008 through state wide public notice for the Supply and Delivery of Pre-mix Concrete. Tenders closed on 14 February 2008. Two (2) Submissions were received from:

- Rinker Australia Pty Ltd T/as Readymix; and
- Boral Resources (WA) Ltd T/as Boral Concrete.

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in completing similar projects	45%
3	Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two from Operations Services involved in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

To provide an estimated expenditure over a twelve (12) month period the four (4) most commonly used items and their typical usage based on historical data have been used and the table below provides a comparison of the estimated expenditure. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The estimated cost of the Contract for each Respondent is as follows:

Estimated Cost	Readymix	Boral Concrete
Year 1	\$187,942.25	\$189,215.00
Year 2	\$199,282.25	\$196,155.42
Year 3	\$215,158.25	\$203,374.45
Total Estimated Cost	\$602,382.75	\$588,744.87

During the last financial year 2006/07, the City incurred \$170,177.25 for the supply and delivery of pre-mix concrete and is expected to incur in the order of \$600,000 over the three (3) year Contract period.

Evaluation Summary

Respondent	Evaluation Score	Estimated Price	Overall Ranking
Boral Concrete	68%	\$588,744.87	1
Readymix	68%	\$602,382.75	2

Issues and options considered:

Pre-mix concrete is required for various maintenance works within the City. The City does not have the internal resources to supply the required goods and as such requires an appropriate external service provider.

Link to Strategic Plan:

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

- 3 City Development.
- Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.
- Strategy 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Legislation – Statutory Provisions:

A state wide 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 \$100,000.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City will be unable to complete scheduled works that are part of the maintenance programme.

It is considered that the Contract will represent a low risk to the City as the recommended Respondents are well-established companies with significant industry experience and the capacity to provide the goods to the City.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2008	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$184,486	\$48,414 (current Contract to date) \$63,072 (new Contract)	\$189,215	\$600,000

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$600,000.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The submissions received from Readymix and Boral Concrete both demonstrated significant industry experience and the capacity to meet the City's requirements. The City is currently experiencing frequent delays in deliveries from its current single Supplier. This is due to the high demand on resources from the construction industry. It is recommended that both the respondents be established as service providers on a Panel Contract to be used for the supply and delivery of pre-mix concrete on an 'as and when required' basis. A panel Contract will give the City more flexibility in obtaining the required goods and reduce the incidence of delays in deliveries and inability of either Respondent to deliver the City's orders in peak demand periods.

The attached summary of Tender submissions includes the location of each of the Tenderers.

ATTACHMENTS

Attachment 1 Summary of Tender Submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council in relation to Tender 005/08 ACCEPTS the Tenders submitted by Rinker Australia Pty Ltd T/as Readymix and Boral Resources (WA) Ltd T/as Boral Concrete for the Supply and Delivery of Pre-mix Concrete for a three (3) year period in accordance with the statement of requirements in Tender 005/08 at the submitted schedule of rates.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf110308.pdf](#)

CJ042-03/08 TENDER 008/08 CONSTRUCTION OF A DUAL CARRIAGEWAY - BURNS BEACH ROAD - [14610]

WARD: North

RESPONSIBLE DIRECTOR: Mr Mike Archer
Infrastructure Services (Acting)

PURPOSE

This report is to seek the approval of Council to accept the offer submitted by VDM Earthmoving Contractors Pty Ltd trading as (T/as) Malavoca for the Construction of a Dual Carriageway – Burns Beach Road (Tender 008/08).

EXECUTIVE SUMMARY

Tenders were advertised on 30 January 2008 through state wide public notice for the Construction of a Dual Carriageway – Burns Beach Road. Tenders closed on 21 February 2008. Seven (7) Submissions were received from:

- Tasman Civil;
- Downer EDI Works Pty Ltd;
- Densford Civil;
- R.J. Vincent & Co.;
- VDM Earthmoving Contractors Pty Ltd T/as Malavoca;
- Riverlea Corporation; and
- Marsh Civil Engineering Contractors (Late Tender).

The submission from Malavoca represents best value to the City and is the lowest priced compliant Tender. The evaluation panel has confidence in their ability to complete the works in the required timeframe and their breakdown of price reflects an appropriate understanding of the requirements. They have sufficient resources and the appropriate experience to complete the City's requirements, with their most recently completed project being the Connolly Drive extension for the City of Wanneroo completed at the end of 2007.

It is recommended that Council:

- 1 *in relation to Tender 008/08 ACCEPTS the Tender submitted by VDM Earthmoving Contractors Pty Ltd trading as Malavoca for the Construction of a Dual Carriageway – Burns Beach Road in accordance with the statement of requirements in Tender 008/08 for the fixed lump sum of \$4,201,765.76 (GST Exclusive) and a project contingency sum of \$650,000 (GST Exclusive) for completion of the works within twenty-four (24) weeks from issue of the letter of acceptance;*
- 2 *ALLOCATES the provisional sum of \$750,000 from within the available project funding towards landscaping of the Burns Beach Road environs in accordance with the principles of the Landscape Master Plan.*

BACKGROUND

The duplication of Burns Beach Road is part of the Metropolitan Regional Roads Grants (MRRG) Scheme priority projects. It is being funded on a two-thirds/one-third basis between State and Local Government. MRRG projects are subject to prioritisation and funding is based on points scored under various criteria such as traffic volumes, crash history and speeds.

The original proposal was to extend the Mitchell Freeway to Shenton Avenue, with the City's priority to fund the construction of the dual carriageway of Connolly Drive from Shenton Avenue to Burns Beach Road and then Burns Beach Road from Delgado Parade to Sunlander Drive and Moore Drive, from Marmion Avenue to Connolly Drive. The Minister subsequently announced that the freeway would extend to Burns Beach Road in one stage by 2008. The City and Main Roads Western Australia approached the MRRG Committee to seek a reallocation of priorities. This was granted in October 2007.

The duplication of Burns Beach Road will provide an essential link to the Mitchell Freeway extension and reduce the impact of the resultant increased traffic flow. The extension of the freeway to Burns Beach Road is scheduled for completion in early October 2008.

DETAILS

Tenders were advertised on 30 January 2008 through state wide public notice for the Construction of a Dual Carriageway – Burns Beach Road. Tenders closed on 21 February 2008. Seven (7) Submissions were received from:

- Tasman Civil;
- Downer EDI Works Pty Ltd;
- Densford Civil;
- R.J. Vincent & Co.;
- Malavoca Pty Ltd
- Riverlea Corporation; and
- Marsh Civil Engineering Contractors (Late Tender).

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	30%
4	Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

This Contract is for a fixed lump sum with completion of the works within twenty-four (24) weeks from issue of the letter of acceptance.

Evaluation Summary

Respondent	Evaluation Score	Price	Qualitative Rank
Downer EDI Works Pty Ltd	78.93%	\$4,646,021.00	1
Tasman Civil	61.24%	\$4,468,327.11	2
Densford Civil	60.44%	\$4,550,612.55	3
Malavoca Pty Ltd	59.89%	\$4,201,765.76	4
R.J. Vincent & Co.	Non-compliant Tender, not considered.		
Riverlea Corporation	Non-compliant Tender, not considered.		
Marsh Civil Engineering Contractors	Late Tender not considered.		

Issues and options considered:

The project is to be completed by October 2008 to tie in with the opening of the extension of the Mitchell Freeway to Burns Beach Road.

Link to Strategic Plan:

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

3. City Development

Objective 3.3 To provide integrated transport to meet regional and local needs.

Strategy 3.4.1 Advocate and facilitate the creation of transport linkages.

Legislation – Statutory Provisions:

A state wide 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 \$100,000.

Risk Management considerations:

Should the Contract not proceed, the risk to the City will be high as this requirement is linked to the Mitchell Freeway extension to Burns Beach Road which is due for completion in early October 2008. This extension will lead to increased traffic congestion on Burns Beach Road and may lead to negative publicity for the City if the dual carriageway is not completed by the opening of the extension.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well-established company with significant industry experience; they have demonstrated a good understanding of the City's requirements and can complete the works in the required timeframe.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2008	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$6,510,000	-	-	\$4,201,765.76 plus \$650,000 (Contingency) \$4,851,765.76 (Total)

This project is funded one-third from City funds and two-thirds from the Metropolitan Regional Roads Grant (MRRG) Scheme. Subject to the adoption of the mid year budget review (also on this agenda), the funds are from the following sources:

Project 7057 – Budget \$3,300,000 (\$1,100,000 City, \$2,200,000 MRRG)

Project 7058 – Budget \$3,210,000 (\$1,070,000 City, \$2,140,000 MRRG)

In addition to the Contract sum, the City will require a contingency of at least \$650,000 to cover possible rock excavation, additional amounts for provisional items, street lighting and the like.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The submission from R.J. Vincent & Co. was non-compliant. The Offer was based upon construction of the basecourse using laterite, a material not approved for use in the specification. There are significant technical reasons for Laterite not being an acceptable basecourse material. It is a moisture sensitive material that requires a high level of supervision and quality control when in use. In the long-term, expansion, contraction and degradation of the laterite can cause pavement cracking and reduces the life-span of the pavement. In addition the Tender was lacking in detail and missing key pieces of information, including a construction programme, bill of quantities, details of personnel assigned to the project, safety policy, procedures and safety record, list of sub-contractors,

current references and a list of current projects. The R.J. Vincent & Co. Tender was not considered further.

The submissions from Riverlea Corporation and Marsh Civil Engineering Contractors were non-compliant. Riverlea Corporation did not submit their price schedule in the City's required format. The Offer was not able to be evaluated against the other submissions. The submission from Marsh Civil Engineering Contractors was received after the Tender closing time and as such was considered a late Tender. Both submissions were not considered further.

The submissions from Tasman Civil, Downer EDI Works Pty Ltd and Densford Civil were all more expensive than the submission from Malavoca. Despite being more expensive the Tasman Civil and Densford Civil qualitative scores were not significantly different to Malavoca. In the case of Downer EDI Works Pty Ltd, their submission was comprehensive and they are very experienced. Hence the high score. It was not felt however, that this compensated for the more than 10% higher tendered price (compared to the recommended Respondent).

The submission from Malavoca represents best value to the City and is the lowest priced compliant Tender. The evaluation panel has confidence in their ability to complete the works in the required timeframe and their breakdown of price reflects an appropriate understanding of the requirements. They have sufficient resources and the appropriate experience to complete the City's requirements, with their most recently completed project being the Connolly Drive extension for the City of Wanneroo completed at the end of 2007.

No provision has been made within the project for landscaping treatments to Burns Beach Road. However, given that the tender has come in under the estimated design cost, consideration towards undertaking landscaping works of this important primary distributor road, in accordance with the Landscape Master Plan, is suggested and an allocation of \$750,000 is recommended.

The attached summary of Tender submissions includes the location of each of the Tenderers.

ATTACHMENTS

Attachment 1 Summary of Tender Submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1** in relation to Tender 008/08 **ACCEPTS** the Tender submitted by VDM Earthmoving Contractors Pty Ltd trading as Malavoca for the Construction of a Dual Carriageway – Burns Beach Road in accordance with the statement of requirements in Tender 008/08 for the fixed lump sum of \$4,201,765.76 (GST Exclusive) and a project contingency sum of \$650,000 (GST Exclusive) for completion of the works within twenty-four (24) weeks from issue of the letter of acceptance;
- 2** **ALLOCATES** the provisional sum of \$750,000 from within the available project funding towards landscaping of the Burns Beach Road environs in accordance with the principles of the Landscape Master Plan.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf110308.pdf](#)

**CJ043-03/08 PARKING ISSUES ALONG TRENTON WAY,
DUNCRAIG - [05432] [05787]**

WARD: South

**RESPONSIBLE
DIRECTOR:** Mr Mike Archer
Infrastructure Services (Acting)

PURPOSE

To consider a request for parking prohibitions along Trenton Way, adjacent to Davallia Primary School, Duncraig.

EXECUTIVE SUMMARY

The City has received correspondence from a resident of Trenton Way in Duncraig to advise of potential road safety and parking issues along Trenton Way, particularly during the typical pick-up and drop-off periods for students attending the adjacent Davallia Primary School.

Investigations undertaken over a period of four weeks indicated that vehicles were occasionally observed parking on both sides of the Trenton Way, between Davallia Road and the bend, which effectively narrowed the road to one lane of traffic. Designated parking embayments along Davallia Road and Campion Street were generally observed to be under-utilised during this period.

Community consultation indicated that the majority of owners and residents along Trenton Way either supported or had no objection to the proposal to install parking prohibitions along the northern, eastern and western kerbs of Trenton Way between Davallia Road and Campion Street.

It is recommended that Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of:

- 1 *"No Stopping, Carriageway, 7:30am-9am, 2:30pm-4pm, School Days" along Trenton Way, Duncraig as shown in Attachment 1 to Report CJ043-03/08;*
- 2 *"No Stopping, Carriageway or Verge" along Trenton Way, Duncraig as shown in Attachment 1 to Report CJ043-03/08.*

BACKGROUND

The City received correspondence from a resident of Trenton Way in August 2007 to advise of potential road safety and parking issues along this road, particularly during the typical pick-up and drop-off periods for students attending the adjacent Davallia Primary School.

It was claimed that motorists were parking on both sides of the road and also along the right angle bend along Trenton Way. This impacted on the through movement of traffic along this road and, in some cases, was leading to the damage of private residential verges and verge reticulation. It was also claimed that vehicles were cutting the corner when travelling along this bend.

In order to address these issues, the resident requested the City to investigate the installation of parking prohibitions to direct parents to park within the designated parking areas on Davallia Road and Champion Street.

A location plan identifying the subject area is attached – refer to **Attachment 2**.

DETAILS

Issues and options considered:

Trenton Way is classified as a local access road under the City's Functional Road Hierarchy. Trenton Way extends between Davallia Road and Yagoona Street and is approximately 300 metres long (with a right angle bend approximately 90 metres east of Davallia Road) and 7.2 metres wide (centrally located within a 20-metre road reserve). Trenton Way provides frontage to 24 residential properties, the Davallia Primary School and also provides access to Champion Street.

There is a 2.3 metre wide shared path along the south side of Trenton Way, between Davallia Road and the bend, which links to footpaths (and a guard controlled pedestrian crossing) on Davallia Road and provides pedestrian access for students walking to and from school. Trenton Way is governed by the default urban speed limit of 50km/h, with a 40km/h school zone applicable between the hours of 7:30am-9am and 2:30pm-4:00pm.

The City's most recent traffic surveys for Trenton Way were undertaken in October 2006. The data collected from these surveys is summarised as follows:

Average Weekday Traffic	Heavy Vehicles	85 th % Speed	85 th % Speed (during the 40km/h school zone)	Speed Distribution [km/h]		
				Below 50	50-60	Above 60
<i>Trenton Way, east of Davallia Road</i>						
1272vpd	1.3%	43.2 km/h	41.4 km/h	1254 vpd (98.6%)	18 vpd (1.4%)	0 vpd (0.0%)
<i>Trenton Way, south of Champion Street</i>						
1145vpd	1.0%	46.4 km/h	45.4 km/h	1075 vpd (93.9%)	65 vpd (5.7%)	5 vpd (0.4%)

Crash data provided by Main Roads WA indicates that has been one recorded crash along Trenton Way in the 5-year period between January 2002 and December 2006. This was a single vehicle crash in November 2006 in which a vehicle left the roadway and collided with the kerb after travelling around the right angle bend.

All requests for parking prohibitions are assessed by the City over a period of time to determine the number of cars parking, any safety issues, other issues, parking requirements and facilities. Investigations were undertaken by City officers over a period of 4 weeks to assess the parking issues along Trenton Way.

During these investigations, vehicles were observed parking in an orderly manner for most of the time. However, on a number of occasions, vehicles were observed parking on both sides of the Trenton Way between Davallia Road and the bend, which effectively narrowed the road to one lane of traffic.

While this type of parking only occurred for a brief period of time (between 5 and 10 minutes), this practice has the potential to lead to head-on type crashes and congestion on the local road network surrounding the school. Vehicles were rarely observed parking on the section of Trenton Way between the bend and Champion Street. Observations of the

designated parking embayments along Davallia Road and Campion Street indicated that these areas were generally under-utilised.

Link to Strategic Plan:

The consideration of parking prohibitions is consistent with the following objectives and strategies in the City's Strategic Plan 2003 – 2008:

Objective 4.3	To ensure the City responds to and communicates with the community.
Strategy 4.3.1	To provide effective and clear community consultation.
Strategy 4.3.3	To provide fair and transparent decision making processes.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act (1995):

- 8 (2) For the purpose of this local law, a sign may prohibit or regulate parking or stopping by the use of any symbol or other traffic control device in accordance with AS1742.11
- 33 The local government may by resolution constitute, determine, vary and indicate by signs:
- (a) prohibitions;
 - (b) regulations; and
 - (c) restrictions,
- on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all time or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.
- 42 (1) A person shall not stop or park a vehicle on a road verge where signs prohibit the stopping or parking of vehicles on that verge
- (2) A person not being the occupier of the land abutting on to a road verge, shall not without the consent of that occupier, drive, park or stop a vehicle upon that road verge.

Risk Management considerations:

The City receives many requests to install parking prohibitions on local roads and therefore follows a system of prioritising these requests based on various factors, including traffic volumes, 85th percentile travel speeds, crash data, road geometry, parking demand and requirements, safety issues and proximity to adjacent parking facilities.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$150 each, and sufficient funds exist in the maintenance operational budget for this work to occur.

Policy Implications:

Not Applicable.

Regional Significance:

Previous discussions with the School Principal have indicated that approximately 40% of the Davallia Primary School students live outside the school's catchment zone (compared to the average 20%).

Sustainability Implications:

Not Applicable.

Consultation:

In order to determine the views of residents in relation to parking on Trenton Way, a letter and plan of the proposed parking prohibitions was sent to all owners and residents of Trenton Way on 25 September 2007. A copy of the parking plan for Trenton Way, identifying the proposed prohibitions and location of parking signs, is attached – refer to **Attachment 1**.

The proposed parking prohibitions include the following:

- No Stopping (Carriageway) permitted along the northern kerb of Trenton Way (between Davallia Road and the bend) and along the eastern and western kerbs of Trenton Way (between the bend and Campion Street), operative between 7.30am-9am and 2:30pm-4pm on School Days. Outside of these hours, vehicles would be permitted to park along the road as required.
- No Stopping (Carriageway or Verge) permitted adjacent to the right angle bend of Trenton Way and adjacent to the intersections with Davallia Road and Campion Street, operative at all times of the day.

Parking will still be permitted along the southern kerb of Trenton Way (between Davallia Road and the bend), as vehicles stopping or parking along this section of road are able to do so without impacting on the safety of students (exiting from vehicles) and other road users.

As of 19 October 2007 (the closing date for comment), 17 of the 25 owners and residents along Trenton Way had responded to the letter, of which 8 properties supported the proposal, 9 objected to the proposal and the remaining 8 properties did not respond to the City's consultation letter.

A summary of the responses is indicated in the following table. A diagrammatic representation of these responses is attached – refer to **Attachment 3**.

Property	Status	Decision	Comments
1 Trenton Way	Owner/ Resident	Object	Does not consider parking to be a problem and believes that there are too many signs.
2 Trenton Way	Owner/ Resident	Object	Advised that the house is being sold (for unrelated reasons), however does not consider that parking is a significant issue.
3 Trenton Way	Owner/ Resident	No response	-
5 Trenton Way	Owner/ Resident	No response	-
Davallia PS	School	No response	-
7 Trenton Way	Owner/ Resident	No response	-
8 Trenton Way	Owner/ Resident	Support	Supports the proposal
9 Trenton Way	Owner/ Resident	No response	-

10 Trenton Way	Owner/ Resident	Support	Supports the proposal, but also wants traffic islands at the right angle bend, increased kerb heights along the bend and a footpath along the eastern kerb of Trenton Way, between the bend and Campion Street.
11 Trenton Way	Owner/ Resident	Support	Supports the proposal, but does not want a sign post on this property.
12 Trenton Way	Owner/ Resident	Object	Supports the proposal in principle, but does not believe prohibitions should be installed on the eastern side of Trenton Way. Also considers that the proposal is an overkill and that there are too many signs. Preference is for only one sign at each end of the prohibition and no signs on Campion.
13 Trenton Way	Owner/ Resident	Object	Considers that parents should be able to park on one side of the street and questioned where else would parents be able to park. Also requested the construction of a footpath along Trenton Way.
14 Trenton Way	Owner/ Resident	Object	Considers there are too many signs (19 in 150 metres) and that parking should not be prohibited on the east side of Trenton Way between House No 10 and Campion Street (i.e. only prohibited adjacent to the bend). Requested higher kerb profiles and the construction of a footpath along the eastern kerb of Trenton Way.
15 Trenton Way	Owner/ Resident	No response	-
16 Trenton Way	Owner/ Resident	No response	-
17 Trenton Way	Owner	Support	Supports the proposal
18 Trenton Way	Owner/ Resident	Support	Supports the proposal
19 Trenton Way	Owner/ Resident	Object	Considers that the perceived problem does not warrant the installation of parking signs.
20 Trenton Way	Resident	Object	Does not see the need for so many signs, and considers that the signs would be an eyesore. Does not want a sign on the verge due to the potential for collisions when reversing from the driveway.
21 Trenton Way	Owner/ Resident	Object	Does not consider that prohibitions are necessary and believes that the installation of 22 signs is excessive.
22 Trenton Way	Owner/ Resident	Object	Is not aware of any incidents related to parking and considers that signs would cause visual pollution. Considers that the School should tell parents where to park. Also wants a permanent speed camera on Davallia Road to slow traffic.
23 Trenton Way	Owner/ Resident	No response	-
25 Trenton Way	Owner/ Resident	Support	Suggests that the school should encourage parents to park within the designated parking embayments.
3 Campion St	Owner/ Resident	Support	Supports the proposal
2 Yagoona St	Owner/ Resident	Support	Supports the proposal

COMMENT

Of the 9 objections, a number of residents raised concerns regarding the number of signs and impact on the visual amenity of the street. Australian Standard *AS1742.11 (Parking Controls)* indicates that where the extremities (of a parking prohibition zone) are more than 75 metres apart or where the obscuring of signs or other operating difficulties are likely, intermediate signs should be provided.

The City has considered the feedback from these residents and reassessed the number of signs to minimise the visual impact whilst maintaining the ability to enforce the proposed prohibitions. The City has reduced the number of signs from 21 to 10 and the number of poles from 16 to 7. To achieve this, the City has some signs which are up to 120 metres apart and will have to monitor the effectiveness from an enforcement perspective.

One resident that objected to the proposal did so on the grounds that they considered parking should be permitted on the eastern kerb of Trenton Way (between the bend and Campion Street). However, the City considers that if parking were permitted along this kerb, there is still the possibility of damage to verges and verge reticulation, which is one of the reasons that the parking issues were initially raised. Parking would still be permitted on the southern kerb of Trenton Way, as there are no residential crossovers along this kerb, students are able to get in and out of the passenger side of a vehicle without having to cross the road, and two vehicles would be able to pass each other if there is a vehicle parked along this kerb.

A number of residents have requested the construction of a footpath along the eastern kerb. However, the construction of a footpath along the eastern kerb would likely encourage parents to park on this kerb, despite any prohibitions in place. The aim of the prohibitions is to encourage motorists (including parents) to park within the designated parking embayments along Davallia Road and Campion Street. Given that there are existing paths connecting these embayments to the school, an additional section of path along the eastern kerb of Trenton Way is not considered warranted at this stage. The potential construction of this path in the future would require further consultation with the affected residents, and may require the modification of the proposed parking prohibitions.

A number of residents requested the construction of traffic management features along this road, particularly along the bend of Trenton Way, where it is claimed that vehicles often cut the corner. The construction of traffic islands to prevent vehicles cutting the corner would not be feasible, as they would restrict access to a number of residential crossovers. However, the City has written to Main Roads WA to request the installation of centreline and edgeline marking along the bend, which would provide clear delineation to drivers as to the correct travel path around the bend.

In relation to requests for higher kerb profiles along this road to deter vehicles from parking, the existing kerb profile is mountable-type, which is standard in residential areas. The installation of parking prohibitions along this road would reduce the incidents of vehicles mounting the kerb and therefore the kerb profiles should not require modification.

The proposal to prohibit parking on the northern, eastern and western kerbs of Trenton Way during the school pick up and drop off periods would ensure that traffic movements along this road are unimpeded and access is maintained to all residential crossovers. While it is acknowledged that the parking issues only occur occasionally and only for a brief period of time, it is recommended that the proposed parking prohibition be supported in order to maintain the level of safety for all road users.

ATTACHMENTS

Attachment 1	Parking Prohibition Plan – Trenton Way
Attachment 2	Locality Plan – Trenton Way, Duncraig
Attachment 3	Results of Community Consultation

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of:

- 1 "No Stopping, Carriageway, 7:30am-9am, 2:30pm-4pm, School Days" along Trenton Way, Duncraig as shown in Attachment 1 to Report CJ043-03/08;**
- 2 "No Stopping, Carriageway or Verge" along Trenton Way, Duncraig as shown in Attachment 1 to Report CJ043-03/08.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf110308.pdf](#)

Name/Position	Cr Albert Jacob
Item No/Subject	Item CJ044-03/08 - Monthly Town Planning Delegated Authority Report, Development and Subdivision Applications – January 2008
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Jacob had a development application approved under delegated authority

CJ044-03/08 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS JANUARY 2008 - [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 a committee or an employee of the City.

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

The normal monthly report on Town Planning Delegations identifies:

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

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the months of November and December 2007 (see Attachments 1, 2 and 3 respectively) for those matters identified in points 1-3 above.

BACKGROUND

The number of development and subdivision applications determined for January 2008 under delegated authority and those applications dealt with as "R-code variations for single houses" for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of January 2008		
Type of Approval	Number	Value (\$)
Development Applications	82	8,966,612.18
R-Code variations (Single Houses)	58	6,117,301.00
Total	140	15,083,913.18

The number of development applications received in January 2008 was 125. (This figure does not include any applications that may become the subject of the R-Code variation process).

Subdivision Approvals Processed Under Delegated Authority Month of January 2008		
Type of Approval	Number	Potential new Lots
Subdivision Applications	3	133 residential 1 commercial 1 public open space
Strata Subdivision Applications	2	4 residential

Suburb/Location: All
Applicant: Various – see attachment
Owner: Various – see attachment
Zoning: **DPS:** Various
MRS: Not Applicable

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 25 September 2007 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

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 82 development applications determined during January 2008, consultation was undertaken for 35. Of the 5 subdivision applications determined during January 2008 no applications were advertised for public comment, as the proposals complied with the relevant requirements.

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

ATTACHMENTS

Attachment 1	January 2008 decisions - Development Applications
Attachment 2	January 2008 Subdivision Applications processed

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

- 1 development applications described in Report CJ044-03/08 for January 2008;**
- 2 subdivision applications described in Report CJ044-03/08 for January 2008.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf110308.pdf](#)

**CJ045-03/08 PROPOSED EDUCATIONAL ESTABLISHMENT
(REPLACEMENT OF CRAIGIE PRIMARY SCHOOL) –
RES 32387 (49) SEABIRD PLACE, CRAIGIE -
[07726]**

WARD: Central

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

PURPOSE

The purpose of this report is to request that Council formalises a recommendation to the Western Australian Planning Commission (WAPC) on an application for the replacement of Craigie Primary School at No 49 Seabird Place, Craigie.

EXECUTIVE SUMMARY

The WAPC is the determining authority for this application as it is a public work.

The application has been referred to Council in order for a recommendation to be finalised as it was considered to be a proposal of interest to the Council.

The proposed replacement school complies with all planning provisions. The assessment has given consideration to traffic, parking and landscaping implications on the site and its surrounds. The proposal is generally supported subject to conditions as discussed elsewhere in this report.

It is recommended that the application be supported.

BACKGROUND

Suburb/Location: Craigie
Applicant: Department of Housing and Works
Owner: Crown (Care of: Department of Education and Training)
Zoning: **DPS:** Local Reserve – Public Use
MRS: Urban
Site Area: 3.4798ha
Structure Plan: NA

The applicant proposes the replacement of the existing educational establishment at 49 Seabird Place, Craigie. The replacement primary school has been referred to the WAPC for determination.

The school site is bounded by Seabird Place (cul-de-sac) to the southern boundary, Spinaway Street to the western and northern boundaries and Madana Park/Baptist Church/residential properties bounding the site to the east.

The number of pupils expected to be accommodated at the new school site is approximately 330 students. Pupil numbers at Craigie Primary School have decreased steadily from 581 students in 1982 to 97 students in 2007 (Source: Department of Education). Due to the falling number of students at the existing Craigie School and nearby Camberwarra School, the Department of Education and Training has decided to amalgamate them into one single new school on the Craigie School site.

DETAILS

The new Craigie Primary School incorporates the following:

- Administration building
- Library
- Covered assembly area
- Canteen
- Sports store and Uniform store
- 5 Early Childhood classrooms & 1 communal activity room.
- Heath/Dental Clinic
- 7 Primary School Classrooms & 2 communal activity rooms.
- Music room & Arts and Crafts room
- Sports oval, cricket nets, 2 hard courts & 2 playgrounds
- 32 Staff car bays and 2 disabled car bays (onsite)
- 11 Visitor/Student Drop Off car bays and 2 disabled car bays (onsite)
- Additional 22 on street car bays

The proposed school buildings are setback in accordance with the provisions of the District Planning Scheme No 2 as illustrated in the table below:

REQUIRED	PROVIDED	COMPLIANCE
Minimum Street Setback 9.0 metres	54m	Yes
Minimum Side Setback 3.0 metres	6m	Yes
Minimum Rear Setback 6.0 metres	37m	Yes

The proposed on site parking complies with the provisions of the District Planning Scheme No2 as illustrated in the table below:

DPS2 CAR PARKING PROVISION	REQUIRED	PROVIDED	COMPLIANCE
2bays/per classroom	12 classrooms = 24bays	57 bays on site (34 Staff bays+ 23 Student drop off bays) * Note additional 22 bays proposed on street	Yes 33 bay surplus onsite

Issues and options considered:

Council has the discretion to:

- Make a recommendation to the WAPC supporting the proposal;
- Make a recommendation to the WAPC that the application should be refused.

Consultation:

No advertising was undertaken as the proposal was compliant with all aspects of the District Planning Scheme No 2 (DPS2) planning provisions.

The school itself undertook some public consultation whereby a scale model and information relating to the proposed development was available for public viewing at the existing school administration building.

Policy Implications:

Not Applicable.

Risk Management considerations:

Not Applicable.

Legislation – Statutory Provisions:

The subject site is reserved 'Local Reserve' for the purpose of 'Public Use' under DPS2. Clauses 2.3.2 and 2.3.3 of DPS2 state:

2.3.2 Use of Local Reserves

Any Local Reserve not owned by or vested in the Council may be used:

- for the purpose for which the land is reserved under the Scheme;*
- where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;*
- for the purpose for which it was used at the Gazettal Date unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the Council; or*
- for any purpose approved by the Council but in accordance with any conditions imposed by the Council; but shall not be used otherwise or for any other purpose.*

2.3.3 Development of Local Reserves

Unless the proposed development is a public work exempted by the Act, or the written approval of the Council is first obtained, no person shall:

- demolish or damage any building or works;*
- remove or damage any tree;*
- excavate spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved;*
- construct, extend, or alter any building or structure other than a boundary fence;*
- carry out or commence to carry out any other development on any Local Reserve.*

In considering the application, general development provisions set out in clause 4.7.1 and 4.7.2 of the DPS2 also require consideration:

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

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

4.7.2 Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.

When considering this application for Planning Approval, Council is required to have regard to clause 6.8 of DPS2.

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Link to Strategic Plan:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

COMMENT

The following matters were considered in this assessment which gave rise to a number of recommended conditions.

Health Implications for Public Buildings and Food Service

Health and safety requirements are not a planning consideration however are required to be satisfied for the wellbeing of future visitors, staff and students of Craigie Primary School. The applicant will be advised of their responsibility to comply with the relevant Acts and Regulations.

Landscaping

The proposed school redevelopment did not contain a landscape plan for consideration. A site inspection has been conducted identifying the existing vegetation on site for the City's records. The proposal is supported subject to conditions being attached requiring a detailed landscape plan being submitted for approval.

Parking and Traffic Impacts

The applicant submitted a traffic impact report. The traffic report suggests a parking agreement between the school and neighbouring church exists. It should be noted that no formal documentation on this matter could verify this. However as parking provided in this application is greater than that required of the DPS2 there is no need to investigate or condition this 'agreement' further.

The onsite parking facilities proposed are sufficient to meet the requirements of DPS2. The proposed 'kiss and drop' facility is encouraged to alleviate any traffic congestion at peak times.

Traffic engineering advice concluded that the location of the car park access near Argo Court is not ideal due to its proximity to both Argo Court and the adjacent public access way. The location is further complicated by the close proximity of the car park entrance to the nearby intersection of Spinaway Street and Argo Court. Consideration should be given to reversing the direction of traffic within the car park so that vehicles enter from the western driveway and exit from the eastern driveway.

The proposed car parking areas do not appear to provide adequate turning circles for vehicles exiting the property. The first issue relates to vehicles within the staff car park, as it appears where all car bays are occupied the end bays would have difficulty leaving in forward gear. As such it is suggested that a turning bay be provided to ensure ease of access as a condition of approval. Secondly the proposed bin area/car park is required to be increased to ensure waste disposal vehicles can exit in forward gear. This is also a recommended condition of approval.

Conclusion

The proposed replacement of Craigie Primary School complies with all relevant planning requirements. The proposed development is considered to achieve a good outcome for both the site and the surrounds. It is recommended the proposal be supported subject to the conditions attached below.

ATTACHMENTS

Attachment 1	Location Plans
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council RECOMMENDS the Western Australian Planning Commission grant its approval to commence development pursuant to the Metropolitan Region Scheme for the application dated 12 November 2007 submitted by Department of Housing & Works, the applicant on behalf of the owners, Department of Education and Training for a replacement school at Craigie Primary School (No 49) Seabird Place, Craigie, subject to the following conditions:

- 1 All stormwater to be contained on-site and disposed of in a manner acceptable to the Manager Approvals, Planning & Environmental Services;**
- 2 Vehicular access through the Student Drop-off car park shall be in one direction only that enters via the western driveway and exits via the eastern driveway. Directional signs and marking shall indicate this requirement;**
- 3 The lodging of detailed landscaping plans for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- 4 All existing Australian and exotic trees on the subject site and adjoining verges growing outside of the footprint of the development are to be retained and protected during and after construction and maintained thereafter to the satisfaction of the City;**
- 5 A turning bay shall be provided at the end of the proposed staff car park to ensure ease of vehicle egress when all car bays are occupied;**

- 6 The proposed bin area shall be increased to ensure vehicles are able to exit in forward gear;**
- 7 The Department of Education and Training shall provide a detailed plan of the exact location of the 'Kiss and Drop' facility for the City's approval, and thereafter construct the facility at the cost of the Department of Education and Training.**

Footnote:

- 1 The applicant is advised that Council is not in favour of any future transportable classroom additions.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf110308.pdf](#)

CJ046-03/08 PROPOSED SINGLE STOREY EXTENSIONS TO BEAUMARIS MEDICAL CENTRE LOT 3 (64) CONSTELLATION DRIVE, OCEAN REEF - [24526]

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for further extensions to an existing Medical Centre at Lot 3 (64) Constellation Drive, Ocean Reef.

EXECUTIVE SUMMARY

In March 2007 Council approved extensions to the Beaumaris Medical Centre with a rear setback of nil in lieu of 6 metres. The current application proposes further extensions to these previously approved extensions with an additional floor space of 20m², and rear and side setback variations.

The proposed additional extensions will accommodate pathology equipment required by the Medical Centre.

This application is required to be determined by Council as the further additions have setback variations that exceed the maximum that can be approved under Delegated Authority.

It is recommended that the application be approved as the proposed setback variations will not adversely affect the amenity of the area.

BACKGROUND

Suburb/Location: Lot 3 (64) Constellation Drive
Applicant: Greg Rowe and Associates
Owner: Cutmere Pty Ltd
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 2238m²
Structure Plan: Not Applicable

The Beaumaris Medical Centre is located on Lot 3 (64) Constellation Drive, Ocean Reef, and is part of the Beaumaris Neighbourhood Centre (Attachment 1 refers). The Medical Centre abuts a local reserve to the rear (Santiago Park).

The Beaumaris Neighbourhood Centre, which was approved in 1992, is located at the corner of Constellation Drive and Beaumaris Boulevard. The centre consists of the following uses:

Beaumaris Shopping Centre (Lot 1 Constellation Drive);
Beaumaris Community Centre (Lot 2 Constellation Drive);
Beaumaris Medical Centre (Lot 3 Constellation Drive); and
Beaumaris Professional Centre (Lot 4 Constellation Drive).

With the exception of the Beaumaris Community Centre (which is owned by the City of Joondalup), all the other lots are owned by the same group of companies, the Woss Group of Companies.

There is a reciprocal parking and access agreement in place between the Shopping Centre, Medical Centre, Community Centre and Professional Centre which enables staff and customers of these premises to utilise the various car parking areas on all these sites. The type of agreement is an Easement in Gross between the developer and the City on behalf of the community. It allows people to pass with or without vehicles, or on foot and to park vehicles in marked bays over and on the land shown on the easement.

In March 2007, Council approved an application for extensions to the rear of the Beaumaris Medical Centre comprising a floor area of 145 m² (Attachment 2 refers). These extensions were approved with a rear setback of nil in lieu of 6.0 metres.

DETAILS

This application for planning approval is for further single storey extensions to the rear of the existing Medical Centre. The further extensions comprise an additional floor area of 20 m² to the previously approved extensions (Attachment 2 refers).

The relevant requirements of the District Planning Scheme No 2 (DPS2) are summarised below:

Standard	Required	Provided	Compliance
Front Setback	9 m	40m	Yes
Side Setback (north-western boundary)	3 m	2.2m	No
Side Setback (south-eastern boundary)	3 m	6m	Yes
Rear Setback	6 m	2.2m	No
Landscaping	8% of site 3m strip	8.7% 3m	Yes
Number of car bays Existing including previous extensions	305		
<u>Proposed additions</u> (20m ²)	<u>2 bays</u>		
Total	307 bays	317	Yes

The applicant has stated that whilst the proposed extension is relatively minor, the tenants require the additional floorspace to accommodate the required pathology equipment. The applicant has provided justification for the proposed setback variations stating:

- *The proposed extension is minor and will not result in an increase in the number of practitioners practicing at the centre;*
- *The proposed development is consistent with the parking provisions stipulated in TPS2; and*
- *The setback variation sought is minor and will not restrict or impede current pedestrian movement.*

The development is required to be determined by Council as the variations to clause 4.7.1 of DPS2 – Building Setbacks for Non-Residential Buildings, exceed that which may be determined under Delegated Authority.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

The following clauses are relevant under the existing District Planning Scheme No. 2.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 The power conferred by this clause may only be exercised if the Council is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

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

<i>Setback from street boundary</i>	<i>9.0 metres</i>
<i>Setback from side boundary</i>	<i>3.0 metres</i>
<i>Setback from rear boundary</i>	<i>6.0 metres</i>

Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.

4.8 CAR PARKING STANDARDS

4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Risk Management considerations:

The proponent has a right of appeal against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The application was not advertised as it was considered that no landowners within the locality would be adversely affected by the development.

COMMENT**Boundary Setback Variations**

Council granted approval in March 2007 for extensions measuring 145m² to the rear of the Beaumaris Medical Centre with a rear setback of nil in lieu of 6 metres. The current application proposes an additional floor space of 20m² with a rear setback of 2.2 metres in lieu of 6 metres and a side setback of 2.2 metres in lieu of 3 metres.

As stated in the previous report to Council (CJ052-03/07 refers), the rear of the Medical Centre currently consists of a grassed area and a bitumen area used to store the bins. There is no parking provided at the rear of the Medical Centre nor is there any through vehicular access. The bin store is proposed to be relocated to the right (north east) of the existing driveway at the rear of the Medical Centre.

It is considered that the setback variations being sought for the additional extensions will not restrict pedestrian access to the public open space or the community centre at the rear of the Medical Centre.

The proposed additional extensions of 20m² are considered to be minor and will not have an adverse effect on the amenity of the area and can therefore be supported.

Car Parking

As stated in the March 2007 Council report, the original application for Planning Approval for the Beaumaris Neighbourhood Centre covered one super lot. The assessment of all standards was based on this super lot. Although the super lot was subsequently subdivided into five lots, reciprocal rights to car parking and access are in place through the legal agreement.

Under DPS2, car parking for shopping centres under 10 000m² is calculated on the basis of 7 bays per 100 m² NLA. As the Medical Centre is part of the Beaumaris Neighbourhood Centre the car parking for this and previous applications has been calculated using the shopping centre parking standard. The previous approval for the extensions to the Medical Centre required the provision of 10 parking bays. The current proposal requires the provision of an extra 2 car bays for the additional 20m² of floor area.

The Beaumaris Neighbourhood Centre currently has an excess of 12 car parking bays. As the proposed additions require an extra 2 car parking bays, the surplus of car bays will be reduced to 10 parking bays. The parking provision is satisfied based on the reciprocal parking agreement which allows users and staff to park throughout the Neighbourhood Centre on land that is the subject of the easement. The lots are owned by the same group of companies, therefore the owners are aware of the proposed reduction in surplus bays and agree to it.

It is recommended that the easement be modified at the cost of the owners as the extensions are proposed to be built over a small portion of the easement.

Conclusion

The proposed additions are considered to be relatively minor and will make effective use of an under-utilised area at the rear of the Beaumaris Medical Centre. The proposed setback variations will not restrict vehicular or pedestrian movement around the site.

Based on the above, it is recommended that the application for planning approval be granted.

ATTACHMENTS

Attachment 1 Location Plan
Attachment 2 Site and Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 4.5 of the District Planning Scheme No 2, and determines that the:**
 - (a) rear setback of 2.2 metres in lieu of 6.0 metres;**
 - (b) side setback of 2.2 metres in lieu of 3.0 metres;****are appropriate in this instance;**

- 2 APPROVES the application dated 19 December 2007, submitted by Greg Rowe and Associates, the applicant, on behalf of the owner, Cutmere Pty Ltd, for additions to an existing Medical Centre on Lot 3 (64) Constellation Drive, Ocean Reef subject to the following conditions:**
 - (a) All construction works shall be contained within the property boundary;**
 - (b) The rear and side walls shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**

- (c) **The rear and side walls shall be treated with non-sacrificial anti-graffiti coating;**
- (d) **The applicant/owner shall modify the easement in gross at their own cost to reflect the extent of the approved additions to the Medical Centre.**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn180308.pdf](#)

**CJ047-03/08 PROPOSED LIQUOR STORE: LOT 929 (1244)
MARMION AVENUE, CURRAMBINE - [75606]****WARD:** North**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for a liquor store at Lot 929 (1244) Marmion Avenue, Currambine.

EXECUTIVE SUMMARY

An application has been received for a liquor store on a lot within the Currambine District Centre. Development of this area is controlled by the Currambine District Centre Structure Plan (Structure Plan). The subject lot is zoned Business under this Structure Plan. A liquor store is a discretionary land use within the Business zone.

The proposal includes variations to the Structure Plan in regard to setbacks, active frontages, glazing, landscaping and footpath width. It is considered that the proposed variations are acceptable and should be supported. The proposed liquor store has been located such that there is scope to develop the site in the future in a manner that will more closely comply with the requirements of the Structure Plan.

The proposal does not conflict with the objectives of the Structure Plan and therefore it is recommended that the application be approved.

BACKGROUND

Suburb/Location: Lot 929 (1244) Marmion Avenue, Currambine
Applicant: TPG Town Planning and Urban Design
Owner: Davidson Pty Ltd
Zoning: **DPS:** Business
 MRS: Urban
Site Area: 7.5000 ha
Structure Plan: Currambine District Centre Structure Plan

The subject site is located on the eastern side of Marmion Avenue, immediately north of Shenton Avenue (Attachment 1 refers). The proposed liquor store is located on a 10, 240m² portion in the north western corner of the subject site.

The Currambine Shopping Centre and Cinema complex is located to the south of the proposed development. Residential development is located to the west of the proposed development across Marmion Avenue. The remainder of the surrounding land is currently vacant.

The subject site is located within the Currambine District Centre Structure Plan (Structure Plan) which guides development within the area.

The subject site is zoned Business under the Structure Plan, therefore there is no maximum retail floorspace applicable to this site under DPS2. The maximum retail net lettable area (NLA) only applies to Commercial zoned land.

DETAILS

The applicant proposes to construct a single storey liquor store on a 10240m² portion of the subject site.

The proposed development incorporates the following:

- One single storey building with a maximum building height of 9 metres above natural ground level and an average height of 6 metres;
- Provision of 98 car parking bays, including three disabled bays;
- Drive through loading dock;
- Bin storage area;
- Landscaping throughout the car park and along the access road;
- Awnings along the southern side of the building; and
- Vehicle access to the site from an access road off Marmion Avenue and the future Main Street.

Compliance with the relevant requirements of the Structure Plan is summarised below:

Required	Provided	Compliance
<u>Setbacks</u>		
Urban Edge (south): nil	60m	No
Non Urban Edge (north): no requirement	6.5m	Yes
Urban Edge (east): nil	14m	No
Non Urban Edge (west): no requirement	39m	Yes
<u>Awnings along building</u>		
South	Awnings provided	Yes
East	Partially provided	No
<u>Building facades</u>		
South: Active frontage with 70% glazing	7.8%	No
North: Blank façade	Blank façade	Yes
East: Blank façade	Blank façade	Yes
West: Active frontage with 70% glazing	1.8%	No
<u>Landscaping</u>		
South: 3m along street boundary	2.5m	No
West: 3m along street boundary	2m	No
<u>Car parking</u>		
Liquor Store: 7 per 100 m ² 1350 m ² = 95 bays	98 bays	Yes
<u>3m footpath along building edge</u>		
South	2.5m	No
West	1.5m	No

The applicant has provided written justification for the variations to the Structure Plan stating:

- *The liquor store is not located directly abutting the envisaged Main Street, but is instead located behind a proposed future development of commercial or office space that abuts the Main Street.*
- *The development will facilitate a retail outlet that is in a convenient location to the surrounding residential community and easily accessible from the existing shopping centre.*
- *The orientation of the store to the car park will deliver a high level of passive surveillance to public and private spaces.*
- *The liquor store has been located behind the Main Street as it is not able to achieve the Main Street urban design requirements of the Structure Plan due to the nature of the goods sold. The area allocated for future commercial/office development will be better able to create the two storey active urban edge envisaged by the Structure Plan.*
- *The setbacks provided are greater than required under the Structure Plan, largely due to the provision of car parking.*
- *The proposed building is orientated to the south, towards at grade parking areas and has been provided with an awning along the entire length of the southern boundary to give pedestrians protection from the weather.*
- *The proposed liquor store preserves the integrity of the Structure Plan whilst initiating development of the area.*

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

District Planning Scheme No 2 (DPS2)

Liquor Store is a 'D' use in the Business Zone. A 'D' use means:

“A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by sub clause 6.6.2.”

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8.

6.8 Matters to be considered by Council

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*

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

As the proposed use is a "D" use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for planning approval.

6.8.2 In addition to the matters referred to in the preceding sub clause of this clause, the Council when considering whether or not to approve a "D" or "A" use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclasses of this clause):

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

Risk Management considerations:

The proponent has a right of appeal against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The application was not advertised as it was considered that no landowners within the locality would be adversely affected by the development.

COMMENT**Land Use**

The proposed land use of 'Liquor Store' is a Discretionary 'D' land use within the Business Zone of DPS2. Therefore, Council can exercise discretion and grant approval to the proposed land use.

One of the objectives of the Business Zone is to provide for retail and commercial businesses that require large areas such as bulky goods or category/theme based retail outlets. The development of a liquor store on this site is considered to be consistent with the objectives of the Business Zone as it is a large scale category based retail outlet. Additionally, the Structure Plan states that the Business Zone is intended to accommodate a wide range of uses including entertainment, professional offices, business services and residential land uses.

The proposed land use is considered to be appropriate for this location as it is consistent with the objectives of the Business Zone under DPS2 and the Structure Plan.

Setbacks

The eastern and southern boundaries of the lot are designated as Urban Edges under the Structure Plan and are to have a zero setback other than for minor recesses. The Structure Plan defines Urban Edges as building façades designed to maximise commercial exposures, create interest and pedestrian interaction.

The proposed setbacks from the liquor store to the eastern and southern boundaries are 14 metres and 60 metres respectively. Although this does not comply with the requirements of the Structure Plan the liquor store is proposed to be setback such that a future Main Street development can be built along the eastern lot boundary. The liquor store has been purposely located behind the future Main Street development due to the nature of the goods sold and the need to restrict their display.

The proposed liquor store is the first stage in the development of the subject site. The second stage will comprise an office and commercial development located between the eastern edge of the liquor store building and the eastern boundary of the subject lot. It is proposed that this future development will have an active frontage with glazing and a nil boundary setback and will therefore comply with the urban edge requirements of the Structure Plan along the eastern boundary.

A car park is proposed along the southern boundary of the lot, which does not comply with the Urban Edge requirement of the Structure Plan. However, the proposed car park along this boundary is considered to be acceptable as it is opposite an area designated as a Non Urban Edge and is also shown on the Concept Plan of the Structure Plan as a car park.

The design of the proposed car park has been amended so that the future office/commercial building addresses the south western corner and a portion of the southern boundary, rather than the eastern boundary only. It is considered that this variation is acceptable and should be supported.

Additionally, the proposed car park is opposite a drainage sump. The development of an urban edge with an active frontage opposite a drainage sump is not considered to be appropriate. For Main Street development to work properly, both sides of the road need to have active frontages to provide for interaction within the public space. Therefore the proposed car park on the southern boundary is considered to be acceptable.

Active frontages, blank facades and glazing

Under the provisions of the Structure Plan, the northern and eastern sides of the proposed liquor store are permitted to have blank facades as the northern side abuts the loading bay and the eastern side will abut the future office/commercial building. The Structure Plan requires the other building façades to have active frontages towards vehicle and pedestrian routes with continuous awnings to provide protection from the weather. The southern side of the liquor store complies with this requirement as it has been orientated towards the car park and has been provided with an awning and verandah for the entire length of the building. The western side has an awning for part of the length of the building which covers the doorway. This is considered acceptable as the awnings cover the entrances to the liquor store which pedestrians will use to access the building.

The Structure Plan also requires active building frontages to comprise a minimum of 70% windows and visually permeable doors. The southern and western sides of the building do not comply with this requirement as only 7.8% and 1.8% glazing is proposed. The applicant has stated that the liquor store is unable to provide an open permeable façade due to the nature of the goods sold, as there would be an unacceptable security risk that may encourage crime and vandalism.

As the application does not meet the glazing requirements of the Structure Plan, it is considered that the southern side of the building should provide an attractive façade with a high standard of urban design as it is the entrance to the liquor store and will be highly visible from Marmion Avenue and the Access Road. The applicant proposes to articulate the southern façade with the use of signage, a large entry feature, a painted finish, landscaping and a verandah for the entire length of the building (Attachment 2 refers).

The applicant has stated that the future office/commercial development along the eastern boundary of the liquor store is proposed to be a two storey main street development with a visually permeable façade that will comply with the active frontage and glazing requirements of the Structure Plan. It is considered that the variations to the active frontage and glazing requirements are appropriate for the reasons outlined above, and it is recommended that they be supported.

Footpath Width

The Structure Plan states that a continuous 3 metre wide footpath is to be provided along building edges, other than where a loading bay abuts the building. Under this requirement, the southern and western sides of the building should have 3 metre wide footpaths along them. However, the footpath on the southern side is 3 metres surrounding the entrance, narrowing to 2.5 metres for the remainder of the building, and the footpath along the western

boundary is 2.5 metres narrowing to 1.5 metres in width. This is considered to be acceptable as the entrances to the building are surrounded by wider footpaths allowing sufficient space for pedestrians to access the building safely. The proposed footpath width complies with AS1428.1 2001 which states that walkways, ramps and landings shall be not less than 1 metre in width to provide for disabled access. It is therefore recommended that Council supports this variation as the reduced footpath width will not have a negative impact on the proposed development.

Car Parking

The proposed liquor store requires the provision of 95 car parking bays based on a Net Lettable Area (NLA) of 1350m². A total of 98 car parking bays are provided for the proposed development. The proposed number of bays therefore complies with the requirements of DPS2.

The number of car parking bays required for the future office/commercial development will depend on the layout and floor space of the future buildings. The indicative plans show that the future development may have an NLA of 2470m², which would require 82 car bays. Fifty eight additional car bays are shown on the plans for the future development.

The future parking requirements and provision will be determined on submission of the future application. Although the current indicative layout shows that there may be a potential shortfall there is scope to site the future development such that the parking complies.

It is recommended that a condition be included on the approval that the site levels of the car park and any retaining walls required be the subject of a separate development application.

Landscaping

The Structure Plan states that car park landscaping shall be in accordance with the requirements of DPS2. DPS2 requires that where a car park abuts a street, a 3 metre wide landscaping strip shall be developed and maintained along all street boundaries. The proposed development proposes a 2.5 metre wide landscaping strip along the access road and a 2 metre wide landscaping strip along Marmion Avenue. It is recommended that a condition be included on the proposal for a minimum 3 metre wide landscaping strip along Marmion Avenue. The provision of a 2.5 metre wide landscaping along the access road is considered to be appropriate as the access road is internal and is opposite an existing drainage sump.

Conclusion

The proposed liquor store development is considered an appropriate land use for this location. The proposed development does not comply with the requirements of the Structure Plan with regard to setbacks, active frontages, glazing landscaping and footpath width. However, it is considered that these variations are acceptable and should be supported as the proposal will not have an adverse impact on the amenity of the area.

Additionally, whilst the proposed liquor store does not comply with all the requirements of the Structure Plan, there is scope to develop the site in the future so that it does comply with the Structure Plan. The proposed liquor store has been sited such that a future office/commercial building with active frontages and a nil boundary setback can be built along the eastern lot boundary.

It is recommended that the proposed variations be supported and the application with conditions be approved.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Site Plan
Attachment 3	Business Area Overlay from Plan A Indicative Concept Plan – Currambine District Centre Structure Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 EXERCISES discretion under Clause 4.5 of the District Planning Scheme No. 2, and determines that the:**
 - (a) Setback of 14 metres in lieu of nil to the eastern boundary;**
 - (b) Setback of 60 metres in lieu of nil to the southern boundary;**
 - (c) Glazing of 7.8% in lieu of 70% on the southern building façade;**
 - (d) Glazing of 1.8% in lieu of 70% on the western building façade;**
 - (e) Landscaping strip of 2.5 metres in lieu of 3 metres along the southern street boundary;**
 - (f) Footpath of 2.5 metres in lieu of 3 metres along the southern building edge;**
 - (g) Footpath of 1.5 metres in lieu of 3 metres along the western building edge;**

- 2 APPROVES the application for Planning Approval dated 24 October 2007 and the amended plans dated 18 February 2008 submitted by TPG Town Planning and Urban Design, the applicant, on behalf of the owner, Davidson Pty Ltd for a liquor store at Lot 929 (1277) Marmion Avenue, Currambine, subject to the following conditions:**
 - (a) The colours and materials of the southern and western façades of the building shall be to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
 - (b) The southern and western facades shall be treated with non-sacrificial anti-graffiti coating;**
 - (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;**

- (d) **Parking bays adjacent to landscaping shall be a minimum of 2.8 metres wide as marked in RED on the approved plans;**
- (e) **A minimum 3 metre wide landscaping strip shall be provided along Marmion Avenue as marked in RED on the approved plans;**
- (f) **The lodging of detailed landscaping plans for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (g) **One shade tree shall be planted and maintained in the car parking areas at the rate of one tree for every four car parking bays, to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (h) **An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (i) **Suitably screened bin storage area shall be provided prior to the development first being occupied with minimum dimensions of 1.5 metres x 1.5 metres. Such an area must be constructed with a 100mm thick concrete floor graded to a commercial floor waste connected to sewer and the provided with a hose cock;**
- (j) **A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the Manager Approvals, Planning and Environmental Services;**
- (k) **Any advertising signage shall be subject to a separate development application;**
- (l) **Car park levels, roads, street lighting and any proposed retaining walls shall be subject to a separate development application.**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf110308.pdf](#)

Name/Position	Cr Marie Macdonald
Item No/Subject	Item CJ048-03/08 - Proposed Short Stay Accommodation Policy and Amendment No 36 to District Planning Scheme No 2
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald lodged a submission on this Item.

**CJ048-03/08 PROPOSED SHORT STAY ACCOMMODATION
POLICY AND AMENDMENT NO 36 TO DISTRICT
PLANNING SCHEME NO 2 - [72584] [81593]**

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

The purpose of this report is for the Council to consider submissions received on the proposed amendments to District Planning Scheme No 2 (DPS2) and a draft local planning policy relating to short stay accommodation.

EXECUTIVE SUMMARY

Currently, there is no specific land use in the City's DPS2, and no local planning policy or guidelines, in relation to short stay accommodation **The Minister for Planning has previously requested that issues related to short stay accommodation be addressed and there is an expectation that Council makes a deliberation on the issue.**

The proposed amendment to DPS2 seeks to provide a definition of short stay accommodation and in which zones such accommodation would be permitted. The draft policy aims to provide management parameters for the operation of short stay accommodation. As the policy relies on changes to DPS2, the policy would not be implemented until the scheme amendment is finalised.

Council, at its meeting held on 28 August 2007, resolved to advertise the proposed scheme amendment and draft policy for a period of 42 days. At its December meeting the Council resolved to extend the submission period by four weeks. Thirty submissions were received during the advertising period, being 26 submissions of objection, and 4 neutral submissions. One late submission of objection was also received.

The basis of the submissions of objection is that short stay accommodation should not be permitted in the Residential Zone.

It is recommended that Council adopts as final scheme amendment No 36 and the draft planning policy relating to short stay accommodation.

BACKGROUND

DPS2 currently has no definition for short stay accommodation. Proposals for short stay accommodation have been assessed as a 'Residential Building' or an 'Unlisted Use' for the purposes of DPS2.

Neither the DPS2 nor the Residential Design Codes provide specific development standards and requirements for a Residential Building.

A 'Residential Building' is a discretionary use within the Residential, Mixed Use, Business, Commercial and Private Clubs and Recreation zones.

Following an inquiry into the Mullaloo tavern development, which did not have any adverse findings against the City, the Minister for Planning and Infrastructure recommended that a policy be put in place to guide the development of short stay accommodation. Specifically, the Minister recommended:

"The introduction of measures to guide the development of short stay accommodation in those zones where such development is permissible. As a minimum, such measures should address the density of those forms of residential development for which there is currently no explicit density control."

Issues and options considered:

Proposed Amendment to DPS2

The proposed amendment to DPS2 seeks to achieve the following:

- Define the meanings of 'temporary' and 'permanent' in the context of what constitutes a dwelling, versus what constitutes short stay accommodation. It is proposed that habitation for a period which exceeds 3 months is permanent occupation, while habitation under 3 months is temporary occupation,
- Provide a definition and use class for 'short stay accommodation',
- Reword the definition of a 'Residential Building' to state that the use relates to permanent accommodation for 7 or more persons.
- Provide a car parking standard for short stay accommodation at the rate of 2 bays for each short stay dwelling.

The above is proposed to be achieved by the following specific proposals:

Dwelling Definition

The definition of "dwelling" will be amended by inserting the following words (shown in italics):

"has the same meaning as that set out in the Residential Planning (Design) Codes. For the purpose of the definition of "dwelling" habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;"

The definition of 'dwelling' is proposed to be amended to give meaning to the term 'permanent'.

It is noted some Council's may use wording such as 'accommodation may only be occupied for a period of 3 months in 12 months'. This terminology is appropriate in areas designated specifically for tourists to ensure that short stay accommodation in tourist areas or zones are not used as permanent residential accommodation.

However, in this case, the aim is simply to provide a clear differentiation between types of land use. It is not trying to ensure that certain buildings remain occupied on a short stay basis. Consequently, the policy does not address the issue of how long people need to be away from short stay accommodation before they return.

It should also be noted that if people work away for extended periods, their home remains their permanent residence and does not become short stay. This is because the accommodation is not being let to anyone else on a commercial basis during the absence.

Short Stay Accommodation Definition and Use Class Permissibility

A definition of short stay accommodation is proposed to be included in DPS2 as follows:

"the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of "short stay accommodation", temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;"

It is proposed that Short Stay Accommodation would be a prohibited ('X') use in the Special Residential, Service Industrial, and Rural zones, and a Discretionary ('D') use in the Mixed Use, Business, Commercial, and Private Clubs and Recreation zones, and a discretionary use requiring advertising ('A') use in the Residential zone.

Residential Building Definition

The definition of Residential Building is proposed to be amended to read:

"residential building" means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school;"

The proposed amendment to DPS2 is Attachment 1.

Draft Policy

The draft policy (Attachment 2 refers) proposes guidelines for the locations and operation of short stay accommodation. The policy provides guidance with regard to the management and record keeping processes.

The policy will address:

- The management of the accommodation, including submission of a Management Plan. This includes requiring appropriate documentation to be kept by the proprietor of the accommodation, and the submission of a plan detailing how the accommodation will be managed, operated, and maintained.

- Measures to reduce the potential amenity conflicts between proposed short stay accommodation and grouped or multiple dwellings on the same lot.
- The requirement for the annual renewal of any planning approval issued where short stay accommodation is located in or abutting the Residential Zone, or where short stay accommodation is located on the same site as residential dwellings.
- Consideration the relative merits and compatibility of the proposal with the surrounding areas, in terms of the provision of car parking, traffic generation, and location close to complementary and supporting uses.

The policy is also clear about density, in that the policy applies to the use of buildings that have otherwise been built (or are proposed to be built) in the form of single dwellings, grouped or multiple dwellings, in accordance with the R-Codes.

Options

In considering the draft scheme amendment and local planning policy, the Council can now:

- Endorse the scheme amendment and policy, and refer the Amendment to the WAPC for the Minister for Planning and Infrastructure's decision;
- Modify the draft scheme amendment and/or policy, and refer the modified Amendment to the WAPC for the Minister for Planning and Infrastructure's decision;
- Not endorse the scheme amendment or draft policy, and refer the Amendment to the WAPC for the Minister for Planning and Infrastructure's decision;

Link to Strategic Plan:

Short stay accommodation may be used as tourist accommodation and therefore links with Strategy 3.2 (Lifestyle) of the City's Strategic Plan, which is intended to develop and promote the City of Joondalup as a tourist attraction.

Legislation – Statutory Provisions:

Scheme Amendment

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the WAPC that makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment. Council's consideration of submissions and forwarding of the amendment to the WAPC are required within 42 days.

As the earliest the amendment could be considered by Council is 18 March, this is 13 days beyond the statutory 42 day period. However, the WAPC has been informed of the Council meeting date.

It is also noted that the Policy Committee initially considered the draft policy and scheme amendment. However, given that the scheme amendment is the pre-eminent issue with associated statutory time constraints, the matter has not been referred back to the Policy Committee.

Draft Policy

In accordance with Clause 8.11, Council is to review the draft policy in light of any submissions made and then resolve to either finally adopt the draft policy, with or without modifications, or not to proceed with the policy

As the draft policy is reliant on changes to the DPS2 (via the scheme amendment), the policy would not come into effect until the scheme amendment is finalised.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

It is proposed to implement a new policy.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed short stay accommodation policy could (if adopted) support tourism by providing alternative accommodation choices.

Consultation:

The proposed scheme amendment and draft policy were advertised concurrently for a period of 42 days, commencing on 14 November 2007. A notice was published in the local newspaper for two consecutive weeks, and a notice was placed on the City's website. Council resolved at its December 2007 meeting to extend the advertising period for a further four weeks, concluding on 23 January 2008.

30 submissions were received, being 26 submissions of objection, and four neutral submissions, and one late submission of objection. A table of submissions is included at Attachment 3. Copies of submissions are included at Attachment 4. Full copies of all submissions have been placed in the Elected Members Reading Room.

COMMENT

The main issues raised with the submissions of objection are:

Location within the Residential Zone

The main issue of contention raised within the submissions of objection is the discretionary nature of short stay accommodation within the Residential Zone.

It is noted, however, that the land use currently used to denote short stay accommodation ('Residential Building') is also a discretionary use. From a planning perspective, there is no proposed change in the permissibility of short stay accommodation in the Residential Zone, although the terms are proposed to be amended.

While the concerns are understood, the draft policy is proposed to provide standards for the operation of short stay accommodation, and the submissions have largely ignored the proposed policy as a means of ensuring a high standard of operation of the activity.

Notwithstanding, Council may wish to exclude short stay accommodation within the Residential Zone.

SAT decision - 17 Foston Drive, Duncraig.

Submissions refer to the above SAT decision as a reason why short stay accommodation should not be considered in the Residential Zone. A copy of the full decision has been placed in the Councillors reading room.

This proposal was to utilise an existing residential dwelling for short stay accommodation. The proposal was refused at Council's meeting of 19 September 2006. Prior to this decision being issued, the applicant had already lodged an appeal to the State Administrative Tribunal, based on the 'deemed refusal' provisions of DPS2. This appeal was dismissed by the SAT in February 2007. Part of the ruling is shown below:

"As the proposed short stay accommodation use does not involve residential development or any other development contemplated by the objectives and purposes of the Residential zone, it is not consistent with the objectives and purposes and is, therefore, not permitted. The application for review must be dismissed and the decision of the City to refuse development approval affirmed."

The decision was based on the 'rules' of the time, and on the merits of the particular proposal and its location. This is not to say that Council cannot consider reviewing and amending the planning regulations to facilitate a desired outcome, and this should be considered as normal and appropriate.

As evidenced by the SAT decision, short stay accommodation within the Residential Zone will have a high degree of assessment and scrutiny applied, and this is appropriate. However, it does not necessarily follow that no short stay accommodation activity will ever be appropriate in the residential zone.

Density

Objections are raised to the definition of Short Stay Accommodation as it does not ensure that density provisions are applied to the development, and that the activity can only occur in dwellings.

However, the proposed definition clearly states that short stay accommodation is to be in the form of single, grouped or multiple dwellings. All R-Code provisions, including density, will therefore apply to this form of development. That is, the density that applies to the site will apply to the development of short stay accommodation.

Tourism Plan

Submissions state that the Tourism Development Plan does not permit or encourage short stay accommodation in the Residential Zone, and therefore the proposed scheme amendment goes against the Tourism Plan. Limited short stay accommodation should only be considered at Hillarys Boat Harbour.

The Tourism Development Plan uses the broad meaning of short stay accommodation which includes all hotels regardless of size, apartments, and bed and breakfasts. It is therefore of limited value when deliberating over the appropriateness of short stay accommodation as suggested in this proposed amendment and draft policy.

The term Tourism Development Zone is created within the tourism plan as a flexible tool for large and small tourism product development and marketing. The Zones are neither detailed nor prescriptive concerning the appropriateness of commercial tourism activity in a residential environment.

It is also important to note the District Planning Scheme is not subservient to the Tourism Policy, and the Tourism Policy does not necessarily provide guidance on the matter currently being considered.

Proposed Change to the definition of Residential Building

The proposed scheme amendment seeks to amend and clarify the various terms used, and define 'short' and 'permanent' accommodation.

A number of submissions imply that the proposed amendment to the definition of Residential Building will remove the ability to allow respite care, offering temporary residence for those in the community who need it.

The definition of Residential Building is proposed to be amended by removing the 'temporary' nature of the use. However, the proposed 'short stay accommodation' definition caters for this 'temporary' use. There would therefore appear no reason why an application for a respite care facility, for example, would not be considered to fall under the definition of Short Stay Accommodation, given that people would stay at the accommodation for a temporary period.

Existing Development

In the event that the scheme amendment and policy are given final approval, this does not affect any existing approved short stay or residential building operations. These will continue to operation in accordance with the approvals as issued at that time.

Conclusion

Allowing short stay accommodation as a discretionary use within the Residential Zone does not mean that all proposals will be suitable in all cases. It is considered that sufficient 'checks' would be in place, including the proposed planning policy, all applications in the residential Zone requiring public advertising, and any approvals issued being subject to a 12 month renewal. In addition, Council has previously resolved that applications in or abutting the Residential Zone are required to be determined by Council.

ATTACHMENTS

Attachment 1	Draft Scheme Amendment
Attachment 2	Draft Policy – Short Stay Accommodation
Attachment 3	Submission Table
Attachment 4	Submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 Pursuant to regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS as final Amendment No 36 to the City of Joondalup's District Planning Scheme No. 2 without modification;**
- 2 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;**
- 3 ADOPTS as final Local Planning Policy – Short Stay Accommodation, as presented in Attachment 2 to Report CJ048-03/08, and DETERMINES that the policy will become operational in the event, and on the date, that Amendment No 36 to District Planning Scheme No 2 is approved by the Minister for Planning and Infrastructure;**
- 4 NOTES the submissions received and advises the submitters of Council's decision;**
- 5 NOTES that, pending the successful adoption of the short stay policy and District Planning Scheme No 2 amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation in or abutting a residential zone will be referred to the Council for determination.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19agn180308.pdf](#)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

13 CLOSURE



**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**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	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**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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Please submit this form at the meeting or:

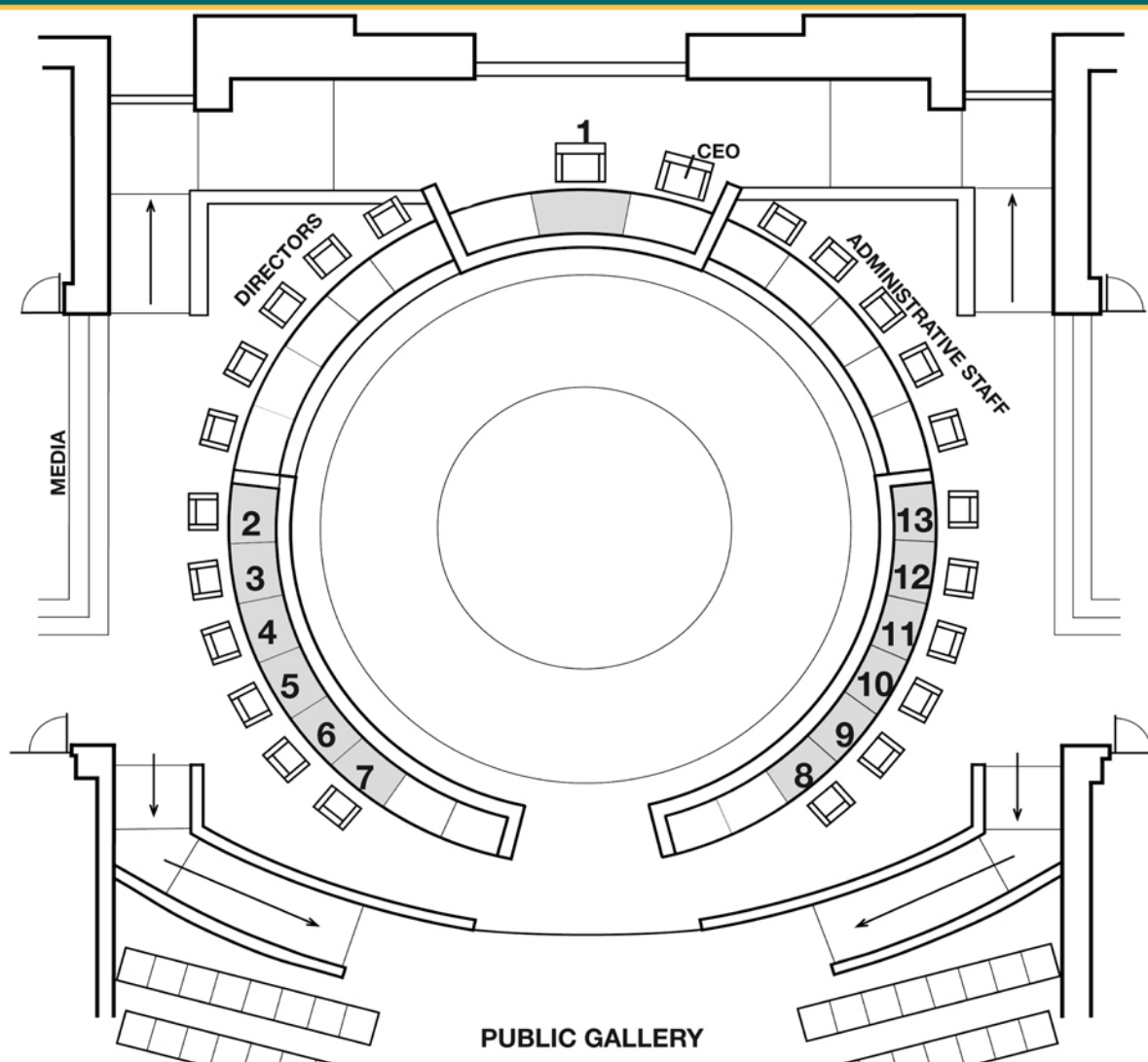
- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

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- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called

COUNCIL CHAMBER – SEATING DIAGRAM

City of Joondalup



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/09)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/09)
- 3 Cr Tom McLean (Term expires 10/11)

North-Central Ward

- 4 Cr Albert Jacob (Term expires 10/09)
- 5 Cr Trona Young (Term expires 10/11)

Central Ward

- 6 Cr Marie Macdonald (Term expires 10/09)
- 7 Cr Geoff Amphlett (Term expires 10/11)

South-West Ward

- 8 Cr Michele John (Term expires 10/09)
- 9 Cr Mike Norman (Term expires 10/11)

South-East Ward

- 10 Cr Sue Hart (Term expires 10/09)
- 11 Cr Brian Corr (Term expires 10/11)

South Ward

- 12 Cr Russ Fishwick (Term expires 10/09)
- 13 Cr Fiona Diaz (Term expires 10/11)



City of
Joondalup