

minutes

Ordinary Meeting of Council

MEETING HELD ON **TUESDAY, 20 JULY 2010**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 20 JULY 2010

DECLARATION OF OPENING

The Mayor declared the meeting open at 1901hrs.

ANNOUNCEMENT OF VISITORS

Nil.

Mayor:

TROY PICKARD

Councillors

Cr TOM MCLEAN	North Ward
Cr PHILIPPA TAYLOR	North-Central Ward
Cr TRONA YOUNG	North-Central Ward
Cr LIAM GOBBERT	Central Ward
Cr GEOFF AMPHLETT	Central Ward
Cr CHRISTINE HAMILTON-PRIME	South-West Ward
Cr MIKE NORMAN	South-West Ward
Cr JOHN CHESTER	South-East Ward
Cr FIONA DIAZ	South Ward

Officers:

MR GARRY HUNT	Chief Executive Officer
MS DALE PAGE	Director Planning and Development
MR JAMIE PARRY	Director Governance and Strategy
MR MIKE TIDY	Director Corporate Services
MR MARTYN GLOVER	Director Infrastructure Services
MR VIC ETHERINGTON	Acting Manager Planning Approvals and Environmental Services
MR MICHAEL EYRE	Acting Manager Governance and Marketing
MR TIM HEGNEY	Governance Coordinator
MRS ANNETTE MORRISSEY	Acting Media Advisor
MRS LESLEY TAYLOR	Administrative Secretary
MRS BRENDA LOCHEAD	Administrative Secretary

There were 19 members of the public and one member of the press in attendance.

PUBLIC QUESTION TIME

The following questions were submitted prior to the Council meeting:

Dr Marjorie Apthorpe, Ocean Reef:

Re: Proposed clearing of areas of Bush Forever at Iluka

Item CJ106-06/10 – Upgrade of Coastal Shared Pathway – Hillarys Boat Harbour to Burns Beach

Q1 How does clearing two ha of biodiverse Bush Forever No. 325 agree with the "City's Strategic Plan 2008-2011 that encapsulates the protection of local biodiversity"?

A1 The City acknowledges the sensitivity of the clearing requirements for the shared path upgrade works. However, it also should be noted that there is a requirement for the pathway to be improved due to safety concerns and also for the amenity value it offers to the wider community. The clearing will be kept to an absolute minimum to protect the existing vegetation. There has been no determination as yet to what the area will be.

Q2 Why has the proposed clearing targeted the bush and vegetated areas, rather than the adjacent grassed parks on the other side of the coastal path?

A2 The clearing plans are indicative only at this stage and subject to detailed design. Turfed areas will be targeted as a priority over bush or vegetated areas for the pathway widening.

Q3 Why are community plantings being targeted for clearing, rather than the adjacent grassed park?

A3 As detailed in Question 2 above, turfed areas will be targeted as priority for widening purposes in lieu of community plantings.

Q4 Why was the local community coast care group not consulted, when it became obvious that government-funded community projects would be partly cleared?

A4 The City appreciates the hard work local community coast care groups have undertaken over many years. Consultation with community groups is important, however, the project is still in the early planning phase.

Mr M Sideris, Mullaloo:

Re: I refer to the article in the Voice newspaper of Saturday, July 10 2010 titled " Stirling split on Spending" will the City advise:-

Q1 What is the percentage increase for City of Joondalup staff salaries over the past four years?

A1 In 2006/07 Actual Employee Costs were \$31.1m and the estimated Actual Employee Costs for 2009/10 (the annual accounts are still being finalised) are \$42.2m an increase over four years of 35.7%, whereas the article referenced that the City of Stirling's increase was 56%. The City of Joondalup has a significantly lower number of staff when compared to other similar sized local governments.

Q2 *What is the percentage increase for City of Joondalup capital expenditure over the past four years?*

A2 In 2006/07 Actual Capital Expenditure was \$19.6m and the estimated Actual Capital Expenditure for 2009/10 (the annual accounts are still being finalised) is \$27.1m an increase over four years of 38.3%.

Mrs Marie Macdonald, Mullaloo:

Re: In answer to the question *“Has the City conducted its legal proceedings against Turfmaster Pty Ltd in the Supreme Court in a public forum?”* the City answered *“Yes.”*:

Q1 *When and where did these public proceedings occur?*

Q2 *Were ratepayers able to listen to these proceedings?*

Q3 *Is there any written record of these proceedings for ratepayers to read?*

Q4 *Given that Council has agreed to accept Turfmaster’s offer what are the terms of that offer?*

Q5 *Who and what was responsible for the death of hundreds of trees in areas adjacent to sumps in the City of Joondalup?*

A1-5 These questions have been taken on notice due to the considerable research necessary to provide a response.

Mrs Marilyn Zakrevsky, Mullaloo:

Q1 *What government legislation, Act or Regulation requires the City of Joondalup Administration to clear to barren earth an additional 900mm wide strip of vegetation alongside the dual use coastal path fence within the coastal reserve of Bush Forever Site 325?*

Q2 *Will the City advise how many fence posts along the coastal reserve dual use path within the City of Joondalup have been burnt and destroyed by fire, and needed to be replaced in 07/08, 08/09, 09/10?*

Q3 *Will the City provide to ratepayers and elected members a copy of the Risk Assessment undertaken by the City to confirm that the City’s barren earth action is warranted and appropriate?*

Q4 *Has the City obtained written advice from the DEC as to an appropriate policy and procedure for land adjacent to pathways located in Reserve land?*

Q5 *Will Council consider a maximum speed limit for cyclists using the dual use path purpose built for scenic value?*

A1-5 These questions have been taken on notice due to the considerable research necessary to provide a response.

Mr M Sideris, Mullaloo:

- Q1 *Will the City advise how many elected members actually accessed (without fetter) the breakdown or full line item details of the City's 09/10 and/or 10/11 Operating Budgets?*
- Q2 *In the matter CIV 1101/2009 will the City advise the specific hearing date and Supreme Court Justice that issued the Court Orders to mediate with Turfmaster Pty Ltd?*
- Q3 *In Matter CIV 1101/2009 will the City provide a copy of the written instructions to Minter Ellison?*

A1-3 These questions will be taken on notice.

The following questions were submitted verbally at the Council meeting:**Mr S Magyar, Heathridge:**

Re: *Item CJ127-07/10 – Strategic Waste Minimisation Plan*

Stamped page 206 - Product Stewardship - the City supporting Product Stewardship.

Q1 *What can the City do to progress this great idea?*

A1 The City intends, in co-operation with the Municipal Waste and Advisory Council and the Mindarie Regional Council to lobby the Federal and State Governments to accommodate product stewardship and extended producer responsibility where possible.

Re: *Item CJ122-07/10 - Strategic Plan 2012 - 2015*

On page 64 of the reports under Risk Management - the City wishing to manage the community expectations on local priorities etc.

Q2 *Is there a risk of the City being seen as not doing enough to create a sustainable future, is that also a risk?*

A2 Mayor Pickard advised this question will be taken on notice.

Ms L A Smith, Kingsley:

Re: *Street Parking in Willesden Avenue, Kingsley.*

Q1 *What progress has been made with monitoring the street parking in Willesden Avenue, Kingsley?*

A1 Mayor Pickard stated that this issue has previously been brought to the attention of the administration by Cr Chester.

The Director Corporate Services advised that spasmodic complaints have been received over the last 12 months. Currently Rangers have put a programme in place to monitor the parking in Willesden Avenue.

Q2 When did monitoring of the traffic issues in Willesden Avenue, Kingsley commence?

A2 Mayor Pickard stated that the City has had similar experiences in South West Woodvale and North West Kingsley where the residents expressed concern about overflow of vehicle parking from the Whitford train station. Similar concerns were also expressed by Warwick and Duncraig residents in relation to the Warwick train station. He acknowledged the challenges the residents were going through, and explained a certain process has been rolled out to make sure that ultimately, appropriate parking prohibitions can be introduced to ensure the residential amenity of a neighbourhood is retained. The City is focused on this, they want to look after residents' amenities and people need to utilise parking that is now available at the stations.

Mayor Pickard explained that the overflow carpark had only recently opened. He indicated that should there be no change to commuter behaviour, the City will liaise with the Public Transport Authority to ascertain why commuters are not parking in the designated area. Ultimately, if there is no change in behaviour and commuters persist in parking in residential streets and walking to the train station, the City will introduce the most effective and efficient mechanism, which is a parking prohibition. Permits will be provided for residents to enable them to park in their street. Only people with a residential permit will be able to park in that street.

Mayor Pickard advised that monitoring had commenced within the last few weeks, after the opening of the overflow parking. If the parking problem is not reduced, the City will act accordingly.

Mayor Pickard thanked Ms Smith for the initiative demonstrated on behalf of her residential amenity to protect it.

Mr Jeff Cook, Kingsley:

Q1 Why has the monitoring of parking in Willesden Avenue, Kingsley only started this last month when all residents received a letter stating that monitoring was to commence well over 12 months ago?

A1 Mayor Pickard indicated that advice he had received from the Director was that the City needed to wait until such time as the carpark was open in order to gauge commuter behaviour. If commuter behaviour did not change and bays were still available in the train station, the City would need to undertake an educate program advising there were bays available closer to the train platform.

Mayor Pickard stated he was not aware of the letter sent to residents, and encouraged Mr Cook to make a copy available to Cr Chester who would then forward it to the Administration.

PUBLIC STATEMENT TIME**Mr R Repke, Kallaroo:**

Mr Repke spoke in relation to the Turfmaster Settlement and expressed concern over the confidentiality of the terms of the settlement.

Mr S Magyar, Heathridge:

Re: CJ122-07/10 – Strategic Waste Minimisation Plan.

Mr Magyar spoke in relation to the Strategic Waste Minimisation Plan.

Ms L A Smith, Kingsley:

Ms Smith spoke in relation to commuter parking issues in Willesden Avenue, Kingsley.

Mr M Gerovich, Kingsley:

Mr Gerovich spoke in relation to commuter parking issues in Willesden Avenue, Kingsley.

Ms J Paterson, Kingsley:

Ms Paterson spoke in relation to commuter parking issues in Willesden Avenue, Kingsley.

Mr Jeff Cook, Kingsley:

Mr Kingsley spoke in relation to commuter parking issues in Willesden Avenue, Kingsley.

Mr M Tangerman, Greenwood:

Re: CJ112-07/10 – Proposed Amendment No 46 to District6 Planning Scheme No 2 to Rezone Lot 9867 (63) Mulligan Drive, Greenwood from 'Public Use' to 'Urban Development'

Mr Tangerman spoke in relation to the re-zoning of the primary school at 63 Mulligan Drive, Greenwood from public use to urban use.

APOLOGIES AND LEAVE OF ABSENCE

Apology - Cr Brian Corr

Leave of Absence previously approved

Cr Russ Fishwick 19 July 2010 – 24 July 2010 inclusive

Cr Kerry Hollywood 19 July 2010 – 26 July 2010 inclusive

C30-07/10 REQUEST FOR LEAVE OF ABSENCE – MAYOR TROY PICKARD – [78624]

Mayor Pickard requested Leave of Absence from Council duties covering the period 9 – 16 August 2010 inclusive.

MOVED Cr McLean, SECONDED Cr Amphlett that Council the Request for Leave of Absence for Mayor Troy Pickard from Council duties covering the 9 – 16 August 2010 inclusive.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 22 JUNE 2010

That the Minutes of the Council Meeting held on 22 June 2010 be confirmed as a true and correct record.

MINUTES OF SPECIAL COUNCIL MEETING, 29 JUNE 2010

That the Minutes of the Special Council Meeting held on 29 June 2010 be confirmed as a true and correct record.

MINUTES OF SPECIAL COUNCIL MEETING, 6 JULY 2010

That the Minutes of the Special Council Meeting held on 6 July 2010 be confirmed as a true and correct record.

C31-07/10 MINUTES OF COUNCIL MEETING, 22 JUNE 2010; SPECIAL COUNCIL MEETING, 29 JUNE 2010 AND SPECIAL COUNCIL MEETING, 6 JULY 2010

MOVED Cr Chester, SECONDED Cr Norman that the following minutes be confirmed as a true and correct record:

Council Meeting held on 22 June 2010;

Special Council Meeting held on 29 June 2010;

Special Council Meeting held on 6 July 2010.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**JOONDALUP SPECIAL TRADING PRECINCT LEGISLATION**

Mayor Pickard advised that after many years of pushing for amendments to retail trading hours, the City is delighted that legislation to designate the Joondalup City Centre as a Special Trading Precinct has now been passed.

He stated that this decision reaffirmed the status of Joondalup as Perth's second CBD and offers additional retail and shopping opportunities for retailers, residents and visitors alike.

Extended trading of up to 9pm on weeknights and Sunday trading will transform the City Centre precinct into a vibrant shopping hub, offering the community additional flexibility and choice.

Mayor Pickard believed this is definitely an exciting time to be in the City of Joondalup, and in addition to offering both retailers and consumers more choice, additional job opportunities will also be created for local residents.

Extended retail trading may be a reality within just a few weeks, with all signs pointing to its commencement in August, following regulatory approval from the Department of Commerce.

On behalf of the City, Mayor Pickard advised he looked forward to the community embracing this wonderful initiative and expected that shoppers will vote with their feet as they embrace extended trading within the Joondalup City Centre.

OCEAN REEF MARINA

Mayor Pickard stated he was pleased to confirm that the City recently received a \$100,000 grant from the State Government as part of the Recreational Boating Facilities Scheme (RBFS).

The RBFS grant will be used to determine the requirements of the proposed new boating facilities and infrastructure, which will assist with the progression of a Structure Plan.

Mayor Pickard advised that the Structure Plan, together with a Business Plan which is being developed, will provide the necessary foundation for the environmental approval of the Ocean Reef Marina project.

Mayor Pickard stated overwhelming positive support had been received from the public to date, and that the City looked forward to progressing this project.

NAIDOC WEEK CELEBRATION – REMINDER

Mayor Pickard advised the City's NAIDOC celebrations will continue until the end of July 2010, with the Nyoongar Dreamings art exhibition on display at the blend(er) gallery until Saturday, 31 July 2010.

He believed this was an amazing exhibition, featuring nationally recognised Nyoongar artists, and encouraged the community to attend.

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.

Disclosure of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required 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	Cr Mike Norman
Item No/Subject	CJ126-07/10 – Petition to Install a Path and Complete the Vegetation Management Plan – Magpie Reserve, Marmion
Nature of interest	Interest that may affect impartiality
Extent of Interest	As Chairman of the Joondalup Community Coast Care Forum, Cr Norman prepared the Vegetation Management Plan for Magpie Reserve.

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

Nil.

C34-07/10 PETITIONS

PETITION IN RELATION TO STREET PARKING ISSUES, WILLESDEN AVENUE, KINGSLEY - [19500]

Cr Chester tabled a 27 signature petition on behalf of Kingsley residents requesting that Council takes immediate action to resolve the longstanding issues regarding overflow of commuter street parking in Willesden Avenue, Kingsley.

MOVED Cr Chester, SECONDED Cr Norman that the following petition be received, referred to the CEO and a subsequent report presented to Council for information:

- **Petition requesting that Council takes immediate action to resolve the longstanding issues regarding overflow of commuter street parking in Willesden Avenue, Kingsley.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

CJ111-07/10 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - MAY 2010

WARD: All

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 07032, 05961

ATTACHMENTS: Attachment 1 May 2010 Decisions planning applications
Attachment 2 May 2010 Decisions building applications
Attachment 3 May 2010 Subdivision applications processed

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, allow 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, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed 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.

This report identifies:

- 1 Planning applications (development applications and Residential Design Codes variations);
- 2 Building applications (Residential Design Codes variations); and
- 3 Subdivision applications

determined by those staff members with Delegated Authority powers during May 2010 (see Attachments 1, 2 and 3 respectively).

BACKGROUND

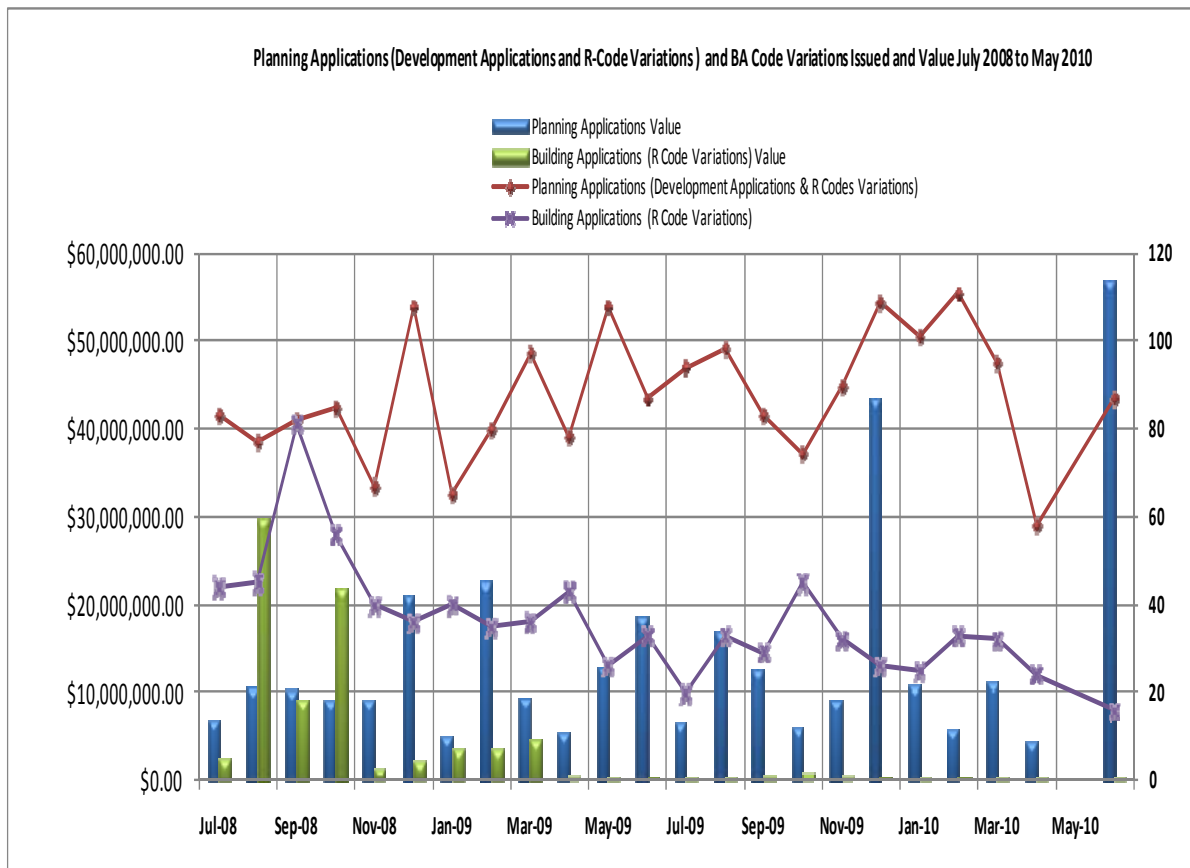
The District Planning Scheme No 2 requires that delegation be every two years, unless a greater or lesser period is specified by Council. At its meeting held on 22 June 2010, Council considered and adopted the most recent Town Planning Delegation.

DETAILS

The number of applications determined under delegated authority for the period of May 2010, is shown below:

Approvals determined under delegated authority – May 2010		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	87	\$ 56,877,973
Building applications (R-Codes variations)	16	\$ 221,504
TOTAL	103	\$ 57,099,477

The number of development applications received during the period for May was 116. (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).



Subdivision approvals processed under delegated authority From 1 May to 31 May 2010		
Type of approval	Number	Potential new lots
Subdivision applications	2	2
Strata subdivision applications	1	2

The above subdivision applications may include amalgamation and boundary realignments, which may not result in any additional lots.

Legislation/Strategic Plan/Policy Implications

Legislation 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.

Strategic Plan

Key Focus Area: The Built Environment

Objective 4.1.3: Give timely and thorough consideration to applications for statutory approval.

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.

Policy

As above.

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.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation may be required by the provisions of the Residential Design Codes, any relevant policy and/or the District Planning Scheme.

Of the 87 development applications determined during May 2010, consultation was undertaken for 31 of those applications. Applications for Residential Design Codes variations as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes variation). The three subdivision applications determined during May 2010 were not 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 for timeliness and consistency in decision-making for 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.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Gobbert, SECONDED Cr Young that Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 Development Applications and R-Codes variations described in Attachments 1 and 2 to Report CJ111-07/10 during May 2010;**
- 2 Subdivision Applications described in Attachment 3 to Report CJ111-07/10 during May 2010.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution prior to consideration of Item CJ128-07/10, Page 93 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf130710.pdf](#)

CJ112-07/10 PROPOSED AMENDMENT NO 46 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD, FROM 'PUBLIC USE' TO 'URBAN DEVELOPMENT'

This Item was considered after CJ127-07/10.

CJ113-07/10 DISTRICT PLANNING SCHEME AMENDMENT NO. 49 TO REZONE LOT 500 (1) ARAWA PLACE, CRAIGIE FROM 'CIVIC AND CULTURAL' TO 'URBAN DEVELOPMENT'

WARD:	Central
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	100360
ATTACHMENTS:	Attachment 1 Location and aerial site plans Attachment 2 Proposed Amendment No 49 plans Attachment 3 Schedule of submissions Attachment 4 Scheme Amendment process flowchart

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 49 to District Planning Scheme No 2 (DPS2) and to decide whether to adopt the amendment.

EXECUTIVE SUMMARY

Lot 500 Arawa Place, Craigie is currently zoned 'Civic and Cultural' under DPS2 and is currently vacant.

At its meeting held on 16 February 2010, Council resolved to initiate Scheme Amendment No.49 to rezone the site to 'Urban Development'.

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 2 June 2010. Two submissions of no objection were received from service authorities during the advertising period.

It is recommended that Council adopts the proposed scheme amendment as final without modification, and forwards the proposal to the Western Australian Planning Commission.

BACKGROUND

Suburb/Location:	Lot 500 (1) Arawa Place, Craigie
Applicant:	Taylor Burrell Barnett
Owner:	Minister for Child Protection
Zoning:	DPS: Civic and Cultural MRS: Urban
Site Area:	2,381m ²
Structure Plan:	Not applicable

In 2002, the Craigie Senior High School was considered surplus to the requirements of the then Department of Education and Training, and ceased operating in 2003. In 2004, all buildings on the site were demolished. In June 2008, a Metropolitan Region Scheme (MRS) amendment was finalised whereby the reservation for 'Public Purposes – High School' was removed and the subject land was zoned 'Urban.'

The subject site forms part of the former Craigie Senior High School Site (Location plans at Attachment 1 refers). The subject site, Lot 500, was excised from the former Craigie Senior High School site for use by the Department of Child Protection. The remaining former Craigie Senior High School site was created as Lot 501.

Lot 500 Arawa Place, Craigie was excised for the purpose of a community facility which would be managed by the Department of Child Protection. The intent was that the site would be used for a community facility which would provide a range of services such as early learning activities, parenting programs and local support groups. Accordingly Lot 500 was zoned 'Civic and Cultural' to reflect the intentions for the site. Rezoning of Lot 500 to 'Civic and Cultural' was finalised on 5 June 2009 (DPS2 Amendment 40).

The Department of Child Protection recently advised that the community facility will not be proceeding and that the land will be re-included in the former Craigie Senior High School site. As such, Scheme Amendment No. 49 was submitted to rezone the site to 'Urban Development' which is consistent with the zoning of the adjoining Lot 501.

DETAILS

An application has been received to rezone Lot 500 (1) Arawa Place, Craigie from 'Civic and Cultural' to 'Urban Development'.

The application of the Urban Development Zone will require the preparation and adoption of a local Structure Plan over the site by Council, prior to application for subdivision approval.

A local structure plan is currently being prepared to guide the development of Lot 500 and adjoining 501. The rezoning of Lot 500 will facilitate the future planning of both Lot 500 and Lot 501 to be coordinated through this future local Structure Plan.

Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment;
- Adopt the proposed amendment, with modification; or
- Refuse to adopt the proposed amendment.

In all the above options, the proposal is forwarded to the Western Australian Planning Commission (WAPC) for the Minister for Planning's determination.

Legislation/Strategic Plan/Policy Implications

Legislation

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 16 February 2010. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

Strategic Plan

Key Focus Area: The built environment.

Objective: To ensure high quality urban development within the City.

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

Consultation:

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 2 June 2010. One sign was placed on the site, a notice placed in the local newspaper, 51 letters were sent to nearby landowners and four letters to service authorities, advising of the proposed amendment. The proposal was also placed on the City's website.

Two submissions of no objection were received during the advertising period, being Telstra and Water Corporation. No submissions were received from nearby residents.

COMMENT

Suitability of proposed Zoning

The proposed zoning of 'Urban Development' will facilitate the development of the Lot 500 in conjunction with the adjoining Lot 501 which was zoned 'Urban Development' by Scheme Amendment No.40.

The purpose of the 'Urban Development Zone' is to provide for the orderly and proper planning of larger areas of land in an integrated manner. The District Planning Scheme requires the preparation and adoption of a local structure plan over the site by Council, prior to application for subdivision approval. Landcorp, in partnership with Stockland, will be developing the former Craigie High School site (being Lot 500 and Lot 501) and are in the process of preparing a Structure Plan for the site.

The application of the Urban Development Zone is considered appropriate for this site, as the existing Civic and Cultural Zone is no longer consistent with the future plans for the site. The proposed zoning will ensure that the future planning for the site to be done in conjunction with the remaining former Craigie High School Site.

Conclusion

The advertising of the proposed Scheme Amendment has not raised any issues that would warrant not proceeding with the proposal. It is recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Gobbert, SECONDED Cr Young that Council:

- 1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 ADOPTS Amendment No 49 to the City of Joondalup District Planning Scheme No. 2, as follows:**
 - (a) Rezone Lot 500 (1) Arawa Place, Craigie from 'Civic and Cultural' to 'Urban Development';**
 - (b) Change the density code for 500 (1) Arawa Place, Craigie from R20 to uncoded;**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision;**
- 4 REFERS Scheme Amendment No 49 and Council's decision to the Western Australian Planning Commission for determination.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution prior to consideration of Item CJ128-07/10, Page 93 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf130710.pdf](#)

CJ114-07/10 PROPOSED DISPLAY HOMES AND SALES OFFICE, ROMANO CRESCENT, ILUKA

WARD: North

**RESPONSIBLE
DIRECTOR:** Mrs Dale Page
Planning and Development

FILE NUMBER: 100805

ATTACHMENTS: Attachment 1 Location plan
Attachment 2 Display village plan
Attachment 3 Car park plan

PURPOSE

To request that Council delegates, to the Director Planning and Development, the authority to determine a maximum of 13 applications for display homes on Lots 1614-1621, 1812, 1838, 1839, 1850 and 1851 Romano Crescent, Iluka.

Delegated authority is also requested to determine a future application for a land sales office on Lot 1622 Romano Crescent, Iluka.

EXECUTIVE SUMMARY

In April 2010, the City approved an application for a temporary car park on Lots 1600-1603 O'Mara Boulevard, Iluka. This car park will contain 83 car parking bays, including two bays for persons with disabilities, and is intended to service a 13 dwelling display village and a land sales office (Attachments 2 and 3 refer). The approval for this car park is valid for two years from 1 April 2010.

The City's District Planning Scheme No. 2 (DPS2) requires that five on-site car parking bays are provided per display home and/or land sales office.

It is anticipated that none of the proposed dwellings will provide the required parking on-site, as the temporary car park will be constructed for this purpose. As such, under the current Register of Delegations from Council, these 14 development applications will be required to be presented to Council for determination. This is as a result of car parking shortfalls greater than 10% which will exist for each of the individual development sites.

As the approved temporary car park provides adequate car parking to service all of the future developments, it is requested that Council delegates decision-making authority to the Director Planning and Development to determine applications for Display Homes and a Land Sales Office on these 14 sites. This will enable the City to process these applications for development approval in a timely and efficient manner.

BACKGROUND

Suburb/Location:	Lots 1614-1622, 1812, 1838, 1839, 1850 and 1851 Romano Crescent, Iluka.
Applicant:	Not Applicable.
Owner:	All lots are individually owned.
Zoning:	DPS: Urban Development
	MRS: Urban
Site Area:	Total area of all lots above is 9,318m ²
Structure Plan:	Iluka Structure Plan (Structure Plan 26)

The subject sites are located within the Beaumaris Beach Estate, Iluka. The lots are situated immediately to the south of O'Mara Boulevard, and to the west of Achilles Loop, and are generally surrounded by vacant residential land.

In April 2010, the City approved an application for a temporary 83 bay car park on Lots 1600-1603 O'Mara Boulevard, Iluka. This car park is intended to service a 13 dwelling display village and a land sales office (Attachments 2 and 3 refer). The approval for this car park is valid for two years from 1 April 2010.

DETAILS

The City will shortly be receiving applications for Display Homes on the sites indicated on Attachment 2. It is anticipated that none of these developments will incorporate the five on-site car parking bays per dwelling required by DPS2.

Under the current Register of Delegations from Council, the applications for these 13 dwellings, as well as for the proposed Land Sales office would need to be presented to Council for determination, as a car parking shortfall of greater than 10% will exist for each application.

As the temporary car park provides adequate car parking to service all of the proposed developments, the technical shortfall for each individual development site will not impact on the operation of the display village, or adversely impact on the amenity of surrounding property owners.

As such, it is requested that Council delegate decision making authority to the Director Planning and Development to determine applications for Display Homes and a Land Sales Office on these 14 sites.

Any approvals issued will be for a period of time that is consistent with the approval period of the temporary car park only.

Issues and options considered:

In this instance, Council may resolve to either:

- Delegate to the Director Planning and Development the authority to determine applications for Display Homes on Lots 1614-1621, 1812, 1838, 1839, 1850 and 1851 Romano Crescent, Iluka, and the Authority to determine application(s) for a Land Sales Office on Lot 1622 Romano Crescent, Iluka; or
- To require that all the abovementioned applications are presented to Council for determination in accordance with the current Register of Delegations.

Legislation/Strategic Plan/Policy Implications

Legislation City of Joondalup District Planning Scheme No. 2 (DPS2)

Clause 4.8 of DPS2 sets out the Scheme's requirements in relation to car parking:

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.*

Clause 4.5 of DPS2 allows for development standards of the Scheme to be varied:

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.*

The matters listed under Clause 6.8 require consideration:

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.*

Clause 8.6 of DPS2 allows Council to delegate decision making powers:

8.6 DELEGATION OF DEVELOPMENT CONTROL POWERS AND POWERS AND DUTIES IN RELATION TO OTHER PLANNING FUNCTIONS

8.6.1 *The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or an employee of the City, the exercise of any of its powers or the discharge of any of its duties under the Scheme, under this power of delegation.*

8.6.2 *Sections 5.45 and 5.46 of the Local Government Act 1995 and the Regulations referred to in section 5.46 apply to the delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.*

Strategic Plan

Key Focus Area: The Built Environment

Objective: 4.1.3 Give timely and thorough consideration to applications for statutory approval.

Policy

Not Applicable.

Risk Management considerations:

The applicants for individual dwellings will have a right to seek a review of any planning decision made under the *Planning and Development Act 2005* and the *State Administrative Tribunal Act 2004*.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

No public consultation has been undertaken in relation to this matter to date. The City will assess all applications against the requirements of the Iluka Structure Plan and where applications are submitted that seek variations to these requirements, the City will advertise these proposals as necessary.

COMMENT

The temporary car park located on O'Mara Boulevard at the northern end of the display village, will provide adequate car parking to service all of the proposed developments within the village. The proposed dwellings and the land sales office require five bays each under DPS2. This results in a minimum requirement of 70 bays, and 83 are provided within the temporary car park.

As such, it is considered that the shortfall for each individual development site is only a technical shortfall, and there will not be any adverse impact on the operation of the display village, or the amenity of surrounding property owners.

The development of the display village in this manner will result in a more attractive streetscape, as the display homes will not have large areas of car parking in their front setback areas, and will assist in the future conversion of these properties to single dwellings.

It is requested that Council delegate decision making authority to the Director Planning and Development to determine applications for Display Homes and a Land Sales Office on these 14 sites as this will assist with the timely processing of these applications for development approval.

Any approvals issued will be for a period of time that is consistent with the approval period of the temporary car park only.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr McLean, SECONDED Cr Amphlett that Council:

- 1 BY AN ABSOLUTE MAJORITY DELEGATES authority to the Director of Planning and Development under Clause 8.6 of the District Planning Scheme No 2 to determine development applications for proposed Display Homes on Lots 1614-1621, 1812, 1838, 1839, 1850 and 1851 Romano Crescent, Iluka, and for a Land Sales Office (Temporary) on Lot 1622 Romano Crescent, Iluka;**
- 2 NOTES that approvals issued for any Display Homes or Land Sales Office will be temporary, and for a period of time that is consistent with the approval period of the temporary car park; and that a change of use application from Display Home to Single House will be required at the end of these approval periods.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, , Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf130710.pdf](#)

CJ115-07/10 EXECUTION OF DOCUMENTS

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 15876

ATTACHMENTS: Nil

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 12 May 2010 to 29 June 2010.

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 Chief Executive Officer are reported to the Council for information on a regular basis.

BACKGROUND

Nil.

DETAILS

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

Document:	Section 70A Execution
Parties:	City of Joondalup and C Petty
Description:	To restrict occupation of the ancillary accommodation to dependent member/s of the family of the occupier/s of the main dwelling on the land at Lot 34 (No 6) Alice Drive, Mullaloo.
Date:	12.05.10
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and N C Kingsbridge and A Kingsbridge
Description:	To restrict the occupation of the ancillary accommodation to dependent member/s of the family of the occupier/s of the main dwelling of the land at Lot 424 (No. 42) Ardrossan Loop, Kingsley.
Date:	12.05.10
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and N C Kingsbridge and A Kingsbridge
Description:	To restrict occupation of the ancillary accommodation to dependent member/s of the family of the occupier/s of the main dwelling on the land at Lot 34 (No. 6) Alice Drive, Mullaloo.
Date:	12.05.10
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and C J Milne and K H Milne
Description:	To restrict the occupation of the ancillary accommodation to dependant member/s of the family of the occupier/s of the main dwelling on the land at Lot 282 (No. 26) Clontarf Street, Sorrento.
Date:	12.05.10
Signed/Sealed:	Sealed

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Van Gogh Holdings Pty Ltd
Description:	Withdrawal of Caveat No 1023117 to enable the registration of a mortgage in favour of ANZ Bank. Properties being Lot 46(6) Elcar Lane and Lot 100(4) Elcar Lane, Joondalup. The Caveat will be replaced over the land following registration of the mortgage in favour of ANZ Bank.
Date:	24.05.10
Signed/Sealed:	Sealed

Document:	Partial Surrender of Easement
Parties:	City of Joondalup and Griffiths Group (WA) Pty Ltd/National Aust Bank Ltd/WA Land Authority
Description:	Partial Surrender of Easement F788686 on Plan 19634 to modify Easement. This is a document previously submitted by the applicant and signed and sealed by the City on 22 April 2009, however an incorrect form to modify the Easement was created as it was not created by Section 167 of the Planning and Development Act. The correct form now submitted – B2 Partial Surrender of Easement.
Date:	24.05.10
Signed/Sealed:	Sealed

Document:	Partial Surrender of Easement
Parties:	City of Joondalup and Si Yem Ho, Thi Tuyet and Chi Tran
Description:	Partial Surrender of Easement – Lot 1020 (10) Chesapeake Way, Currambine.
Date:	26.05.10
Signed/Sealed:	Sealed

Document:	Section 70A
Parties:	City of Joondalup and J G Zorn
Description:	To restrict the occupation of the ancillary accommodation to dependent member/s of the family of the occupier/s of the main dwelling on the land at Lot 145(27) Cruise Court, Heathridge.
Date:	31.05.10
Signed/Sealed:	Sealed

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Idameneo (No. 123) Pty Ltd
Description:	To withdraw an existing Caveat supported by a Deed dated 29 August 2008 on land at Lot 672 (9) Perilya Road, Craigie. Deed established as result of an encroachment by the existing car park on land to adjoining City of Joondalup owned Civic and Cultural zoned land. Recent development of the land included modification of the existing car park such that the encroachment was removed. Deed now invalid and withdrawal of Caveat made to reflect this.
Date:	03.05.2010
Signed/Sealed:	Sealed

Document:	Loan Agreements
Parties:	City of Joondalup and WA Treasury Corporation
Description:	Loan Agreements as approved by the Council at its meetings of: <ul style="list-style-type: none"> • 17/06/2009 – JSC10-06/09 - \$1,085,000 subsequently reduced to \$885,000 – Loan 5; and • 20/04/10 – CJ066 – 04/10 - \$5,800,000 – Loan 4
Date:	08.06.2010
Signed/Sealed:	Sealed

Document:	Execution of Easement in Gross
Parties:	City of Joondalup and P K Wilson and P J Peard
Description:	Execution of Easement in Gross in favour of the City of Joondalup and patrons of Lots 147, 148 and 149 for purposes of vehicle access, parking and drainage as to comply with Condition 4 of Development Application DA02/0098 with owners of Lot 149(134), West Coast Drive, Sorrento.
Date:	09.06.2010
Signed/Sealed:	Sealed

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Resolve Nominees Pty Ltd
Description:	Temporary withdrawal of caveat to enable the registration of a new lease over land at Lot 972 (No. 90) Kingsley Drive, Kingsley.
Date:	22.06.2010
Signed/Sealed:	Sealed

Document:	Section 70A Notification
Parties:	City of Joondalup and C J and K H Milne
Description:	To restrict the occupation of the ancillary accommodation to dependent members of the family of the occupier(s) of the main dwelling on land at Lot 282(26) Clontarf Street, Sorrento.
Date:	22.06.2010
Signed/Sealed:	Sealed

Document:	Amendment to District Planning Scheme No. 2
Parties:	City of Joondalup and WA Planning Commission
Description:	Amendment 47 to District Planning Scheme No. 2 to modify Schedule 4 – Exempted Advertisements as per minutes 25 May 2010 in relation to report CJ072 – 05/10.
Date:	29.06.2010
Signed/Sealed:	Sealed

Document:	Section 70A Notification
Parties:	City of Joondalup and Isador Pty Ltd
Description:	To restrict the occupancy of dwelling within development of Lot 405 (No. 174) Fairway Circle, Connolly to aged or dependent person or the surviving spouse of that person.
Date:	29.06.10
Signed/Sealed:	Sealed

Issues and options considered:

Not applicable

Legislation/Strategic Plan/Policy Implications

Legislation 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.

Strategic Plan

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

Policy

Nil.

Risk Management considerations:

Nil.

Financial/Budget Implications:

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

Regional Significance:

Nil.

Sustainability Implications:

Nil.

Consultation:

Nil.

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.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Gobbert, SECONDED Cr Young that Council NOTES the schedule of documents covering the period 12 May 2010 to 29 June 2010 executed by means of affixing the common seal.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution prior to consideration of Item CJ128-07/10, Page 93 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

CJ116-07/10 MINUTES OF EXTERNAL COMMITTEES

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 41196 03149

ATTACHMENTS: Attachment 1 Minutes of the Meeting of the Tamala Park Regional Council held on 15 April 2010
Attachment 2 Minutes of the Meeting of the Tamala Park Regional Council held on 24 June 2010
Attachment 3 Minutes of the Special Meeting of the Mindarie Regional Council held on 24 June 2010

(Please Note: These minutes are only available electronically)

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of the Tamala Park Regional Council held on 15 April 2010.
- Meeting of the Tamala Park Regional Council held on 24 June 2010.
- Special Meeting of the Mindarie Regional Council held on 24 June 2010.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Gobbert, SECONDED Cr Young that Council NOTES the minutes of the:

- 1 Tamala Park Regional Council held on 15 April 2010 forming Attachment 1 to Report CJ116-07/10;**
- 2 Tamala Park Regional Council held on 24 June 2010 forming Attachment 2 to Report CJ116-07/10;**
- 3 Special meeting of the Mindarie Regional Council held on 24 June 2010 forming Attachment 3 to Report CJ116-07/10.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution prior to consideration of Item CJ128-07/10, Page 93 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

To access this attachment on electronic document, click here: [externalminutes130710.pdf](#)

CJ117-07/10 COASTAL VULNERABILITY ASSESSMENT

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 59091, 04048

ATTACHMENTS: Nil

PURPOSE

To provide Council with updated information regarding coastal assessments that have been undertaken by the Department of Planning and the strategic approach that the City is taking in addressing climate change related issues.

EXECUTIVE SUMMARY

The Western Australian Planning Commission (WAPC) has completed the first stages of the coastal assessment studies that consist of a number of spatial and digital models that will enable further assessments regarding coastal vulnerability to be undertaken.

The data that is available from the WAPC's study, coupled with the range of tools available will enable to the City to take a strategic approach to addressing the future impacts of climate change.

The development of a City of Joondalup Climate Change Strategy to provide mechanisms for greenhouse gas mitigation and to recommend strategies for the City to adapt to the impacts of climate change will enable increased resilience of the City and our community.

BACKGROUND

At its meeting held on 17 February 2009, Council requested a report from the Chief Executive Officer advising Council:

“whether, or not, a full climate change/risk assessment, with particular attention being given to sea level rises and its effects, should be done, giving the pros and cons, with a recommendation to Council, and, if the recommendation is yes, the urgency that the assessment should be given.” (C07-02/09 refers)

Council also requested that the report include an assessment of any available literature on climate change and the impact on sea levels.

A report was presented to Council at its meeting held on on 16 June 2009, which provided details of available literature and studies that had been undertaken in regards to climate change risk assessment and sea level rise.

Information was also included in the report regarding the Western Australian Planning Commission’s Coastal Mapping Project and the following recommendation was carried by Council:

REQUESTS a report on the outcomes of the WAPC research within two months of its report being released, and, if the WAPC report is not released this year, the matter to come back to Council at its February 2010 meeting.

Due to delays in the progress of the WAPC Project, a response was not able to be prepared for the February Council meeting. Information on the status of the Project was provided to Elected Members in December 2009 and February 2010.

DETAILS

In April 2009 WAPC commenced a study to assess coastal vulnerability within the Perth Metropolitan Area. The aim of the Study was to assess the possibility of sea level rise and associated impacts related to climate change. The Project involves the collection of data over an area of coastline between Two Rocks in the North and Cape Naturaliste to the Southern boundary of the Perth Metropolitan Area.

The first outputs of the study have been delivered to the Department of Planning and the Department of Transport. The data includes a number of digital and spatial files including water depths, seabed analysis and a high resolution coastal 3D model of the land and seabed between Two Rocks and Cape Naturaliste.

This digital elevation model will be the primary data set used to analyse the impacts of climate change on humans and the environment. The model will be an important tool used for planning and managing Western Australia’s coastline and will provide support in decision-making and planning along the coast.

The data collected through the study may also be used by various organisations for several purposes, including:

- Undertaking continuous studies to assess coastal vulnerability resulting from human impacts on the Perth metropolitan and south-west coastal strip;
- Modelling of flooding, groundwater, surface water, tsunamis and storm events;
- To inform the development of Regional and Local Coastal Plans;
- To inform the revision of the current coastal policy, State Planning Policy 2.6- State Coastal Planning Policy;
- The assessment of the impacts of climate change including rise in sea level on the coast;
- To identify areas potentially at risk from storm surges, inundation, erosion and high winds;
- The identification of areas where physical protection measures are required to protect assets and people;
- To identify areas yet to be developed, where land use planning changes will be required;
- The building and testing of mathematical procedures that use 3D models to imitate the impacts of environmental change;
- Planning and managing natural disasters;
- Planning and managing urban development along the coastal plain - used by developers, consultants, Local Governments and State Government Agencies; and
- Environmental modelling, such as flood, groundwater, and ecological modelling.

The digital mapping data collected through the first phase of the project will be utilised to carry out a number of assessments, including a series of studies that will assess coastal vulnerability along the Western Australian coastline and this data will be made available through Landgate's information portal.

The digital elevation models and associated spatial data is available from the Department of Transport and the City is currently investigating the application of this data for use within the City Geographical Information System (GIS).

Information regarding the timeframes for the release of further data and reports is not able to be provided by the Department of Planning. Further information will be provided to Council when the City has been notified of the release of any subsequent data or reports.

The City is currently reviewing the existing Greenhouse Action Plan 2007-2010 and once finalised will commence the development of a Climate Change Strategy. This Strategy will address greenhouse gas mitigation and recommend strategies for the City to adapt to current and future impacts of climate change, in order to increase resilience of the City and the community.

The City recently applied for joint funding through the State Natural Resource Management Program for a Regional Climate Change Adaptation Study, in partnership with the City of Wanneroo, the City of Stirling and Perth Region Natural Resource Management. This study was to inform the development of the City's Climate Change Strategy.

However the City has been notified that the funding application was not successful and will therefore utilise the Western Australian Local Government Association's (WALGA) *Climate Change Management Toolkit* to prepare the Strategy which includes the identification of climate change impacts, risk assessments and recommended responses to be implemented over a specified period of time.

The WALGA *Climate Change Management Toolkit* contains a suite of tools which aims to assist Local Governments plan for the future impacts of climate change, including template policies, climate change research and information, templates for risk assessments and case studies.

A number of Federal studies have also been completed which provide the City with information relating to coastal vulnerability, this includes the *Climate Change Risks to Australia's Coasts Report* which was released by the Commonwealth Government in November 2009. This report has identified that Pinaroo Point is the third most susceptible site to coastal erosion along the Perth coastline.

The Federal Government has also recently announced the development of *Pilot Coastal Inundation Visualisation Tool* which will provide Local Governments with the ability to investigate which areas will be inundated under different sea level scenarios.

The Tool will enable the identification of areas which are safe for development, resulting in reduced risk for Local Governments. However the City has been advised that the *Pilot Coastal Inundation Visualisation Tool* only extends north to the suburb of Carine, located within the City of Stirling.

The City of Joondalup has made enquiries with the Department of Climate Change and Energy Efficiency to ascertain why the study excludes areas further north and whether the study will be extended to include the City of Joondalup. Information received from the Department stated that the project scope was to only include the central urban areas of Perth and that there is a possibility of extending the study in the future, however at present priorities for future work have not yet been finalised.

The Department of Planning has advised the City of a 2005 Report which was undertaken by coastal engineers MP Rogers. The Report details coastal vulnerability along Perth's coastline and a number of areas within the City of Joondalup were included. The information in the Report includes risk of sea level rise, erosion and the specific development setbacks that should be used at each area. The information within the report informed the development of the State Coastal Planning Policy (SCPP) and can be utilised within the development of the City's Climate Change Strategy.

Information within available State and Federal reports that is relevant to the City of Joondalup will inform the development of management recommendations within the Climate Change Strategy.

Strategic Plan

This item has a general connection to the Strategic Plan particularly in relation to the Key Focus Areas of:

- The Natural Environment;
- The Built Environment; and
- Community Wellbeing.

This item also has a connection to the City's Beach Management Plan. This Plan recognises that the future impacts of climate change along the City's coastline are largely unknown and states that as further information becomes available, the Beach Management Plan will be updated.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The development of the City's Climate Change Strategy will provide management recommendations that will assist the City to adapt to potential impacts including:

- Health and wellbeing implications;
- Damage to coastal property and infrastructure;
- Increased incidences of natural disasters; and
- Environmental degradation.

There are a number of risks associated with not undertaking investigations and developing a response to climate change impacts, including potential liability for not taking these future impacts into consideration within City operations, significant environmental impacts and financial implications relating to damage to coastal infrastructure.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

The City is currently investigating future opportunities to partner with neighbouring Local Governments to investigate potential climate change implications. Opportunities exist to partner with the Cities of Stirling and Wanneroo in undertaking a number of risk assessments, including coastal vulnerability studies.

Sustainability Implications:

The development of a City of Joondalup Climate Change Strategy will result in a number of environmental, social and economic benefits. Planning for future climate change impacts will enable the City to increase resilience of the City's natural areas, community and infrastructure assets.

Consultation:

Not Applicable.

COMMENT

A number of studies have been undertaken in regards to climate change issues, including coastal assessments such as the WAPC's study to assess coastal vulnerability within the Perth Metropolitan Area. This technical data will be made available to Local Governments and other relevant agencies to assist in planning for future impacts of climate change.

There are also several tools available to Local Government to assist in the management of climate change issues, including the suite of tools available within the WALGA Climate Change Management Toolkit.

The City is also taking a strategic approach to developing responses to climate change impacts that will ensure protection of the City environmental assets, property and the well being of the community.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Chester, SECONDED Cr Norman that Council NOTES the:

- 1 progress made in the Western Australian Planning Commission's Coastal Assessment Study, as detailed in Report CJ117-07/10;**
- 2 approach that the City is taking in planning for future climate change impacts through the development of a City of Joondalup Climate Change Strategy, as detailed in Report CJ117-07/10.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, , McLean, Norman, Taylor and Young

CJ118-07/10 PROPOSAL FOR DOMESTIC CAT CONTROL LEGISLATION — CITY OF JOONDALUP SUBMISSION TO WALGA AND THE DEPARTMENT OF LOCAL GOVERNMENT

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 05089 03011 29182 01139

ATTACHMENTS: Attachment 1 Proposal for Domestic Cat Control Legislation — Discussion Paper (from the Department of Local Government)
Attachment 2 City of Joondalup Feedback — Proposal for Domestic Cat Control Legislation

PURPOSE / EXECUTIVE SUMMARY

This report outlines the City's feedback, as requested by the Western Australian Local Government Association (WALGA) and the Department of Local Government, on the State's *Proposal for Domestic Cat Control Legislation — Consultation Paper*.

BACKGROUND

The State Government has proposed introducing State-wide domestic cat control legislation with the overarching principle of reducing the number of stray (non-owned) cats in Western Australia. As part of the investigative phase of this process, the Department of Local Government has produced a Consultation Paper for public comment (provided as Attachment 1 refers). This Consultation Paper has been distributed by the Department and WALGA, both of whom are seeking submissions on the issue.

As a result of the City undertaking to introduce a cats local law in 2008/2009, the City has an established policy position on this issue which has been represented in the draft submission (Attachment 2 refers). (Note - there exists one point of difference relating to appropriate registration fees; an explanation is provided in the 'Financial/Budget Implications' section below).

DETAILS

Issues and Options Considered:

The following provisions have been proposed in the Consultation Paper:

1 Compulsory identification through microchipping:

This provision requires all owned cats to be fitted with a microchip — this differs from the City's proposed local law in which the City required cats to be identifiable by *either* a tag or a microchip.

2 Compulsory registration:

This provision requires all owned cats to be registered with their home local government (in a similar manner to dogs) — this is consistent with the City's proposed local law.

3 Compulsory Sterilisation:

This provision requires all owned cats to be sterilised — this is consistent with the City's proposed local law.

The following additional provisions were included in the City's proposed local law:

1 Designated cat prohibited areas:

This provision prohibited cats from being in 'designated cat prohibited areas' (e.g.: Neil Hawkins Park, Percy Doyle Reserve, Tom Simpson Park, etc.) — the Consultation Paper states that it is not proposed to include these provisions in State-wide legislation, but that local governments would be free to do so if they choose.

Legislation/Strategic Plan/Policy Implications:

Legislation: The proposed legislative changes to the control of domestic cats will have implications for local government. If and when this legislation is adopted, the City's *Animals Local Law 1999* may need to be reviewed, and the City may wish to investigate the development of a cats local law in order to achieve additional provisions relating to the keeping and control of cats (such as designated cat prohibited areas).

Strategic Plan:

Not Applicable.

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

There are likely to be significant financial implications for the City if the proposals presented in the Consultation Paper are developed into legislation. These implications will be dependent upon the level of support provided by the State Government in implementing the new legislation.

The City considered a detailed budget for the implementation of the proposed *Cats Local Law 2008* (prior to it being disallowed). As the majority of the provisions proposed by the State Government are identical to those proposed by the City, this budget can be considered a comprehensive analysis of the potential financial implications.

Revenue:

Registration:	\$219,450
Pound fees:	\$30,000
Infringements:	\$25,000
TOTAL:	\$274,450

Expenses: Operational

Staff-related:	\$139,950
Registration/administration:	\$43,000
Pound activity:	\$61,500
TOTAL:	\$244,450

Expenses: Capital

Vehicle(s):	\$50,000
Traps and fittings:	\$8,750
Transitional pound additions:	\$90,000
TOTAL:	\$148,750

It should be noted that the City has provided a response to question 11 of the Feedback Form —‘What is an appropriate registration fee for sterilised and unsterilised cats?’ — that differs from ‘Fees for Registration’ outlined in the City’s proposed *Cats Local Law 2008*. The City’s proposed local law was based on the *Dog Regulations 1976* which prescribe a fee of \$10 per year or \$18 per three years for sterilised dogs, and \$30 per year or \$75 per 3 years for unsterilised dogs. However, these fees have not been amended since 1996 and the City considers them to be too low and not reflective of the costs involved in registering an animal within the City. As such the City has offered the following responses to question 11 — ‘What is an appropriate registration fee for sterilised and unsterilised cats?’:

	1 year	3 years
Sterilised	\$15	\$30
Unsterilised	\$45	\$100

In addition, the City has recommended the new legislation include concessional rates for pensioners (in line with the *Dog Act 1976* and the City’s proposed *Cats Local Law 2008*).

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

This Consultation Paper forms part of the Department of Local Government’s consultation process in the development of State-wide cat control legislation. Both WALGA and the Department of Local Government are seeking submissions on this issue. The attached *Consultation Feedback Form* (Attachment 2 refers) has been prepared by the City for submission to these agencies.

COMMENT

As the City undertook to introduce a cats local law in 2008/2009, the City has an established policy position on this issue which has been represented in the draft submission (see Attachment 2 refers) with the exception of the registration fees outlined in the ‘Financial/Budget Implications’ section above. As such it is recommended that Council approve the submission to be forwarded to WALGA and the Department of Local Government.

The Department’s Consultation Paper, in its entirety, is provided as Attachment 1.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Young that Council APPROVES the City of Joondalup Consultation Feedback Form shown as Attachment 2 to Report CJ118-07/10 for presentation to the Department of Local Government and the Western Australian Local Government Association (WALGA).

The Motion was Put and

CARRIED (9/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman and Young **Against the Motion:** Cr Taylor

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5agn200710.pdf](#)

CJ119-07/10 COUNCIL WORKING GROUPS AND COMMUNITY FORUMS

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 75521, 78623, 79623, 00906, 12168, 66581

ATTACHMENTS: Attachment 1 Terms of Reference for Community Safety and Crime Prevention Working Group and Streetscape Working Group
Attachment 2 Terms of Reference for Community Forums.
Attachment 3 2010/11 Work Plans for Working Groups

PURPOSE

To present Council with information on a framework for convening Community Forums and Working Groups and for seeking membership from the community in ways that satisfies all requirements of accountability, openness and transparency.

EXECUTIVE SUMMARY

This report details a framework for establishing and conducting a Community Safety and Crime Prevention Working Group, and a Streetscape Working Group, and Community Forums on Sustainability, Conservation, and Seniors Interests.

The report provides recommendations on terms of reference for these Working Groups and Community Forums and outlines a process for recruiting participants, conducting the Working Groups and Forums, and providing the Council with outcomes from both to inform decision making.

BACKGROUND

At the meeting of Council on 16 March 2010, a report (CJ038-03/10 refers) was presented concerning options for future community engagement with residents, in particular, Advisory Committees, Working Groups and Community Forums.

It was resolved at this meeting to establish two Working Groups; a Community Safety and Crime Prevention Working Group with the objective of providing advice to the Council on community safety and crime prevention issues and to assist the Council in developing a strategic approach to ensure the safety and wellbeing of the wider community of the City of Joondalup; and a Streetscape Working Group with the objective of providing advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians and assisting the Council with the establishment of themed planting on road reserves to bolster the identity of the City's neighbourhoods.

Council also resolved to hold community forums on:

- Sustainability;
- Seniors interests; and
- Conservation.

The meeting requested that a further report be submitted to Council establishing the framework and membership of the Community Forums and Working Groups.

DETAILS

The Council, prior to the ordinary election in 2009 when all Committees were dissolved, operated with five Advisory Committees:

- Community Safety and Crime Prevention Advisory Committee.
- Conservation Advisory Committee.
- Seniors Interest Advisory Committee.
- Streetscape Advisory Committee.
- Sustainability Advisory Committee.

The re-establishment of the Community Safety and Crime Prevention Advisory Committee and the Streetscape Advisory Committee as Working Groups under the proposed framework detailed in this report will enable these Working Groups to operate with greater flexibility, allow for a greater variety of members, allow for general discussion and debate and provide greater advisory potential to Council.

The establishment of Community Forums for sustainability, conservation, and seniors interests will provide mechanism for matters formerly progressed through Advisory Committees to be discussed in a more flexible environment, provide for a greater number of community members to participate, and allow for discussion and debate on matters of interest to the community.

In order to provide the Council with a framework and membership for Community Forums and Working Groups, the following steps were taken:

- Research into Working Groups and Community Forums of other Local Governments in Australia with particular reference to Western Australia;
- A review of the City's practical experiences in conducting public forums and convening reference groups over the past five years;
- A review of recent published literature on public participation, community engagement, and civic participation.

Other Local Governments in Australia

The focus of this research phase was to identify the various models in current usage and extent to which they could be deemed successful in terms of representativeness, attendance and outcomes. Of particular interest were formalised evaluation processes which took into account the perspectives of the participants and the sponsoring organisations.

A number of local governments in Western Australia do conduct either community forums or working groups (City of Perth, City of Wanneroo, City of Stirling, City of Rockingham), although there is considerable variation in how these groups are structured and operate.

Commonalities include agenda setting by each City and the design of formalised processes for communication between staff, the public, and Elected Members. Attendance at Working Groups or Community Forums is varied and relies on the effectiveness of advertising campaigns for encouraging community participants.

City of Joondalup Experience

The City has had considerable experience and success with Community Forums (Strategic Planning, Ocean Reef Road Extension, Youth Forum) and Working Groups (Ocean Reef Road Extension Community Reference Group, Ocean Reef Marina Development Project Community Reference Group).

The City's successes in terms of attendance, ongoing commitment and participant satisfaction can be attributed to prior research into the factors that encourage greater participation in local governance. It is recommended that these factors are utilised in establishing and operating Working Groups and Community Forums. Those factors are:

- Identification of a clear and unambiguous purpose for the Working Group meetings and Community Forums;
- Identification of who is to be involved and a rationale for that involvement;
- Determining and publishing the terms of reference;
- Development of information packages for participants involved in the Working Groups and Community Forums;
- Extensive advertising campaigns both on and offline; and
- Participant evaluation of the quality and outcomes of the Working Groups and Community Forums.

WORKING GROUPS

The terms of reference, structure and method for participant selection for each Working Group should be published to promote openness and transparency, and, in the interests of public accountability, minutes should be kept for meetings of each Working Group and subsequently published.

Terms of Reference for both Working Groups should include:

- Definition of the Working Group
- Objectives of the Working Group;
- Linkages with the City's Strategic Plan;
- Membership of the Working Group and the rationale for its structure;
- Methodology for Working Group Membership Selection;
- The discussion and decision process;
- How ideas will be recorded (minutes);
- How recommendations arising from Working Group discussions will be referred to Council for consideration.

The proposed structure for Working Groups is as follows:

- Membership of Working Groups is limited to 15 individuals, including:
 - Up to three Elected Members, one of whom acts as Chair (to be nominated by Council every two years in line with the local government election cycle);
 - At least one resident/ratepayer from each of the six wards of the district (six in total);
 - Up to four places for suitably qualified professionals who can provide expert advice/information as necessary.

The Working Groups will be supported by City staff – one officer to coordinate Working Group Agenda preparation, to record outcomes of discussions/deliberations and to report to Council, and one officer per working group to provide technical advice where required.

Selection of residents/ratepayers to serve on the Working Group would be managed by advertising the six (or more) resident/ratepayer places (at least one for each ward of the district) and requesting that interested persons submit an 'Expression of Interest' in serving on the Working Group, and writing to ratepayer groups in each ward with information on the Working Groups.

Final selection for serving on the working groups would be determined by Council. It is proposed that preference will be given to those that reside, work or own property in the City of Joondalup or have a direct interest in the district.

Selection of suitably qualified professionals to serve on the Working Group would be managed by advertising and through professional networks. Similarly to resident/ratepayers, an 'Expression of Interest' would need to be completed before the final selection of participants is determined by Council.

The Community Safety and Crime Prevention Working Group and Streetscape Working Group will provide Council with the opportunity to obtain the views of community representatives and experts, and to network with a wide range of community representatives and experts on issues of common interest. Such an opportunity serves to assist Elected Members in addressing strategic issues and priorities. The Working Groups will also provide the community with a clearly defined mechanism for communicating with the Council on matters related to Community Safety and Crime Prevention and Streetscapes.

Both Working Groups will have an annual Work Plan developed by City staff in alignment with the City's strategic planning objectives, Annual Plan, or other City Plan or initiative. The proposed Work Plans for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group are provided as Attachment 3. Work Plans will not prevent the Working Groups advising on matters referred to them by the Council.

Suggested Terms of Reference for the Community Safety and Crime Prevention Working Group, and the Streetscape Working Group are shown as *Attachment 1* to this report. The Terms of Reference include information on membership, number of meetings, and agendas and minutes.

COMMUNITY FORUMS

Community Forums will provide opportunities for larger, one-off events that, whilst open and casual in style, should still encourage attendance and participation from people unfamiliar with the formal processes of Council Committees. To encourage participation from all socio-economic areas, attendance should be sought from up to 100 members of the community from across the six wards (the number may vary depending on the topics for discussion at the Forum).

Invitations will also be extended to experts and relevant stakeholders who may be interested or affected by the topics of discussions (for example State Government Agencies, Community Agencies and the like).

The proposed structure for a community forum would be as follows:

- Mayor.
- Councillors.
- Chief Executive Officer or representative.
- Senior City staff.
- Event facilitator.
- Presenters – experts on topic/s for discussion.
- Up to 100 members of the community.
- Invited experts and key stakeholders.

The Community Forums will be supported by City staff trained in facilitation and will support the conduct of the smaller group discussion.

It is proposed that recruitment to attend the forum be undertaken in two ways:

Firstly by advertising the forum widely in community newspapers, online and through public noticeboards throughout the City with direct invitations sent to representatives from ratepayer and resident groups or people with an interest in the matter under discussion. Support information would be supplied on the City's Community Consultation webpage.

Secondly by randomly selecting members from each Ward and inviting them to take up one of the places available with information supplied on the purpose of the Forum, how they were selected and what their role will be at the Forum.

Utilisation of both of these methods for selection of participants for the Community Forums will ensure that a representative sample of the community are chosen for the Forums, whilst also providing others with a specific interest in the topic for discussion to nominate and represent their views.

The Forums should run for no longer than two to three hours and should be run by expert facilitators as Community Forums will, in all likelihood attract people who may feel very passionately about the issue being discussed and may focus the meeting on one particular aspect of whatever proposal is on offer.

It will be important that all views concerning the proposal or issue are canvassed and the facilitator will need to have the skill to create the space where this can occur to avoid unnecessary confrontation.

The Community Forums will offer a number of benefits including:

- Providing Council with mechanisms for sharing information with the community and for being better informed about community opinion;
- Promoting an ongoing relationship between Council and the community and strengthening trust and allowing the involvement and input of a wide range of community members into matters of strategic interest;
- Providing an opportunity for communities of interest to debate and explore local issues, and assist to develop a consensus for action on complex issues that affect the broad community; and
- Support collaboration between Council and the community to find innovative solutions which address sustainability, conservation, and seniors interests.

The Community Forum Protocols outlined in the Terms of Reference establish a structure for ensuring that participants are informed by experts on the topics for discussion, that all participants have the opportunity to voice their opinion through smaller working groups, and that Council is provided with a report on the key discussion points.

Community Forums will not have the ability to make decisions but will play a critical role in providing the Council with information and some instances, outcomes for consideration (through Council reports prepared by City officers) on the topics of discussion at each Community Forum.

The following topics are proposed for discussion at the Community Forums:

- **Sustainability**
 - Review of the Environment Plan 2007 – 2011
 - What are the priorities for 2012 and beyond for the City for sustainable development?
- **Conservation**
 - Protecting and maintaining the City's Biodiversity – working with the community.
- **Seniors Interests**
 - Social Isolation.
 - Accommodation.
 - Transport.
 - Home Help.
 - What are the issues for Seniors?
 - How can the City and Government and non Government Agencies better work together to address the issues?

Recommended Terms of Reference for conducting Community Forums are shown as *Attachment 2* to this report. The Terms of Reference outline a process for conducting forums, and recruiting participants.

It is intended that three Community Forums be conducted in 2010/11.

At this time it is proposed that the Community Forums be 'in person' forums where attendees meet in a common place with a facilitator. The City is currently examining the benefits of 'online' forums and whether these may be used in the future in addition to 'in person' forums to allow interested persons within the City to contribute to matters of interest.

Issues and options considered:

Both Working Groups and Community Forums are intended to generate new ideas and encourage strategic thinking.

It will be important to emphasise their function as 'think tanks' or places where Elected Members, staff and community members are working together to explore issues and identify possible directions for the future.

As it is likely that there will be considerable public interest in matters under discussion, methods for inviting and selecting potential participants must be seen to be transparent, fair and equitable. Whilst the overall intent is to encourage creativity, there is still a requirement for structures, processes and reporting on outcomes as described in this report.

Legislation/Strategic Plan/Policy Implications

Legislation Local Government Act 1995 – Section 1.3 (2) states:

This Act is intended to result in –

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

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

To engage proactively with the community.

Policy: Council Policy - Public Participation

Risk Management considerations:

Community members may be sceptical about the integrity of engagement attempts by local government, and nominations for both Working Groups and Community Forums may be low.

Financial/Budget Implications:

The major costs associated with Community Forums and Working Groups would be:

- Advertisements calling for nominations and providing information on upcoming Community Forums.
- Venue Hire.
- Equipment Hire (if not included in venue hire).
- Catering.
- Facilitator.
- Staff resources.

Although the costs would vary, it is reasonable to expect that Community Forums attracting 60 people would cost from \$3,000 to \$5,000, while Working Groups of up to 15 people would attract catering costs, and costs associated with staff resources.

Regional Significance:

Some of the matters discussed at Working Groups and Community Forums may have a regional focus.

Sustainability Implications:

Community Forums and Working Groups are mechanisms for actual involvement by the community on matters of social, economic and environmental interest to them and, therefore, for better informing the Council on the needs of current and future generations.

Consultation:

Community Forums and Working Groups are a mechanism for community engagement.

COMMENT

Effective engagement with the community through Working Groups and Community Forums will have many benefits for the Council including:

- better relationships with the community.
- increased understanding of community issues.
- better partnerships and networks.

Community Forums and Working Groups, as described in this report, provide mechanisms for direct involvement by the community in the affairs of the City. They will provide an opportunity for community representatives to provide alternative viewpoints for consideration by the Council in determining policy and strategic direction in a less formal and more flexible environment.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Gobbert, SECONDED Cr Young that Council:

- 1 **ADOPTS the Terms of Reference for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group shown as Attachment 1 to Report CJ119/07/10;**
- 2 **ADOPTS the Terms of Reference for the Community Forums on Sustainability, Conservation, and Seniors Interests shown as Report CJ119/07/10;**
- 3 **ADOPTS the 2010/11 Work Plans for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group shown as Attachment 3 to Report CJ119/07/10;**
- 4 **NOTES that Expressions of Interest for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group will be undertaken in August 2010.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution prior to consideration of Item CJ128-07/10, Page 93 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf130710.pdf](#)

CJ120-07/10 BURNING ON PRIVATE PROPERTY - PENALTIES FOR NON-COMPLIANCE

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 29061

ATTACHMENTS: Attachment 1 s. 59A *Bush Fires Act 1954*
Attachment 2 First Schedule *Bush Fires (Infringements) Regulations 1978*

PURPOSE/EXECUTIVE SUMMARY

To provide Council with information relating to the application of penalties under the *Bush Fires Act 1954* in introducing a ban on burning garden refuse and rubbish on private properties within the City's district.

It is recommended that Council notes the application of a \$250 infringement to offences committed under section 24G of the *Bush Fires Act 1954* and agrees to pursue publishing a notice in a local newspaper and the *Government Gazette* to give effect to a ban on burning garden refuse and rubbish on private properties within the City's district.

BACKGROUND

At the meeting of 22 June 2010, Council resolved, inter alia, to:

“REQUEST a further report on City Policy – Burning on Private Property addressing penalties associated with failure to comply with the Policy.”

The request was addressing a concern that in instituting a burning ban on private property, a fine of \$3,000 would apply to offenders under the *Bush Fires Act 1954*. If correct, Elected Members considered such a fine to be excessive in relation to the offence.

This report seeks to satisfy the request for further information from Council as stated above and clarify the penalties that will apply should such a ban be introduced.

DETAILS

Research into the *Bush Fires Act 1954* revealed that local governments have the capacity to issue infringement notices under section 59A(2) of the Act:

s. 59A(2) *Where a prosecutor [local government] has reason to believe that a person has committed any such offence against this Act as is prescribed for the purposes of this section, the prosecutor may serve on that person a notice, in the prescribed form (in this section called an **infringement notice**), informing the person that, if he does not wish to be prosecuted for the alleged offence in a court, he may pay to an officer specified in the notice, within the time therein specified, the amount of the penalty prescribed for the offence, if dealt with under this section.*

The *Bush Fires (Infringements) Regulations 1978* then specifies the modified penalty that applies to the offence of “*burning garden refuse [or rubbish] contrary to Ministerial or local government prohibition or restriction*” (s. 24G of the *Bush Fires Act 1954*), which is currently **\$250**.

Therefore, in enforcing a ban on burning garden refuse or rubbish within the City’s district, the City is not required to prosecute all offences under the *Bush Fires Act 1954* and consequently, a maximum penalty of \$3,000 will not have to apply. Instead, a smaller infringement of \$250 may be issued by authorised City Officers.

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation *Bush Fires Act 1954*
 Bush Fires (Infringements) Regulations 1978

Strategic Plan

Key Focus Area: Community Wellbeing

Objective: 5.4 To work collaboratively with stakeholders to increase community Safety and respond to emergencies effectively.

Policy City Policy – Burning on Private Property

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The infringement of \$250 that applies if a person burns garden refuse or rubbish on private property, contrary to a local government ban, is significantly less than the maximum \$3,000 penalty that applies if prosecuted in a court of law. As such, it the Officers’ view that previous concerns surrounding the potential application of an excessive penalty should now be alleviated and subject to Council approval, the City should continue pursuing the establishment of a ban on burning garden refuse and rubbish on private properties.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Gobbert, SECONDED Cr Young that Council:

- 1** NOTES the \$250 modified penalty that applies to offences committed under s.24G of the Bush Fires Act 1954 as shown on Attachment 2 to Report CJ120-07/10;
- 2** AGREES to pursue publishing a notice in a local newspaper and the Government Gazette to give effect to a ban on burning garden refuse and rubbish on private property within the district of the City of Joondalup, in the manner resolved at the Meeting of Council on 22 June 2010 (CJ094-06/10 refers).

The Motion was Put and CARRIED (10/0) by En Bloc Resolution prior to consideration of Item CJ128-07/10, Page 93 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf130710.pdf](#)

CJ121-07/10 STRATEGIC POSITION STATEMENTS

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 33866

ATTACHMENTS: Nil

PURPOSE

For Council to give consideration to the Strategic Position Statements initially adopted on 15 July 2008 (Item CJ120-07/08 refers) and reviewed by Elected Members during a Strategic Planning Workshop held on 30 April/1 May 2010.

EXECUTIVE SUMMARY

At the Council meeting held on 15 July 2008 the Council endorsed nine Strategic Position Statements on the following issues:

- Community Facilities;
- Leisure Centre Operations;
- Arena Joondalup;
- Regional Recreation Facilities;

- Debt Strategy;
- Use of funds received from the development of Tamala Park;
- Increases in residential density in some localities;
- Rejuvenation of local centres; and
- Development of high rise commercial office space within the CBD on Council owned land.

At the Council meeting held on 20 April 2010 the Council endorsed a further Strategic Position Statement on the Third Australian Football League Team in Western Australia.

It is considered that the Position Statements demonstrate the Council's agreed position in relation to strategic matters, and to assist the City with regard to any lobbying of positions where considered appropriate.

BACKGROUND

At the Council meeting held on 15 July 2008 consideration was given to a number of strategic, priority issues. Position Statements were developed from these suggestions and are further detailed below.

The Elected Members attended a Strategic Planning Workshop held on 30 April/1 May 2010, at which the statements were discussed and suggestions made with regard their review.

Given two years has passed since the initial adoption of the statements it is considered appropriate that the Council review the statements to ensure they remain current and aligned with the Council's strategic direction.

DETAILS

The following details the Council's currently adopted Strategic Position Statements and matters considered in their review:

1. COMMUNITY FACILITIES

Master Planning

Each significant facility should be developed in accordance with a Master Plan rather than being the subject of small ad hoc fixes.

Usage

Facilities should be multi-use and be used at all times where possible. Facilities should include complementary services where possible.

Issues and options:

The Council has adopted a Master Planning strategic process (Council meeting 15 April 2008 – CJ062-04/08 refers) that develops an overall design and layout for an area. The process considers the current and future needs of the community to develop a concept plan that designs facilities, infrastructure and areas to best meet these identified needs. Council have endorsed a set of principles and a process that will be used in the master planning of leisure and recreation facilities.

The Master Planning Principles include:

- Community Participation;
- Sustainability;
- Quality Facility Provision;
- Community Engagement;
- Multi Purpose and Shared Use.

A seven step Master Planning Process has been designed to be applied to all future community sport, leisure and recreational infrastructure developments and upgrades within the City.

The City is currently undertaking two master planning projects: the Edgewater Quarry Master Plan and the Percy Doyle Reserve Master Plan.

It is considered that this Strategic Position Statement remains relevant and does not require review.

2. LEISURE CENTRE OPERATIONS

Leisure and Recreation operations overall should aim to be self sufficient and meet all operating costs.

Issues and options:

The City of Joondalup Leisure Centres currently operate on a user pay principle. The fees and charges for the Leisure Centres are reviewed against an annual price review of similar leisure facilities throughout the State. From a market position the City's Leisure Centre operate in line with industry average. To support access to the leisure facilities in price sensitive markets, The City offers one of the highest concession discounts in Western Australia. A 25% discount is offered to seniors and concession card holders who are residents in the City of Joondalup for memberships, casual swim, crèche entry and Lifestyle program activities.

Whilst the City's leisure facilities perform well financially against similar facilities in Western Australia, the full cost of operations for the leisure facilities (including operating costs, overhead costs and capital finance costs) requires the City to subsidise the Centres operations by approximately \$700,000 to \$1,000,000 per annum.

The leisure centres current management model is proving successful in attracting large participation rates from the community across a variety of facilities and programs with competitive fees and charges being applied.

It is considered that this Strategic Position Statement remains relevant and does not require review.

3. ARENA JOONDALUP

In the event that the State Government agrees to the transfer of this large scale leisure and recreation facility to the City, the transfer is supported on the following conditions as a minimum:

- **A train platform to be funded before transfer.**
- **Maintenance issues to be addressed before transfer.**
- **A funding stream from the State Government to be provided which reduces into future years.**
- **All caveats on the land which impede alternative land uses to be withdrawn.**

- **The State Government to contribute to the construction of an independent facility within the Structure Plan area for a West Perth Football Club facility.**

Issues and options:

The facility, in its current form, was principally developed by LandCorp (Joondalup Development Corporation) as part of the implementation of the Joondalup CBD Master Plan. It is the only facility of its type that is operated by the State Government, under the auspices of the Venues West. All other Venues West facilities are predominantly used for elite sports.

It is considered that the Strategic Position Statement remains relevant, however, the following amendments are proposed:

- 1 *A train platform to be funded before transfer.* It is suggested that this be replaced with a condition that provides '*Commitment from the Minister for Transport and PTA that the site be designated as a special train station as part of future plans*'.
- 2 *Maintenance issues to be addressed before transfer.* It is suggested that this be replaced with a condition that requires '*Maintenance of existing issues to be addressed before transfer*'.
- 3 *A funding stream from the State Government to be provided which reduces into future years.* It is suggested that this be replaced with a condition that requires '*A funding stream towards existing deficit of operation from the State Government to be provided which reduces into future years*'.

Further, the following additional condition is proposed:

- 1 '*Extension of facility to include basketball facilities*'.

4. TAMALA PARK

The City should plan to contribute funds for the development of future regional recreation facilities on the site in the longer term.

Issues and options:

Over the next decade, the Tamala Park land, which is currently under the management and utilisation of the Mindarie Regional Council, will be released back to the owners. The site, which comprises 151 hectares, will be available as a regional recreation facility.

Council's position was determined in terms of both the strategic implications and financing of such a facility which, while located within the City of Wanneroo, has an interface with the border of the City of Joondalup.

It is considered that this Strategic Position Statement remains relevant and does not require review.

5. DEBT STRATEGY

- **The City should have a Debt Strategy.**
- **The Strategy should include:**
 - **Debt is to be used for long term building infrastructure rather than for parks and roads.**
 - **Debt to apply to an asset for no more than 50% of the life of the asset.**

Issues and options:

As the City moves forward in its maturing phase, it will face the dilemma of how to fund new major infrastructure, specifically projects such as the Ocean Reef Marina, the Cultural facility, new community facilities, and commercial facilities on City-owned land.

There is a need for the Council to develop a debt philosophy or strategy in relation to funding these items, rather than have adhoc decisions made in the annual budget cycle for such projects.

Although the basis for debt borrowings and what should or should not be considered suitable for loan borrowings were explored in reports to the SFMC in February and April 2009 leading up to the adoption of the Strategic Financial Plan the development of a debt strategy is yet to be drafted.

The Strategic Financial Management Committee, at its meeting held on 8 June 2010, gave consideration to a Borrowing Strategy, as a result of the Strategic Position Statement. The Committee has recommended that the strategy be adopted by the Council.

The Borrowing Strategy provides a framework for the use of borrowed funds and describes certain measures to limit the risks associated with high level of debt on the financial position of the City.

The Borrowing Strategy proposes that debt should predominantly be used to finance long term assets and prohibits the use of debt for speculative investments or to advance money to other parties.

More importantly, the Borrowing Strategy introduces borrowing limitation measures to ensure that the use of debt does not lead to adverse implications for the City's financial position and impede its ability to perform its function into the future.

An item regarding the proposed adoption of the Borrowing Strategy is included in the July Council agenda.

Its adoption will mean that the Strategic Position Statement is no longer required, and as such it is proposed that the statement be withdrawn.

6. TAMALA PARK INCOME

Funds from Tamala Park should be used for the following purposes as a minimum:

- **To invest in income producing facilities**
- **To build a Cultural Facility and other significant one-off facilities such as Ocean Reef Marina.**

Issues and options:

The City of Joondalup, along with six other local governments, has a strategic land investment (Tamala Park) which is currently undergoing structure planning for future development into a residential lot subdivision. In the period from approximately 2010 – 2021 there is potential for the City to receive an income stream of \$78 million.

The Council has adopted the current position as the basis on which it will manage these funds and for the purposes the funds might be allocated.

In the City's 20 Year Strategic Financial Plan it is identified that the proceeds of these land sales have been projected to be transferred to reserve funds and used for the Currambine Community Centre, Cultural Facility, Multi Storey Car Park Construction and Percy Doyle Master Plan.

It is considered that this Strategic Position Statement remains relevant and does not require review, with the exception of amending the introductory sentence to read '*Funds from Tamala Park should be used for programs aligned to the 20 Year Strategic Financial Plan, but for the following purposes as a minimum*'.

7. RESIDENTIAL DENSITY

Increased residential densities in designated areas is considered an option particularly where:

- **The area is close to a train station or other nodes.**
- **It occurs as a planned approach or long term strategy.**
- **The amenity of the suburb (green effect) is maintained.**
- **The community is informed of intentions with no surprises if rezoning occurs.**
- **There needs to be height restrictions on coastal nodes.**

Issues and options:

At its meeting held on 16 March 2010 meeting the Council agreed to advertise the draft Local Housing Strategy for a period of 60 days.

The draft Local Housing Strategy has been prepared to provide the City with a firm rationale for determining the future housing needs of its community. While the draft Local Housing Strategy is not a statutory plan, it will be used as a framework for informing the review of the District Planning Scheme, and for the consideration of future amendments to the District Planning Scheme.

The preparation of the draft Local Housing Strategy has been based on:

- The Department of Planning "Guidelines for the preparation, form and content of Local Housing Strategies";
- State and Regional policies eg draft Directions 2031 (Directions 2031 is a high level strategic plan that establishes a vision for future growth of the Perth and Peel region, and provides a framework to guide the detailed planning and delivery of housing, infrastructure and services necessary to accommodate that growth);
- City of Joondalup draft Local Planning Strategy;
- Council's Strategic Position Statement on Residential Density;
- The outcomes of the Housing Intentions community survey – April/May 2009.

It is considered that this Strategic Position Statement remains relevant and does not require review.

8. LOCAL CENTRES

Rejuvenation of local commercial centres is supported under the following conditions:

- **Need good local access.**
- **Need to rejuvenate beyond local commercial centres.**
- **Needs adequate planning.**

Issues and options:

There is potential to encourage a broader range of activities in local centres than currently occurs, and to either allow buffer zones of semi-commercial activity around them or to focus local centre development into designated areas.

It is also important to note the Western Australian Planning Commission's two recently released strategic documents, being Directions 2031 and Beyond (Draft Spatial Framework for Perth and Peel), and Activity Centres for Perth and Peel (Draft State Planning Policy).

The Activity Centres Policy provides more detail on the development of the activity centre hierarchy identified in Directions 2031 and will replace the existing Metropolitan Centres Policy. The draft Activities Centres Policy in particular has substantial potential financial implications for the City. These involve the requirement for the City to prepare:

- A Local Commercial Strategy to replace Council Policy – Centres Strategy.
- Centre (Structure) Plans for Primary, Regional and District Centres.

At its meeting held on 25 May 2010, the Council adopted the Joondalup City Centre Structure Plan that is intended to facilitate future economic and social development that will reinforce Joondalup City Centre as the Primary Centre of the North West corridor.

It is considered that the Strategic Position Statement will need to be amended to take into consideration Directions 2031 and Beyond, and the Activity Centres Policy. As the final documents have yet to be released there remains some uncertainty with regard their content and implications for the City of Joondalup.

It is suggested that this Strategic Position Statement remain as written at this time, subject to adoption of Directions 2031 and Beyond, and the Activity Centres Policy by the WA planning Commission, and assessment by the City of the impact of these documents on the statement itself. A further report will be submitted to

9. CBD LAND

Development of high rise commercial office space within the CBD on Council owned land is supported under the following conditions:

- **Development should be iconic.**
- **Review the adequacy of the Administration Building.**
- **Would require a Business Plan.**

Issues and options:

At the its meeting held on 25 May 2010, the Council:

- Endorsed the Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters and the Joondalup City Centre Structure Plan.
- Adopted the Joondalup City Centre Structure Plan.

The endorsement of the Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters, provided the following Philosophy/Project Vision:

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes.
- Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

It is considered that the Strategic Position Statement remains relevant, however, be amended to align with the Philosophy/Project Vision of the Joondalup City Centre Commercial Office Development adopted in May 2010.

It is recommended that the Position Statement be amended to read as follows:

Development of high rise commercial office space within the City Centre on City owned land is supported under the following conditions:

- *High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.*
- *Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes.*
- *Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.*

10. THIRD AUSTRALIAN FOOTBALL LEAGUE TEAM IN WESTERN AUSTRALIA

In the event that the Australian Football League (AFL) decides to establish a third AFL football team in Western Australia, the City of Joondalup support the licence being located within the City of Joondalup, with the club base located at Arena Joondalup.

Issues and options:

The Council, at its meeting held on 20 April 2010 adopted the above position. It was proposed that the Council adopts the position statement to demonstrate its willingness to fully support any bid for a third licence within WA, and to allow the City to lobby its position where considered appropriate.

It is considered that this Strategic Position Statement remains relevant and does not require review.

New Strategic Position Statement Proposals:

REGIONAL GOVERNANCE FRAMEWORK FOR THE NORTH WEST CORRIDOR

Issues and options:

The Cities of Joondalup and Wanneroo entered discussions in 2009 to discuss the requirement for a Regional Governance Framework for the North West Corridor.

The intended purpose was to secure State Government support for the establishment of a regional governance body to coordinate and manage economic development and infrastructure planning in the North West Corridor and to obtain State Government support for the proposed regional governance model to be leveraged through an appropriate State Government agency.

The development of a Regional Governance framework is sought that provides:

- An effective, transparent and co-ordinated implementation mechanism to strategically respond to the needs of the Corridor;
- A reporting mechanism to State and Federal Government;
- Engagement and commitment from key stakeholders;
- A high level of consensus of direction in infrastructure priorities;
- Mechanisms and planning strategies to generate timely key employment land supply; and
- Integrated infrastructure planning to activate economic development in a timely manner.

It is essential that any regional governance structure has legislative legitimacy which leverages through an appropriate State Government agency in order to avoid replicating the ad hoc approach to strategic planning and development that has occurred in the North West Corridor.

The role of the North West Corridor Regional Governance Framework will be to coordinate and manage economic development and infrastructure planning in the NW Corridor and its key outputs will be:

- To develop the North West Corridor Structure Plan.
- To develop a North West Corridor Transport Strategy.
- To develop and implement strategies to deliver employment and skills outcomes.
- To develop and implement investment attraction strategies and action plans.
- To identify and prioritise major projects required for a healthy NW Corridor economy.
- To lobby key stakeholders for commitment to major projects.
- To ensure that key projects are included in treasury forecasts.

It should be noted that at the Council meeting of the City of Wanneroo held on 9 March 2010 it was resolved inter alia that the Council endorse the proposed Draft Regional Governance Framework as a basis for ongoing dialogue with the City of Joondalup and the State Government.

An item regarding the establishment of a regional governance body to coordinate and manage economic development and infrastructure planning in the North West Corridor will be presented to the Council in the near future.

In alignment with the governance philosophy, the City, in consultation with the Joondalup Learning Precinct (Edith Cowan University, West Coast Institute of Training, WA Police Academy) Joondalup Health Campus, Joondalup Business Association, Joondalup Business Centre, Small Business Centre North West Metro, Joondalup Resort and Lend Lease Lakeside Shopping Centre, recently proposed the establishment of a Memorandum of Understanding, which recognises all parties have a common interest in a collaborative approach to ensuring the best possible outcome for Joondalup to transition to a second CBD for Perth that will be the major employment centre of the north west sub-region.

It is proposed that the following Strategic Position Statement be adopted:

The City, in conjunction with the City of Wanneroo, should have a Regional Governance Framework for the North West Corridor that provides:

- **An effective, transparent and co-ordinated implementation mechanism to strategically respond to the needs of the Corridor;**
- **A reporting mechanism to State and Federal Government;**
- **Engagement and commitment from key stakeholders;**
- **A high level of consensus of direction in infrastructure priorities;**
- **Mechanisms and planning strategies to generate timely key employment land supply; and**
- **Integrated infrastructure planning to activate economic development in a timely manner.**

CITY OF JOONDALUP LEADERSHIP AND REPRESENTATION

Issues and options:

As the second largest local government (by population) in Western Australia and one of the largest local governments in Australia, it is considered that the City has a role to play with regard to representation and leadership within the local government sector, at both an Elected Member and Senior Officer level.

Whilst the City already plays a leadership role as a local government in the sector it is considered that Council support and encouragement should be provided to Elected Members and Senior Officers to actively participate in professional or industry disciplines that will further enhance the image of the City of Joondalup.

The following two examples demonstrate the leadership exhibited by the Mayor and CEO in the local government sector:

- Mayor Troy Pickard is currently President of the WA Local Government Association, Board Member of the Australian Local Government Association and Member of the Australian Council of Local Government Steering Committee.
- CEO, Garry Hunt, is a former President of the Western Australian Institute of Municipal Management (now LGMA) and has served on the National Board of the Institute of Municipal Management (IMM).

He has served on numerous State Ministerial Advisory groups within WA, dealing with local government matters including the Structural Reform Advisory Committee and the Local Government Advisory Board. He was the International Vice President (International) of the International City/County Management Association (ICMA) based in Washington DC, from 1997-2000.

It is proposed that the following Strategic Position Statement be adopted:

The City supports and encourages Elected Members and Senior Officers to actively participate in professional and/or industry disciplines that will further enhance the image of the City of Joondalup

Issues and options considered:

The Council may adopt the Strategic Position Statements as recommended or decline to continue with the statements.

It is considered that the Position Statements demonstrate the Council's agreed position in relation to strategic matters, and assist the City with regard to any lobbying of positions where considered appropriate. As such, it is recommended that the revised Position Statements be adopted by Council to reiterate its commitment to matters considered significant to the growth and development of the City.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan – the Position Statements impact on the general direction of the City of Joondalup.

Legislation – Statutory Provisions:

This item relates to the general function of local government to provide for the good government of persons in its district.

Risk Management considerations:

Consideration of future strategic issues supports the City's responsibility and accountability for the stewardship of community resources. The Position Statements consider the risks associated with the overall goals and objectives of the City, and set a broad direction for how the City will progress a number of key matters.

Legislation/Strategic Plan/Policy Implications**Financial/Budget Implications:**

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

A number of the Position Statements relate to regional issues or facilities.

Sustainability Implications:

The item has a general connection to sustainability in that it establishes a set of Position Statements on a number of key issues, and plans for sustainable success.

Consultation:

Not Applicable.

COMMENT

The Position Statements establish a general direction on a number of key strategic issues and provide direction to assist the City to progress a number of key projects.

It is recommended that the eleven Strategic Position Statements detailed in this report and recommendation be adopted, noting that the Statements related to Debt Strategy and Local Centres will require review following developments in the near future.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council ENDORSES the following strategic position statements:

1 COMMUNITY FACILITIES

Master Planning

Each significant facility should be developed in accordance with a Master Plan rather than being the subject of small ad hoc fixes.

Usage

Facilities should be multi-use and be used at all times where possible. Facilities should include complementary services where possible.

2 LEISURE CENTRE OPERATIONS

Leisure and Recreation operations overall should aim to be self sufficient and meet all operating costs;

3 ARENA JOONDALUP

In the event that the State Government agrees to the transfer of this large scale leisure and recreation facility to the City, the transfer is supported on the following conditions as a minimum:

- Commitment from the Minister for Transport and PTA that the site be designated as a special train station as part of future plans.
- Maintenance of existing issues to be addressed before transfer.
- A funding stream towards existing deficit of operation from the State Government to be provided which reduces into future years.
- All caveats on the land which impede alternative land uses to be withdrawn.
- The State Government to contribute to the construction of an independent facility within the Structure Plan area for a West Perth Football Club facility.
- Extension of facility to include basketball facilities.

4 TAMALA PARK

The City should plan to contribute funds for the development of future regional recreation facilities on the site in the longer term.

5 TAMALA PARK INCOME

Funds from Tamala Park should be used for programs aligned to the 20 Year Strategic Financial Plan, but for the following purposes as a minimum:

- To invest in income producing facilities.
- To build a Cultural Facility and other significant one-off facilities such as Ocean Reef Marina.

6 RESIDENTIAL DENSITY

Increased residential densities in designated areas are considered an option particularly where:

- The area is close to a train station or other nodes.
- It occurs as a planned approach or long term strategy.
- The amenity of the suburb (green effect) is maintained.
- The community is informed of intentions with no surprises if rezoning occurs.
- There needs to be height restrictions on coastal nodes.

7 LOCAL CENTRES

Rejuvenation of local commercial centres are supported under the following conditions:

- Need good local access.
- Need to rejuvenate beyond local commercial centres.
- Needs adequate planning.

8 CBD LAND

Development of high rise commercial office space within the City Centre on City owned land is supported under the following conditions:

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes.
- Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

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In the event that the Australian Football League (AFL) decides to establish a third AFL football team in Western Australia, the City of Joondalup support the licence being located within the City of Joondalup, with the club base located at Arena Joondalup;

10 REGIONAL GOVERNANCE FRAMEWORK FOR THE NORTH WEST CORRIDOR

The City, in conjunction with the City of Wanneroo, should have a Regional Governance Framework for the North West Corridor that provides:

- An effective, transparent and co-ordinated implementation mechanism to strategically respond to the needs of the Corridor;
- A reporting mechanism to State and Federal Government;
- Engagement and commitment from key stakeholders;
- A high level of consensus of direction in infrastructure priorities;
- Mechanisms and planning strategies to generate timely key employment land supply; and
- Integrated infrastructure planning to activate economic development in a timely manner.

11 CITY OF JOONDALUP LEADERSHIP AND REPRESENTATION

The City supports and encourages Elected Members and Senior Officers to actively participate in professional and/or industry disciplines that will further enhance the image of the City of Joondalup.

MOVED Mayor Pickard, SECONDED Cr McLean that Council ENDORSES the following strategic position statements:

1 COMMUNITY FACILITIES

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- A reporting mechanism to State and Federal Government;
- Engagement and commitment from key stakeholders;
- A high level of consensus of direction in infrastructure priorities;
- Mechanisms and planning strategies to generate timely key employment land supply; and
- Integrated infrastructure planning to activate economic development in a timely manner.

11 CITY OF JOONDALUP LEADERSHIP AND REPRESENTATION

The City supports and encourages Elected Members and Senior Officers to actively participate in professional and/or industry disciplines that will further enhance the image of the City of Joondalup.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

CJ122-07/10 STRATEGIC PLAN 2012 - 2015

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 13529

ATTACHMENTS: Nil.

PURPOSE

To seek Council's approval of the proposed process for the development of the new Strategic Plan 2012 – 2015.

EXECUTIVE SUMMARY

It is proposed that the development of the new Strategic Plan 2012 - 2015 is undertaken between August 2010 and June 2011, including a review of the current Strategic Plan 2008 – 2011.

This report proposes a process for the development of the new Strategic Plan 2012 – 2015 and seeks Council endorsement of the Key Focus Areas for the new Strategic Plan.

It is proposed that the City undertakes the review in a four phased approach:

- **PHASE 1 - Review of the existing Strategic Plan** - review of progress against the objectives, strategies and outcomes in the Strategic Plan 2008 – 2011 and

documentation of achievements. Phase 1 will also include a review of other high level Plans – such as Strategic Financial Plan, Asset Management Plans, Economic Development Plan, Environment Plan to assess progress against the strategic direction as articulated in the Strategic Plan 2008 – 2011 and to ensure inclusion of key projects and commitments for the period 2012 – 2015.

- **PHASE 2** – Community engagement with the broader community to gather information on the issues that the community would like Council to focus on for the next four years, and workshops with Elected Members to explore community priorities. Community Engagement will take the form of an online survey instrument, liaison with key stakeholders groups (such as the Joondalup Learning Precinct, business groups, and ratepayer groups), and the Council's Community Forums (Sustainability, Conservation and Seniors' Interests).

The reviews of other higher level plans during 2010/11 will also be utilised to feed into (such as Environment Plan and Economic Development Plan) the strategic planning process.

- **PHASE 3** – Analysis of data from the Elected Member workshops, online survey, stakeholder engagement and Community Forums and development of the Draft Strategic Plan 2012 – 2015 with a report to Council recommending a community consultation phase for the Draft Strategic Plan.
- **PHASE 4** – Report to Council on community feedback and subsequent adoption of Strategic Plan 2012 – 2015.

The process outlined in this report aligns with the City's Public Participation Strategy.

This report recommends that Council approve the process for the review of the Strategic Plan and the Key Focus Areas for inclusion in the new Strategic Plan 2012 – 2015.

BACKGROUND

The Strategic Plan is the City's key strategic document. Council endorsed the first version of the Strategic Plan in 1999. Since then revisions of the document have occurred in 2001 (*CJ107-04/01 refers*), 2003 (*CJ034-03/03 refers*), and 2007 (*CJ157- 08/07 refers*).

DETAILS

Issues and options considered:

The preliminary views of Elected Members have been canvassed regarding the City's strategic direction and Elected Members have identified a number of strategic priorities for the City into the future. These strategic priorities have been articulated as Key Focus Areas for the new Strategic Plan. Those Key Focus Areas are:

KEY FOCUS AREA	ISSUES TO BE INCLUDED
<ul style="list-style-type: none"> ▪ Financial Sustainability 	<ul style="list-style-type: none"> ▪ Sound financial management ▪ Provide and maintain all City assets ▪ Alternative revenue sources
<ul style="list-style-type: none"> ▪ Quality Urban Development 	<ul style="list-style-type: none"> ▪ Progress Joondalup Performing Arts and Cultural Facility Project ▪ Progress Ocean Reef Marina Project ▪ Promoting green development
<ul style="list-style-type: none"> ▪ Economic Prosperity, Vibrancy and Growth 	<ul style="list-style-type: none"> ▪ City Centre Development and Activation ▪ Employment ▪ Festivals, market development, cultural events
<ul style="list-style-type: none"> ▪ Preservation of the Natural Environment 	<ul style="list-style-type: none"> ▪ Biodiversity ▪ Air ▪ Water
<ul style="list-style-type: none"> ▪ Community Wellbeing and Engagement 	<ul style="list-style-type: none"> ▪ Secure, happy, healthy, engaged, social development, aged, youth
<ul style="list-style-type: none"> ▪ Good Governance and Leadership 	<ul style="list-style-type: none"> ▪ Good governance principles ▪ Community Engagement

The proposed process for the development of the new Strategic Plan 2012 – 2015 includes opportunities for the community to have input into the new Strategic Plan:

- 1 An online survey to determine the key issues facing the City into the future, the community's vision for the future, and the priorities (at a local level) for the City to address to achieve the vision;
- 2 Community Forums to seek feedback from the community on the key matters such as conservation and sustainability issues facing the City; and
- 3 A community consultation period to provide comment on the Draft Strategic Plan following which a report will be provided to the Council detailing community feedback to inform the final Strategic Plan 2012 – 2015.

Legislation/Strategic Plan/Policy Implications

Legislation

Section 5.56 of the *Local Government Act 1995* states that:

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

The Strategic Plan 2008-2011 will form the "Plan for the Future", as required in section 5.56 (1).

The City has developed a Strategic Financial Plan to comply with this requirement.

The proposed process for the review of the current Strategic Plan and subsequent development of a new Strategic Plan described in this report will further support the delivery of these legislative requirements.

Strategic Plan: This item has a general connection to the Strategic Plan.

Policy:

Public Participation Policy - City's policy commitment to actively involve the community in Council's planning, development and service delivery activities.

Risk Management considerations:

The main risk associated with the development of the new Strategic Plan 2012-2015 is raising community expectation beyond the capacity of the City to deliver on strategic priorities. The community consultation phases will provide an opportunity to manage community expectations on local priorities.

Financial/Budget Implications:

Financial implications will include the costs associated with community consultation including surveys, data input and Community Forums.

Regional Significance:

A number of strategies within the Strategic Plan 2012 -2015 will have regional significance – particularly environmental and economic development priorities.

The development of the new Strategic Plan will enable the City to identify opportunities to participate in State and Federal Government policy and planning activities, to explore opportunities for collaboration in service delivery and to participate, where appropriate, in activities on a regional basis.

Sustainability implications:

The new Strategic Plan will include Key Focus Areas that support sustainability including:

- Financial Sustainability.
- Quality Urban Development.
- Economic Prosperity.
- Preservation of the Natural Environment.
- Community Wellbeing and Engagement.
- Good Governance and Leadership.

Consultation:

This report outlines a proposed process to be utilised in the review and development of the new Strategic Plan which aligns to the City's Public Participation Strategy.

Community and stakeholder input will be sought at three key phases of the process as outlined in this report.

COMMENT

The Strategic Plan 2008 – 2011 is due for review to ensure that it is relevant and reflects the aims and aspirations of the community.

The proposed process for the review of the Strategic Plan 2008 - 2011 and subsequent development of a new Strategic Plan will provide the community with a number of opportunities to express community expectations and priorities and influence the strategic direction of the City of Joondalup.

Whilst the Local Government Act 1995 provides the framework for strategic planning, local governments have been given significant autonomy in terms of the contents of 'plans for the future' and the mechanisms for the development of such plans. The Strategic Plan 2012 – 2015 will align with the Strategic Financial Plan.

The process outlined in this report for the development of the new Strategic Plan 2012 – 2015 will provide the mechanism for the identification and implementation of strategic priorities to guide the allocation of funding for future projects and services both now and for future generations.

The City of Joondalup has a key leadership role to play in contributing to a high quality of life for the community through the provision of infrastructure, facilities, services, and opportunities to be involved in the identification of local priorities.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 APPROVES the process for the development of the Strategic Plan 2012 – 2015 outlined in Report CJ122-07/10 including community consultation and Elected Member Workshops;
- 2 ENDORSES the following Key Focus Areas for inclusion in the Strategic Plan 2012 - 2015 of:
 - (a) Financial Sustainability;
 - (b) Quality Urban Development;
 - (c) Economic Prosperity, Vibrancy and Growth;
 - (d) Preservation of the Natural Environment;
 - (e) Community Wellbeing and Engagement;
 - (f) Good Governance and Leadership.

MOVED Mayor Pickard, SECONDED Cr Gobbert that Council:

- 1 **APPROVES the process for the development of the Strategic Plan 2012 – 2015 outlined in Report CJ122-07/10 including community consultation and Elected Member Workshops;**
- 2 **ENDORSES the following Key Focus Areas for inclusion in the Strategic Plan 2012 - 2015 of:**
 - (a) Financial Sustainability;**
 - (b) Quality Urban Development;**
 - (c) Economic Prosperity, Vibrancy and Growth;**
 - (d) Natural Environment;**
 - (e) Community Wellbeing and Engagement;**
 - (f) Good Governance and Leadership.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

CJ123-07/10 BORROWING STRATEGY

This Item was considered prior to C35-07/10 – Council Decision – En Bloc Resolution.

CJ124-07/10 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 2010

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	09882
ATTACHMENTS:	Attachment 1 CEO's Delegated Municipal Payment List for tmonth of May 2010
	Attachment 2 CEO's Delegated Trust Payment List for the month of May 2010
	Attachment 3 Municipal and Trust Fund Vouchers for the month of May 2010

PURPOSE

To present to Council the list of accounts paid under the Chief Executive Officer's delegated authority during the month of May 2010 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of May 2010 totalling \$8,676,720.75.

It is recommended that Council NOTES the CEO's list of accounts for May 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to Report CJ124-07/10, totalling \$8,676,720.75.

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

DETAILS

The table below summarises the payments drawn on the funds during the month of May 2010. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 86804 - 87012 and EF 12206 - 12659 Net of cancelled payments	\$5,367,101.86
	Vouchers 684A – 690A, 693A – 693A	\$3,280,495.30
Trust Account	Cheques 203482 – 203527 Net of cancelled payments	\$29,123.59
Total		\$8,676,720.75

Issues and options considered:

Not applicable.

Legislation/Strategic Plan/Policy Implications

Legislation 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.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.1 – To ensure that the processes of Local Governance are carried out in a manner that is ethical, transparent and accountable.

Policy All expenditure included in the list of payments is drawn from the City's accounting records.

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 2009/10 Annual Budget as adopted by Council at its meeting held on 17 June 09 or approved in advance by Council.

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:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 2009 or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Gobbert, SECONDED Cr Young that Council NOTES the Chief Executive Officer's List of Accounts For May 2010 Paid Under Delegated Authority in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 Forming Attachments 1, 2 And 3 to Report CJ124-07/10, totalling \$8,676,720.75.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution prior to consideration of Item CJ128-07/10, Page 93 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf130710.pdf](#)

CJ125-07/10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882

ATTACHMENTS: Attachment 1

PURPOSE

The May 2010 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2009/10 Financial Year at its meeting held on 20 April 2010 - CJ066-04/10. The figures in this report are compared to the Revised Budget figures.

The May 2010 Financial Activity Statement report shows an overall favourable variance from operations and capital of \$4,216k when compared to the 2009/10 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$4,483k above budget made up of higher revenue of \$1,290k and lower operating expenditure of \$3,192k.

Operating revenue is above budget for Fees and Charges \$1,037k mainly due to higher than anticipated Building and Development Fees, Sports and Recreation Fees and Parking Fees and Infringements. Revenue is also above budget for Contributions Reimbursements and Donations \$90k, Investment Earnings \$70k, Rates \$78k, Other revenue \$39k and Profit on Asset Disposals \$16k. A shortfall in revenue occurred for Grants and Subsidies (\$40k).

The operating expenditure was below budget for Employee Costs \$411k, Materials and Contracts \$2,545k, Utilities \$145k, Interest Expenses \$133k and Insurance Expenses \$4k

Expenditure was over budget on Depreciation (\$28k) and Loss on Asset Disposals (\$18k).

- The **Capital Revenue and Expenditure** deficit is \$296k above budget made up of a shortfall of revenue of (\$4,039k) and under expenditure of \$3,743k.

The revenue deficit to budget results predominantly from the second 50% of the grant funding for the RLCIP Seacrest Park, Macdonald Reserve and Forrest Park projects (\$1,305k) to be received later than budgeted. Delays in receiving the Road Construction Grants that are subject to progress of works, include the Burns Beach Road Landscaping project (\$1,060k), Connolly Drive duplication (\$250k) and Moore Drive / Connolly Drive (\$644k) which is due to commence in the next financial year.

Capital Expenditure is below budget on Capital Projects \$1,746k, Capital Works \$1,864k and Motor Vehicle Replacements \$39k.

The main Project variances occurred on the Aquatic Facilities Upgrade \$1,068k which is subject to contractor payments yet to be finalised, Ocean Reef Marina \$397k and the Cultural Facility \$147k. The main variances on Capital Works occurred on Traffic Management \$857k with work currently behind the budget schedule and \$819k on the Regional Local Community Infrastructure Projects at Seacrest Park, Macdonald Reserve and Forrest Park.

Further details of the material variances are contained in the notes attached to this report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 May 2010 forming Attachment 1 to Report CJ125-07/10.

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 May 2010 is appended as Attachment 1.

Legislation/Strategic Plan/Policy Implications

Legislation 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 source and application of funds as set out in the annual budget.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: Objective 1.3 – To lead and manage the City effectively.

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:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Expenditure has been incurred in accordance with revised 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.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of 2009/10 Revised Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Gobbert, SECONDED Cr Young that Council NOTES the Financial Activity Statement for the period ended 31 May 2010 forming Attachment 1 to Report CJ125-07/10.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution prior to consideration of Item CJ128-07/10, Page 93 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf130710.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Mike Norman
Item No/Subject	CJ126-07/10 – Petition to Install a Path and Complete the Vegetation Management Plan – Magpie Reserve, Marmion
Nature of interest	Interest that may affect impartiality
Extent of Interest	As Chairman of the Joondalup Community Coast Care Forum, Cr Norman prepared the Vegetation Management Plan for Magpie Reserve.

CJ126-07/10 PETITION TO INSTALL A PATH AND COMPLETE THE VEGETATION MANAGEMENT PLAN – MAGPIE RESERVE MARMION

WARD: South

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

FILE NUMBER: 60601

ATTACHMENTS: Attachment 1 Photographs of Magpie Reserve
Attachment 2 Overhead View of Magpie Reserve

PURPOSE

The purpose of this report is for Council to consider a 28 signature petition to install a path and request completion of restoration work in accordance with the Vegetation Management Plan in Magpie Reserve, Marmion.

EXECUTIVE SUMMARY

The City received a 28 signature petition on 2 February 2010 requesting the installation of a path and to ensure restoration work is completed in accordance with the recommendations in the Vegetation Management Plan (VMP) for Magpie Reserve.

This is the second time the City has received a petition regarding a path in Magpie Reserve. In the original design of the reserve which formed part of the Marmion Structure Plan 9, a low impact path was to be installed. When the Structure Plan went out for public comment, 22 Marmion residents objected to the installation of a path. The City subsequently advertised for public comment on the amendment to the plan which was to remove the path. This resulted in Council removing the path from the plan with access to the reserve restricted to City staff for maintenance purposes.

The VMP which forms part of Marmion Structure Plan No 9 has been utilised by the developer to assist in the development of the reserve and to ensure the protection of the flora and fauna. The City became responsible for the maintenance of this site on 1 July 2010. The City conducted a site visit on 25 May 2010 to ensure the establishment and maintenance of Magpie Reserve has been completed in accordance with the VMP. At the conclusion of the site visit it was determined all but one of the recommendations had been completed with the outstanding item to be addressed by the developer and the City.

This report presents the options available to the City in relation to installing a path, allowing public access and future maintenance practices in Magpie Reserve.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY, REVOKES the decision of 7 August 2007 (CJ154-08/07) to prevent public access to Magpie Reserve*

“The path (and associated seating) stated in Recommendation 1 of the Vegetation Management Plan is not required to be implemented as part of the implementation of that plan. The open space shall be fenced so as to prevent public access, and any openings (for maintenance purposes) shall be suitable barriers to prevent public access”;

- 2 *DOES NOT SUPPORT the installation of a formal path through Magpie Reserve;*
- 3 *ALLOWS access to the reserve for passive recreational use provided there is no detrimental impact on the flora and fauna;*
- 4 *SUPPORTS the ongoing maintenance of Magpie Reserve in accordance with the Vegetation Management Plan; and*
- 5 *ADVISES the lead petitioner of Council’s decision.*

BACKGROUND

A 28 signature petition has been received by the City on 2 February 2010. The petitioners requested the installation of a path through Magpie Reserve to protect the vegetation and to provide access to the reserve for local residents to enjoy its fauna and flora. The petition also requested the completion of restoration work in accordance with the VMP dated March 2006.

Magpie Reserve is 2,257m² of public open space bounded by Cliff Street and Leach Street and Ozone Road in Marmion. This public open space was developed by the Satterley Group as part of the 35 residential lot sub division at the former CSIRO site, Marmion.

The development was guided by Marmion Structure Plan No. 9 which included a VMP for the public open space. The VMP provides for the rehabilitation and maintenance of the vegetation and originally included low impact pathways and bench seating. A group that went by the name of the Marmion Action Group had campaigned against removal of the bushland to accommodate any housing development and sought help from the Minister for Planning. The effort by the group to retain bushland reserve to encourage native birdlife, retain native vegetation and soften the impact of any housing development, resulted in the public open space being retained and rehabilitated as bushland.

The reserve is fenced off with access gates on the east and west boundaries with an informal mulched path through the reserve linking the access gates. The plants in the area consist of a small number of remnant banksias and plants with the majority of the plants introduced as part of the VMP. The reserve itself is surrounded with a two metre wide concrete footpath on the east, west and north verges.

Upon completion of the development including Magpie Reserve the Satterley Group negotiated with the Joondalup Community Coast Care Forum (JCCCF) to implement the Vegetation Management Plan for a three year period commencing 1 July 2007. The City became responsible for the maintenance of this site on 1 July 2010.

The original plan indicated an internal footpath generally running east to west within the firebreak area adjacent to the residential lots that back onto the public open space. Recommendation 23 of the VMP stated "*Construct meandering "liquid limestone" paths in the park, connected to the surrounding footpaths.*"

Prior to the development of the site a 22 signature petition was tabled at the Council meeting on 27 February 2007. The petitioners objected to the installation of a path through the public open space. Council at its 22 May 2007 meeting resolved as part of the advertising process to the Marmion Structure Plan No 9 that:

The path stated in Recommendation 1 of the Vegetation Management Plan is not required to be implemented as part of the implementation of that plan.

A total of 30 submissions were received, with 28 in support of the Marmion Structure Plan No 9 and two neutral submissions.

Because the City did not receive any objections regarding the proposal to remove the requirement for the path within Magpie Reserve, Council at Ordinary Council Meeting on 7 August 2007 resolved:

The path (and associated seating) stated in Recommendation 1 of the Vegetation Management Plan is not required to be implemented as part of the implementation of that plan. The open space shall be fenced so as to prevent public access, and any openings (for maintenance purposes) shall be suitable barriers to prevent public access.

Over the past three years the public open space has been developed in accordance with the amended Marmion Structure Plan No 9 and the VMP with one exception that being the public can access the reserve as the gates are not locked.

The VMP was developed as a result of a stakeholder reference group determining outcomes for the development of the reserve. To ensure the outcomes of the VMP were completed a management strategy was developed listing the following management issues:

- Fire Control
- Weed Control
- Retention and Pruning of Planted Trees

- Rehabilitation Plantings
- Access Control and Rubbish Dumping
- Signage
- Handover

To assist in ensuring each of the management issues were addressed 28 recommendations were provided in creating the VMP. The City conducted a site visit on 25 May 2010 with a representative from the developer and the bush regeneration contractor (Biara Conservation Services) to determine the progress of the VMP and in particular to ensure each of the 28 recommendations had been implemented.

At the conclusion of the site visit it was determined all but one of the recommendations had been completed. The outstanding issue was Recommendation 7 which is as follows;

Form a Friends Group of interested persons from the local community, and register it with the City of Joondalup.

To address this issue the developer has been in contact with a representative from the Joondalup Community Coast Care Forum and will liaise with the City to discuss the process of forming a Friends Group.

DETAILS

Issues and options considered:

Option 1 - Deny access to the reserve in accordance with Council's resolution of 7 August 2007.

As a result of the petition that was brought forward by residents in 2007 opposing any path being included in the reserve as part of Marmion Structure Plan, Council agreed to remove the proposed path. The amendment to the plan also included preventing public access to the reserve and any opening into the reserve shall be for maintenance purposes only. It is for these reasons that Council should consider not supporting the installation of any path and only allow access to the reserve to City staff for maintenance purposes. In addition residents who were involved in the initial petition to have the path removed would be disappointed that their concerns will be dismissed if a path is installed.

Advantages

- Protection of remnant vegetation.
- Compliance with the Council decision in 2007 to remove the path from the Marmion Structure Plan.

Disadvantages

- No public access to Magpie Reserve.

Option 2 - Install a formal path in accordance with the petition of 2 February 2010.

If Council choose to support the request to install a formal path consisting of a 900mm wide concrete or stabilised limestone path and allow public access to the reserve it would provide greater accessibility to residents, in particular those in need of a hardstand path such as mothers with prams, the elderly or people with disabilities requiring wheelchairs. The downside to a formal path in the reserve would be increased numbers of public entering the area which may negatively impact on the overall health of the flora and fauna in Magpie Reserve.

Advantages

- Greater accessibility to the reserve.

Disadvantages

- Increased usage of the reserve may have a negative impact on the flora and fauna
- Construction of a path would cause damage to the revegetation works which have been carried out.
- An additional \$6,000 would be required for path construction.
- Reversal of the Council decision in 2007 to remove the path from the Marmion Structure Plan.

Option 3 - Maintain the status quo.

The option to not install a formal path yet retain the existing informal mulch path and allow public access for passive recreational use is the current situation at the reserve. The unlocked gates have allowed residents to utilise the informal mulch path over the past three years. When the City conducted the handover inspection 25 May 2010 there was no indication that the unlocked gates had in any way been detrimental to the reserve's flora and fauna. Additionally the reserve is currently surrounded on three sides by a two metre footpath which allows safe universal access around the area of the reserve.

Advantages

- No further disturbance to the reserve.
- Lower numbers of public utilising the reserve will protect the remnant vegetation.
- Compliance with the Council decision in 2007 to remove the path from the Marmion Structure Plan.

Disadvantages

- Originators of petition may be disappointed with the decision.

Legislation/Strategic Plan/Policy Implications

City of Joondalup Strategic Plan 2008-2011

Key Focus Area: The Natural Environment.

2.1 Objective: To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

Outcome: The City's natural environmental assets are preserved for future generations.

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Currently there is no provision for building a path in Magpie Reserve in the 2010/11 budget.

The cost of installing a concrete path or a stabilised limestone path is estimated to be \$6,000.

The City became responsible for the maintenance of the reserve as of 1 July 2010 and has allocated \$12,000 in the 2010/11 budget for maintenance activities. These funds are considered to be sufficient to ensure the continued restoration work is in accordance with the VMP.

Regional Significance:

The proposal is not considered to be regionally significant

Sustainability implications:

The development of the public open space is in accordance with the VMP which assists in providing habitat for native flora and fauna and contributes to local environmental sustainability.

Consultation:

When the VMP was originally developed it was through an extensive consultation process, including public advertising and utilising the expertise of the Joondalup Community Coast Care Forum. As a result of a petition in 2007 to remove the path from Marmion Structure Plan No 9 the proposed amendment was advertised for a period of 21 days.

There has been no further public consultation as a result of the latest petition.

COMMENT

If Council is to agree to install a path it would be in direct conflict with the decision adopted by Council in August 2007.

It is the City's view that the informal mulch path that is already used should remain as the only path in the reserve to limit potential disturbance to flora and fauna within the reserve. The gates to the reserve should continue to be left unlocked and allow residents who wish to enter the area to do so, however if public access is deemed to be causing damage to the reserve the access gates could be locked.

It is recommended that Council not support the request to install a formal path through Magpie Reserve, however, to continue to allow access for passive recreational use.

As was noted in the handover inspection of Magpie Reserve 25 May 2010 the maintenance of the area has been in accordance with recommendations made in the VMP, with the only outstanding issue being the formation of a Friends Group. The City will continue to maintain the reserve in accordance with the VMP to ensure the long term success of the reserve as it was intended when the plan was adopted.

VOTING REQUIREMENTS

Absolute Majority

Call for One-Third Support

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Elected Members are required to give the support of one-third of their members, and such support is to be recorded in the Minutes of this meeting.

Call for Support of one-third of members of the Council

The Mayor called for support from one-third of the members of Council. Support for consideration of this Item was given by Mayor Pickard, Crs Amphlett, Diaz, Gobbert, McLean, Norman and Young.

MOVED Cr Diaz, SECONDED Cr Norman that Council:

- 1 AN ABSOLUTE MAJORITY REVOKES the decision of 7 August 2007 (CJ154-08/07) to prevent public access to Magpie Reserve:**

“The path (and associated seating) stated in Recommendation 1 of the Vegetation Management Plan is not required to be implemented as part of the implementation of that plan. The open space shall be fenced so as to prevent public access, and any openings (for maintenance purposes) shall be suitable barriers to prevent public access”;

- 2 DOES NOT SUPPORT the installation of a formal path through Magpie Reserve;**
- 3 ALLOWS access to the reserve for passive recreational use provided there is no detrimental impact on the flora and fauna;**
- 4 SUPPORTS the ongoing maintenance of Magpie Reserve in accordance with the Vegetation Management Plan; and**
- 5 ADVISES the lead petitioner of Council’s decision.**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf130710.pdf](#)

CJ127-07/10 STRATEGIC WASTE MINIMISATION PLAN**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Martyn Glover
Infrastructure Services**FILE NUMBER:** 36958**ATTACHMENTS:** Attachment 1 Final Draft Strategic Waste Minimisation Plan 2010-2014

PURPOSE

To seek Council's approval of the final draft Strategic Waste Minimisation Plan 2010-2014.

EXECUTIVE SUMMARY

The City's final draft Strategic Waste Minimisation Plan 2010-2014 includes the following recommendations:

- Improve support of community awareness regarding waste minimisation.
- Optimise the management and minimisation of waste streams.
- Support initiatives to remove specialised waste streams including construction and demolition waste, household hazardous waste and E-waste from the waste stream.
- Lead by example with respect to the City's corporate waste minimisation initiatives.
- Support the Mindarie Regional Council in programs to provide increased waste recovery and a reduced environmental impact in the region.
- Support the concept of Extended Producer Responsibility.

Council at its Ordinary Council meeting of 20 April 2010 resolved to:

- “1 *ENDORSE the City's draft Strategic Waste Minimisation Plan 2010-2014 for consultation with the community via local community newspaper and the City's website for a period of 28 days;*
- 2 *INVITE comment on the draft Strategic Waste Minimisation Plan 2010-2014 from the Mindarie Regional Council; and*
- 3 *REQUESTS that Key Performance Indicators be developed for the waste diversion rate from landfill and customer satisfaction rating for inclusion in the final Strategic Waste Minimisation Plan for Council consideration.”*

One comment was received requesting that E-waste be included in the Plan.

The comment on E-waste and the Key Performance Indicators have been included in the revised document (Attachment 1 refers).

BACKGROUND

In June 1999, the City of Joondalup adopted the City Policy - Waste Management. This document has been regularly reviewed until the most recent amendment in October 2007.

To complement the policy, the City also adopted the Waste Management Strategy in July 2000. This was reviewed and adopted in 2005 and is now to be replaced with the Strategic Waste Minimisation Plan.

In 2004 the State Government released the strategy 'Towards Zero Waste', which established the concept of zero waste plans to guide Western Australians towards a 'waste free society' using the following principles:

- Prevention (to avoid the creation of waste)
- Recovery (to efficiently recover, retreat and reuse all waste)
- Disposal (to responsibly manage waste in the environment)

This State Government strategy is currently in the process of being replaced with the Waste Strategy for Western Australia and the final draft of the document was released in March 2010 for comment.

In December 2007 the State Government Waste Avoidance and Resource Recovery (WARR) Act passed through Parliament. The WARR Act 2007 included the requirement for Local Governments to develop strategic waste minimisation plans. In consideration of the legislative requirement, the City has been working closely with the Mandarie Regional Council to ensure the City's strategy meets the needs of our ratepayers and the requirements of the regional waste service.

DETAILS

In April 2010, Council endorsed the draft Strategic Waste Minimisation Plan 2010-2014 for community consultation and inclusion of appropriate key performance indicators.

Consistent with the City's Strategic Plan the Strategic Waste Minimisation Plan has adopted the following principles:

- Prevention – to avoid the creation of waste;
- Recovery – to efficiently recover, retreat and reuse all waste; and
- Disposal – to responsibly manage waste in the environment.

In order to achieve the above principles the following Key Performance Indicators have been developed:

- Maintain an overall diversion rate from landfill in excess of 50% after 2010; and
- Maintain an overall customer service satisfaction rating for the City's waste service in excess of 80%.

The Strategic Waste Minimisation Plan has a number of recommendations for investigations and may result in an increased diversion rate from landfill. The Key Performance Indicators may need to be reviewed once the results of these investigations are known and an implementation plan has been adopted.

Legislation/Strategic Plan/Policy Implications

Legislation State Government Waste Avoidance and Resource Recovery (WARR) Act 2007

Strategic Plan

Key Focus Area: The Natural Environment

Objective: Strategy 2.1.6: The City implements strategies and projects that reduce the amount of waste which requires disposal

Policy City Policy - Waste Management

Risk Management considerations:

The major risk associated with the provision of waste services to the community is if the service fails and there is an accumulation of waste in the neighbourhood environment. The key risk for the City of Joondalup is the limited materials recovery facilities available in the northern corridor which could impact on the City's kerbside recycling service. The Strategic Waste Minimisation Plan 2010-2014 continues to set a strategic direction whereby the risk of failure is minimised.

Financial/Budget Implications:

The City of Joondalup litter and waste management budget for 2010/11 is \$17.8 million. The majority of actions listed in the Strategic Waste Minimisation Plan 2010-2014 will be funded from recurring Mindarie Regional Council and City of Joondalup budgets or alternatively will not require any provisions for funding. However, it is acknowledged that a number of the recommendations in the Strategic Waste Minimisation Plan refer to investigations which may result in proposals for a new or enhanced program and may require funding from the City.

Regional Significance:

The Strategic Waste Minimisation Plan 2010-2014 sets a direction for the City and is consistent with the Mindarie Regional Council's Strategic Waste Minimisation Plan.

Sustainability Implications:

The Strategic Waste Minimisation Plan 2010-2014 provides an environmentally sustainable approach to the management of the City's waste streams. It includes strategies to address individual waste streams including household hazardous waste, construction and demolition waste.

Consultation:

On the 20 April 2010, Council endorsed the Strategic Waste Minimisation Plan subject to a 28 days comment period and the inclusion of Key Performance Indicators. The Plan was published on the City's website and an advertisement inviting comment was placed in the Joondalup Times on 13 May 2010.

The Mindarie Regional Council was also invited to comment and provided minimal editorial comment which has been included in the plan.

During the comment period one suggestion was received regarding the need to include electronic waste (E-waste) in the Plan. The Strategic Waste Minimisation Plan includes City support for E-waste collections and for manufacturers to accept extended producer responsibility for the waste created.

COMMENT

The Strategic Waste Minimisation Plan 2010-2014 provides for the City of Joondalup's anticipated waste requirements both locally and regionally for the next five years. It includes the continuation and improvement of existing programs and the planning for potential new programs. The plan also confirms the City's position with respect to the key waste issues of product stewardship and extended producer responsibility. Finally, the plan highlights the

lack of materials recovery facilities in the northern corridor which is a high risk for the continuation of the City's and the region's kerbside recycling strategies.

The Plan now includes a section on E-waste as well as two key performance indicators related to diversion from landfill and customer service satisfaction.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 ADOPTS the Strategic Waste Minimisation Plan 2010 – 2014 forming Attachment 1 to Report CJ127-07/10;
- 2 PROVIDES copies of the Strategic Waste Minimisation Plan 2010-2014 to the Mindarie Regional Council and the Department of Environment and Conservation.

MOVED Cr Norman, SECONDED Cr Chester that Council:

- 1 **ADOPTS the Strategic Waste Minimisation Plan 2010 – 2014 forming Attachment 1 to Report CJ127-07/10, subject to:**
 - 1.2 **the amendment of a waste to landfill diversion target of 70% beyond 2014;**
- 2 **PROVIDES copies of the Strategic Waste Minimisation Plan 2010-2014 to the Mindarie Regional Council and the Department of Environment and Conservation.**

AMENDMENT MOVED Cr McLean, SECONDED Cr Young that the following words be added to Part 1:

“the inclusion of 140 litre bins in the business case for waste collection options;”

The Amendment was Put and

CARRIED (10/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

The Original Motion as amended, being:

That Council:

- 1 **ADOPTS the Strategic Waste Minimisation Plan 2010 – 2014 forming Attachment 1 to Report CJ127-07/10, subject to:**
 - 1.1 **the amendment of a waste to landfill diversion target of 70% beyond 2014;**
 - 1.2 **the inclusion of 140 litre bins in the business case for waste collection options;**

2 PROVIDES copies of the Strategic Waste Minimisation Plan 2010-2014 to the Mindarie Regional Council and the Department of Environment and Conservation.

was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf130710.pdf](#)

CJ112-07/10 PROPOSED AMENDMENT NO 46 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 9867 (63) MULLIGAN DRIVE, GREENWOOD, FROM 'PUBLIC USE' TO 'URBAN DEVELOPMENT'

WARD: South-East

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 100338

ATTACHMENTS:

Attachment 1	Location plan
Attachment 2	Scheme amendment zoning
Attachment 3	Scheme amendment process flowchart
Attachment 4	Schedule of Submissions
Attachment 5	Map of Submissions

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 46 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment.

EXECUTIVE SUMMARY

Lot 9867 (63) Mulligan Drive, Greenwood is currently designated as a Local Reserve – Public Use ‘Primary School’ (East Greenwood Primary School) under DPS2 and is currently developed and used as a primary school.

Council, at its meeting held on 16 February 2010, resolved to initiate advertising of Amendment No. 46 for a period of 42 days. A total of 25 submissions were received, comprising seven objections, 13 neutral submissions that made comment on various aspects of the proposal and five no objections from service authorities. One of the submissions included a 16-signature petition requesting the car park and oval be excluded from the scheme amendment.

The main issues raised relate to the loss of vegetation from the site and the loss of the school oval which is perceived by the community as public open space.

It is considered appropriate to request the applicant to fully consider these issues when preparing the Structure Plan. It is recommended that Council adopts Amendment No. 46 to DPS2 as final without modification, and forwards the proposal to the Western Australian Planning Commission (WAPC).

BACKGROUND

Suburb/Location: Lot 9867 (63) Mulligan Drive, Greenwood
Applicant: Department of Housing
Owner: Department of Education and Training (DET)
Zoning: **DPS:** Local Reserve – Public Use (Primary School)
MRS: Urban
Site Area: 3.86 ha
Structure Plan: Not Applicable

Lot 9867 is located in the eastern part of Greenwood between Cockman Road and Wanneroo Road (Attachment 1 refers). The subject site is currently designated as a Local Reserve – Public Use ‘Primary School’ under DPS2 and was developed as a primary school (East Greenwood Primary School). Cockman Park abuts the southern side of the site. The remaining land surrounding the subject site is zoned Residential R20 and is developed with residential dwellings.

In 2007, the Minister for Education and Training announced that East Greenwood Primary School and Allenswood Primary School would be replaced by one new school on the Allenswood site (to be known as Greenwood Primary School). This would result in the East Greenwood Primary School site being surplus to the Department of Education and Training needs. The East Greenwood Primary school is scheduled to close at the end of the 2010 school year after completion of the construction of Greenwood Primary School in late 2010.

This amendment was first presented to Council on 5 December 2009, where Council resolved to seek further information from the DET on the closure of the school and the capacity of Greenwood Primary School to cater for future growth needs.

After examining this further information Council, at its meeting held on 16 February 2010, resolved to initiate advertising of Amendment No. 46 for a period of 42 days (Report CJ004-02/10 refers).

DETAILS

An application has been received to amend the DPS2 designation of Lot 9867 Mulligan Drive, Greenwood from ‘Public Use – Primary School’ to ‘Urban Development’ (Attachment 2 refers).

It is proposed that the Department of Housing will acquire the site from DET for residential development in due course.

The applicant has stated that the proposal promotes efficient land use through infill residential development and is in line with draft Directions 2031 (WAPC 2009) which states that 47% of new dwellings should be infill development. The site is proposed to be developed for low to medium density single and group housing residential uses.

It is proposed to rezone the subject site to the Urban Development Zone, which requires the preparation and adoption of a local structure plan over the site by Council, prior to application for subdivision approval.

Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment,
- Adopt the proposed amendment, with modification, or
- Not adopt the proposed amendment.

In all the above options, the proposal is forwarded to the WAPC for the Minister for Planning's determination.

Legislation/Strategic Plan/Policy Implications**Legislation**

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 16 February 2010. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

It is important to note that the scheme amendment process is a separate process to the Structure Plan process. If the scheme amendment is ultimately approved by the Minister for Planning following the statutory advertising period, the applicant will be required to submit a structure plan for the site, which would be subject to a further public comment period.

Clause 3.12.2 of DPS2 requires that no subdivision or development can occur in the 'Urban Development' zone until a structure plan has been prepared and adopted in accordance with Part 9 of DPS2.

The proposal presently before Council is to consider the scheme amendment only.

Strategic Plan

Key Focus Area: The built environment.

Objective 4.1: To ensure high quality urban development within the City.

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

Consultation:

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 2 June 2010.

Three signs were placed on the site and a notice placed in the local newspaper. Letters were sent to 191 nearby landowners and 6 government or service agencies advising of the proposed amendment. The proposal was also placed on the City's website.

A total of 25 submissions were received, comprising seven objections, five no objections from service authorities and 13 neutral submissions which made comment on various aspects of the proposal. One of the submissions included a 16-signature petition from the Perth Disc Golf Club requesting the car park and oval be excluded from the scheme amendment. The schedule of submissions is provided in Attachment 4.

Summary of Submissions:

The main issues raised in the submissions were:

- A desire for the retention of native vegetation on site, particularly on the corner of Dargin Place.
- The loss of the school oval and parking on Mulligan Drive, Greenwood.
- The amount of public housing proposed.
- Concerns with increased traffic in the area.
- The potential residential density on the site.
- The negative effect on property values.
- A desire that any housing be restricted to single storey only.
- A desire for site area coverage and brick paving to be restricted to reduce water run off.

COMMENT

It is important to note that, in the event that the site is zoned "Urban Development", a structure plan will be required to be prepared to guide the future development of the site. As part of that process, residential density options will be investigated, native vegetation on the site will be assessed, as well as the need for public open space. Further public consultation will be undertaken in regard to the structure plan.

Many of the issues raised in the submissions relate to the development of the structure plan, rather than the proposed scheme amendment. Issues such as traffic and site area coverage are considerations for the development of the Structure Plan.

Retention of vegetation and public open space

Any future subdivision of the site must include a minimum of 10% of the area as public open space. If the physical provision of public open space is deemed not to be necessary (for example, due to the presence of an adjoining area of open space), the payment of cash in lieu of the provision of this open space may be considered. Any cash received must be spent on enhancing other public open space in the area.

A number of submissions are concerned with the retention of significant vegetation on the site. While it is not a matter that can be dealt with under the scheme amendment, it is recommended that the applicant consider how to incorporate some of the more significant vegetation on site into any future Structure Plan.

Loss of school oval

The subject site is currently a primary school and associated school oval. It appears, from a number of submissions received, that there is a perception that the school oval is public open space, and therefore the proposed scheme amendment will remove that public open space.

While the school oval is not designated public open space, it is understandable that there would be a desire to retain this area, whether it be for informal recreation or for a visual green space. The school oval does, however, adjoin an existing area of designated public open space (Cockman Park) which will be unaffected by the scheme amendment proposal.

Notwithstanding, it is considered appropriate to request the applicant to consider options for retaining a portion of the existing school oval and associated car park when developing the structure plan for the site.

Appropriateness of proposed zoning

Given that the site will no longer be used for its current reservation of Local Reserve – Public Use ‘Primary School’, a rezoning of the site is necessary. The Urban Development zone will ensure that future subdivision and redevelopment of the site occurs in a co-ordinated and integrated manner.

The applicant has indicated that the site is intended to be developed for residential purposes. Given the surrounding development is residential, development of this surplus school site for this use is considered to be appropriate.

Conclusion

The proposed scheme amendment will require the development of a structure plan for the site which will provide further opportunities for public consultation and input regarding the future development of the site. It is recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for the Minister’s determination.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Young, SECONDED Cr McLean that Council:

- 1 Pursuant to Town Planning Regulations 17 (2), **ADOPTS** Amendment No 46 to the City of Joondalup District Planning Scheme No. 2 as follows:
 - (a) Remove the 'Public Use' reservation from Lot 9867 (63) Mulligan Drive, Greenwood and zone to 'Urban Development';
 - (b) Change the density code for Lot 9867 (63) Mulligan Drive, Greenwood from R20 to uncoded;
- 2 **AUTHORISES** the affixation of the Common Seal and to endorse the signing of the amendment documents;
- 3 **NOTES** the submissions received and advises the submitters of Council's decision;
- 4 **ADVISES** the lead petitioner of Council's decision;
- 5 **REFERS** Scheme Amendment No 46 and Council's decision to the Western Australian Planning Commission for determination;
- 6 **NOTES** that, in the event that Amendment No 46 is approved, a Structure Plan is required to be prepared in accordance with Part 9 of the City of Joondalup District Planning Scheme No 2. The Structure Plan application and approvals process will require further extensive community consultation to be undertaken, prior to consideration by Council;
- 7 **ADVISES** the applicant that the City would anticipate a high level of community and other stakeholder interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the Structure Plan, undertaken at the applicant's cost, to supplement the formal consultation process required under District Planning Scheme No 2; and
- 8 **ADVISES** the applicant that consideration must be given to the options available to retain the existing mature trees on the site as well as a portion of the school oval and associated car park during the preparation of the Structure Plan.

The Motion was Put and

CARRIED (9/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young **Against the Motion:** Cr Chester

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf130710.pdf](#)

CJ123-07/10 BORROWING STRATEGY

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	46717
ATTACHMENTS:	Attachment 1 Proposed Borrowing Strategy

PURPOSE

To consider recommending to Council the adoption of a Borrowing Strategy.

EXECUTIVE SUMMARY

This report proposes the adoption of a Borrowing Strategy in response to Council's resolution CJ120-07/08 of 15 July 2008.

The Borrowing Strategy outlined in the attachment aims to define what borrowing can be used for and to contain the level of borrowing within defined parameters. This will avoid the adverse implications of a high level of debt and its impact on the financial sustainability of the City and its ability to perform its functions well into the future.

The following is recommended:

That Council ADOPTS the Borrowing Strategy forming Attachment 1 to this Report.

BACKGROUND

At the meeting of the Strategic Financial Management Committee meeting held on 8 June 2010, it was resolved:

"That the Strategic Financial Management Committee RECOMMENDS to Council that the Borrowing Strategy forming Attachment 1 to this Report be adopted."

At its meeting held on 15 July 2008 (CJ120-07/08 refers), Council resolved, among others, that:

- *the City should have a Debt Strategy;*
- *the Strategy should include:*
 - *debt is to be used for long term building infrastructure rather than for parks and roads;*
 - *debt to apply to an asset for no more than 50% of the life of the asset.*

The attached Borrowing Strategy has been developed in response to the aforementioned Council resolution.

DETAILS

At its meeting held on 15 July 2008, Council considered and adopted the recommendations of report “City’s Strategic Positions Statements”.

Position Statement Number 5 of the Report related to a Debt Strategy and provided as follows:

- the City should have a Debt Strategy;
- the Strategy should include:
 - debt is to be used for long term building infrastructure rather than for parks and roads;
 - debt to apply to an asset for no more than 50% of the life of the asset.

Consideration has been given to the use of debt, its purpose and limitations together with the relevant statutory provisions, culminating in the Borrowing Strategy proposed in the Attachment.

The Borrowing Strategy proposes that debt should predominantly be used to finance long term assets and prohibits the use of debt for speculative investments or to advance money to other parties.

More importantly, the Borrowing Strategy introduces borrowing limitation measures to ensure that the use of debt does not lead to adverse implications for the City’s financial position and impede its ability to perform its function into the future.

The proposed measures are reflected in financial ratios as follows:

- **Total Liability to Economically Realisable Assets - Maximum 40%**

This ratio measures the City’s ability to satisfy its liability from realisable assets.

Total Liability must include contingent liability under overdraft and credit card facilities and potential liability for guarantees given to any Regional Local Government to which the City is a participant.

Economically Realisable Assets includes Current Assets, Non-Current Receivables and the market value of freehold vacant land after deducting the estimated cost of realisation. The realisation costs may be taken to be 3% of the capital value of the land.

This ratio currently stands at approximately 31%.

- **Debt Service To Core Operating Revenue- Maximum 5 %**

This ratio measures the extent of core operating revenue that is directed toward servicing the City’s debt repayment obligation.

Core Operating Revenue is the annual revenue from rates, fees and charges, recurrent operating grants, not including interest on investment.

This ratio is currently around 2.25 % of core operating revenue as defined.

- **Operating Surplus Before Interest and Infrastructure Depreciation To Debt Repayment – Minimum 1.0**

This ratio measures the ability of operating surplus, as defined, to cover debt repayment obligation.

Operating Surplus is the accounting surplus after taking into account all necessary provisions as estimated at the end of the financial year during which the borrowing is proposed.

This ratio currently stands at 2.5.

Depreciation of Infrastructure Assets have been excluded on the basis that Infrastructure Assets are not included as part of the Economically Realisable Assets in the above ratio.

The Borrowing Strategy proposes that before deciding to borrow or the extent of borrowing, that all other financing alternatives should be evaluated, including using Municipal Fund, using an appropriate Reserve, seeking government grants or contributions, in addition to the possibility of public/private partnership as the case may be.

Legislation/Strategic Plan/Policy Implications

Legislation Division 5 Sub-division 3 of the Local Government Act 1995

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.3 To lead and manage the City effectively.

Policy Not Applicable.

Risk Management considerations:

Risk management considerations have been addressed in point 8 of the Borrowing Strategy.

The Borrowing Strategy proposes certain limitations to contain the City's gearing position and protects its financial capacity to perform its functions going forward.

Liquidity risks are adequately addressed by a daily cash flow management routine currently undertaken at the City.

For interest rate risk, the Borrowing Strategy proposes that simple interest rate hedging mechanisms, namely Forward Rate or Option Contracts, could be used to guard against possible unfavourable increases in borrowing interest rates under certain conditions. The use of Forward Rate Contracts has been used for that purpose at the Cities of Perth and Melville.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

A high level of debt will no doubt have a detrimental effect on the financial sustainability of the City. The Borrowing Strategy proposes certain limitations to contain borrowing and debt to sustainable levels.

Consultation:

The Borrowing Strategy has been drafted after due consideration of prudent financial measures and practices with some variations that are considered appropriate to the local government industry and the nature of its assets.

COMMENT

The Borrowing Strategy provides a framework for the use of Borrowed Funds and describes certain measures to limit the risks associated with high level of debt on the financial position of the City.

It should be noted that adoption of the Borrowing Strategy by the Council will mean that the Strategic Position Statement related to this matter will no longer be required, and as such it can be withdrawn. An item related to the Strategic Position Statement is included in the July Council agenda.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr McLean that Council ADOPTS the borrowing strategy forming Attachment 1 to Report CJ123-07/10.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf130710.pdf](#)

C35-07/10

COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]

MOVED Cr Gobbert, SECONDED Cr Young that pursuant to the Standing Orders Local Law 2005 – Clause 48 – Adoption of Recommendations En Bloc, Council ADOPTS Items CJ111-07/10, CJ113-07/10, CJ115-07/10, CJ116-07/10, CJ119-07/10, CJ120-07/10, CJ124-07/10 and CJ125-07/10.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ128-07/10 PROPOSAL FOR LOCAL GOVERNMENT
ENTERPRISES****WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 00033**ATTACHMENTS:** Attachment 1 WALGA Discussion Paper 'Local Government
Enterprises as a Means of Improving Local
Government'

PURPOSE

This report outlines the City's response to the principles of the WA Local Government Association's (WALGA) Discussion Paper 'Local Government Enterprises as a Means of Improving Local Government'.

EXECUTIVE SUMMARY

WALGA recently released a Discussion Paper titled 'Local Government Enterprises as a Means of Improving Local Government'. The Discussion Paper proposes that local governments should be empowered, with the consent of its communities through detailed consultation processes, to establish corporate entities known as *Local Government Enterprises*, governed by directors appointed for their relevant expertise, to manage and develop assets using normal commercial arrangements. The model includes a detailed process of reporting and accountability to ensure that an appropriate balance is maintained between transparency and commercial efficiency.

WALGA has requested feedback on the Discussion Paper by 30 July 2010. It is proposed that feedback received from member local governments will guide an agenda item for Zone and State Council consideration.

The City is currently developing a response to the Discussion Paper to meet the required timeframe, however, it is considered important for the Council to establish a position on the paper's main principles.

It is recommended as follows:

That Council supports in principle the 'comprehensive' approach, as detailed within the WA Local Government Association Discussion Paper 'Local Government Enterprises as a Means of Improving Local Government', involving general repeal of the statutory constraints of the Local Government Act 1995, so as to enable local government to conduct itself under normal commercial procedures and structures for any or all of its non-regulatory operations, but with specific legislative provisions to govern the establishment and operation of corporate subsidiaries.

BACKGROUND

In the WALGA Systemic Sustainability Study (SSS), the local government sector endorsed the recommendation (Action 21) to propose that local governments be given the ability to form a corporate entity (such as a company, partnership or joint venture) providing that any amendment contains restrictions and safeguards.

Since the SSS was endorsed WALGA has undertaken additional work including a further Discussion Paper which considers the current statutory prohibition on such structures in the context of other Australasian jurisdictions and identifies appropriate issues for consideration, and recommends a framework for statutory amendment to address the issue.

It has been acknowledged that local governments in Western Australia need to find new and innovative solutions to the many challenges faced both to ensure its own sustainability and to meet the expanding needs of its constituents. However, there are statutory barriers to greater local government efficiency which need to be examined.

WALGA's Discussion Paper proposes a new model that "will better enable local governments to undertake urban regeneration projects, address economic decline in regional centres, provide shared services, public-private partnerships to develop local government assets and enhance the income-generating asset base of local governments, through the use of arms-length corporate subsidiaries operating in a more commercially efficient manner."

DETAILS

The WALGA Discussion Paper provides the following excerpts in its Executive Summary:

"There has been an increasing focus on issues of sustainable development and urban regeneration, which has given rise to a number of potential roles for local government in the property sector. Beyond its traditional role as a planning authority, there are measures that might be taken by local government to achieve urban regeneration objectives at the local level that might not be practicable under development models pursued by existing State Agencies.

Similar issues arise in underperforming (generally rural) commercial areas where falling population or hollowing out of local services leads to economic decline as services and the associated revenues are transferred to larger or more viable centres. While private owners may be unable to obtain an adequate commercial return from an enterprise or to service the associated debts, local government may be able and willing – with community support – to trade off lower financial returns for broader social outcomes.

At the same time, there is a broad recognition of the need for local government to broaden and diversify its sources of revenue. Development of its extensive property holdings is one potential source of such revenue.

However, the involvement of local government in property ownership and development or other commercial enterprises beyond its traditional 'core' functions raises a number of issues including real or perceived conflict of interest between the regulatory and ownership roles of local government, the capacity and competence of local government to undertake such enterprises and the exposure of ratepayers to financial risk.

The most efficient way to avoid potential or actual conflicts of interest, to minimise financial risk and to engage the necessary commercial and corporate expertise is through the creation of an arms' length vehicle such as a wholly-owned company or an investment trust to hold and manage the commercial interests of a local government.

The essence of such an entity is that the Board or trustees are legally obliged to operate at arm's length from the local government, within the performance parameters laid down in its constitution, and to act independently of all other factors (including political pressure) within the regulatory parameters applicable to any other corporate entity.

However, Western Australia is unique among Australasian jurisdictions in imposing a blanket prohibition on the use of corporate governance structures by local government. In both Queensland and New Zealand, for example, it is common practice for local authorities to place their commercial activities in wholly-owned corporate subsidiaries under the control of external Boards. Some of these companies control assets valued at hundreds of millions of dollars that are run on a commercial basis but are ultimately owned and controlled by local government. In South Australia such separation is mandatory.

This paper proposes that local government should be empowered – with the consent of its community through detailed consultation processes – to establish corporate entities known as *Local Government Enterprises*, governed by directors appointed for their relevant expertise, to manage and develop assets using normal commercial arrangements. A detailed process of reporting and accountability is proposed to ensure that an appropriate balance is maintained between transparency and commercial efficiency.

The paper argues that the use of such structures will improve commercial efficiency and reduce risk to ratepayers, while enabling local government to achieve strategic outcomes that are extremely difficult to achieve under current statutory restrictions.“

The Discussion Paper proposes that it is essential to any reform of governance for commercial activities by local government that there firstly be a set of overarching objectives established. It is suggested that these objectives include the following:

- The need to maximise commercial efficiency.
- The need to improve the quality of decision making in the utilisation of local government assets.
- The need to prudently broaden sources of local government income.
- The need to retain local government control of its assets.
- The need to enhance community consultation in matters affecting the disposition of local government assets.

The Discussion Paper considers a range of options for reform, and proposes that the *Local Government Act 1995* be amended to provide a comprehensive suite of measures to permit, the establishment of incorporated local government entities where supported by ratepayers through community consultation.

It is considered there is a strong case for change as the levels and shares of local government revenue sources vary considerably at the State level, reflecting a multitude of factors including differences in legislative frameworks, the functions of local government in different jurisdictions and patterns of demography and regional development.

In its 2008 report 'Assessing Local Government Revenue Raising Capacity' the Productivity Commission found that:-

There is a case for periodic reviews of the restrictions and regulations imposed on Local Government by other spheres of government to assess both their rationales and their benefits and costs.

The Discussion Paper is aligned to this proposal, suggesting that local governments should be empowered, with the consent of its communities through detailed consultation processes, to establish corporate entities known as *Local Government Enterprises*, governed by directors appointed for its relevant expertise, to manage and develop assets using normal commercial arrangements. The model includes a detailed process of reporting and accountability to ensure that an appropriate balance is maintained between transparency and commercial efficiency.

Issues and options considered:

Three possible alternative approaches to reform in relation to local government enterprises are presented in the WALGA Discussion Paper, from limited project-specific authority by regulation under the LGA as currently operating, to an open-ended "power of general competence" within a broadly framed statute as exists in New Zealand. For the purposes of the paper, the following approaches have been considered:

1. a "minimalist" approach, whereby the provisions of the LGA remain unchanged but the use of incorporated subsidiaries is permitted and regulated in a limited range of circumstances requiring Ministerial approval on a case-by-case basis;
2. a "broader" approach that retains the existing regime in relation to the "core" functions of local government (and the associated assets) but enables local government to act under normal commercial conditions and structures, subject to appropriate consultation and oversight measures, in relation to other assets and functions;
3. a "comprehensive" approach, involving general repeal of the statutory constraints so as to enable local government to conduct itself under normal commercial procedures and structures for any or all of its non-regulatory operations, but with specific legislative provisions to govern the establishment and operation of corporate subsidiaries.

The Discussion Paper details the benefits and disadvantages of each option. As suggested in the Discussion Paper, essential to any proposed reform would be consideration of the following overarching objectives:

1. The proposed measures should maximise the commercial efficiency of local government in utilising its assets for the benefit of the community.
2. The proposed measures should improve the quality of decision-making regarding the utilisation of local government assets.
3. Local governments should be encouraged to prudently broaden their sources of income in the interests of long-term financial sustainability.
4. A local government taking commercial risk should do so only to the extent that its "core" assets and functions are not placed at risk.
5. Ownership and control of local government assets should remain with local government, whether directly or indirectly.
6. Governance arrangements should comply with recognised "best practice".
7. The proposed measures should support and enhance the principle of community consultation in matters affecting the disposition of local government assets.
8. The proposed arrangements should not contravene established Competition Policy.

In light of the information contained within the Discussion Paper It is considered that the “comprehensive” approach would provide the most benefit to the City of Joondalup.

Legislation/Strategic Plan/Policy Implications

Legislation Local Government Act 1995

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.3 - To lead and manage the City effectively

Policy

Not Applicable.

Risk Management considerations:

As detailed in the report, the involvement of local government in property ownership and development or other commercial enterprises beyond its traditional ‘core’ functions raises a number of issues including real or perceived conflict of interest between the regulatory and ownership roles of local government, the capacity and competence of local government to undertake such enterprises and the exposure of ratepayers to financial risk.

The Discussion Paper suggests that the most efficient way to avoid potential or actual conflicts of interest, to minimise financial risk and to engage the necessary commercial and corporate expertise is through the creation of an arm’s length vehicle such as a wholly-owned company or an investment trust to hold and manage the commercial interests of a local government.

Financial/Budget Implications:

There are no financial implications related to this report.

Regional Significance:

Not Applicable.

Sustainability implications:

The Discussion Paper argues that the use of such structures will improve commercial efficiency and reduce risk to ratepayers, while enabling local government to achieve strategic outcomes that are difficult to achieve under current statutory restrictions.

The City’s ongoing financial sustainability is demonstrated through its 20 Year Strategic Financial Plan 2009 – 2029. The Plan provides a point of reference against which debate about future projects and proposals and their implications can be assessed and measured.

Consultation:

Not Applicable.

COMMENT

The Discussion Paper proposes a new model intended to empower local governments, with the consent of its communities through detailed consultation processes, the establishment of corporate entities known as *Local Government Enterprises*, governed by directors appointed for their relevant expertise, to manage and develop assets using normal commercial arrangements.

It is considered that the Department of Local Government needs to examine legislative change that will provide flexibility for local governments to act as a catalyst for long term strategic economic development initiatives that have the capacity to make contributions to the needs of local communities. As is demonstrated in the Discussion Paper, Western Australia is unique among Australian jurisdictions in that local governments are prohibited in utilising commercial enterprise structures for the benefit of their communities. The need for alternative revenue streams other than rates is a matter that is well overdue for examination by the State Government.

The Discussion Paper presents a well considered case for change and as such, should WALGA receive the support of local governments to change current legislative restrictions, the State Government should be compelled to consider the alternatives presented rather than undertaking an approach to reform that focuses simply on boundaries and 'cooperative' efforts.

The model is underpinned by a detailed process of reporting and accountability to ensure that an appropriate balance is maintained between transparency and commercial efficiency.

It is proposed that the Council indicate its support to WALGA for the 'comprehensive' approach as detailed in the Discussion Paper.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Amphlett, SECONDED Cr McLean that Council SUPPORTS in principle the 'Comprehensive' Approach, as detailed within the WA Local Government Association Discussion Paper 'Local Government Enterprises As A Means Of Improving Local Government', involving General Repeal of the Statutory Constraints of The Local Government Act 1995, so as to enable Local Government to conduct itself under normal commercial procedures and structures for any or all of its non-regulatory operations, but with specific Legislative Provisions to govern the establishment and operation of corporate subsidiaries.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn200710.pdf](#)

CJ129-07/10 CONSTRUCTION OF A COMMUNITY FACILITY AT GIBSON PARK, PADBURY

WARD:	South-West
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	100929
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions Attachment 2 Site Plan Attachment 3 Floor Plan

PURPOSE

The purpose of this report is to:

1. Seek the approval of Council to accept the Tender submitted by JCP Construction for the construction of a community facility at Gibson Park, Padbury (Tender 020/10);
2. Grant authority to the Chief Executive Officer to initiate a variation to the facility;
3. Seek approval to name the facility.

EXECUTIVE SUMMARY

Tenders were advertised on 5 June 2010 through state wide public notice for the construction of a community facility at Gibson Park, Padbury. Tenders closed on 29 June 2010. The following 15 Submissions were received:

- Devco Holdings Pty Ltd.
- Midland Construction Pty Ltd.
- JCP Construction.
- Dalcon Construction Pty Ltd.
- KMC Group.
- Classic Contractors Pty Ltd.
- CPD Group Pty Ltd.
- ZD Constructions 93 Pty Ltd.
- Abacus Project Services.
- Laneway Construction.
- Briklay Builders.
- Stillcon Pty Ltd.
- Absecon Pty Ltd.
- Western Australian Building Group.
- Myers Construction (1995) Pty Ltd. (Late Tender).

The submission from JCP Construction represents best value and the lowest risk to the City. The evaluation panel has confidence in its ability to complete the works in the nominated timeframes and its breakdown of price reflects an appropriate understanding of the requirements. JCP Construction has sufficient resources and the appropriate experience to complete the City's requirements.

It is recommended that Council:

- 1 *ACCEPTS the Tender submitted by JCP Construction for the construction of a community facility at Gibson Park, Padbury in accordance with the statement of requirements as specified in Tender 020/10 for the fixed lump sum of \$749,078.00 (excluding GST) for completion of the works within 24 weeks from the commencement date advised in the Letter of Acceptance;*
- 2 *BY AN ABSOLUTE MAJORITY DELEGATES authority to the Chief Executive Officer to enter into negotiations with JCP Construction, prior to entering into a contract, for a minor variation to the construction of the community facility at Gibson Park, Padbury, as detailed in Part 1 above to accommodate additional storage, subject to the total cost of the project not exceeding the budget amount of \$1,060,000.*
- 3 *In accordance with City Policy - 'Naming of Public Facilities' AGREES to name the community facility to be constructed at Gibson Park, Padbury as detailed in Part 1 above, 'Gibson Park Community Centre.'*

BACKGROUND

As part of the Federal Government Regional and Local Community Infrastructure Projects program (RLCIP program), the City has obtained funding to construct a new community facility at Gibson Park, Padbury.

DETAILS

Tenders were advertised on 5 June 2010 through state wide public notice for the construction of a community facility.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Demonstrated experience in completing similar projects	35%
2	Capacity	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 five members; one with tender and contract preparation skills, two with the appropriate technical expertise and involvement in supervising the Contract, and two with financial and managerial skills. 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 following 15 Submissions were received:

- Devco Holdings Pty Ltd.
- Midland Construction Pty Ltd.
- JCP Construction.
- Dalcon Construction Pty Ltd.
- KMC Group.
- Classic Contractors Pty Ltd.
- CPD Group Pty Ltd.
- ZD Constructions 93 Pty Ltd.
- Abacus Project Services.
- Laneway Construction.
- Briklay Builders.
- Stillcon Pty Ltd.
- Absecon Pty Ltd.
- Western Australian Building Group.
- Myers Construction (1995) Pty Ltd. (Late Tender).

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

This Contract is for a fixed lump sum with completion of the works within 24 weeks from commencement date advised in the letter of acceptance.

Evaluation Summary

Respondent	Evaluation Score	Tendered Lump Sum Price	Qualitative Ranking
Devco Holdings Pty Ltd	77.1	\$ 866,752.00	1
Midland Constructions Pty Ltd	76.9	\$ 770,000.00	2
JCP Construction	74.5	\$ 749,078.00	3
Dalcon Construction Pty Ltd	68.9	\$ 770,131.00	4
KMC Group	68.8	\$ 766,599.99	5
Classic Contractors Pty Ltd	65.5	\$ 898,005.00	6
CPD Group Pty Ltd	64.9	\$ 850,590.00	7
ZD Constructions 93 Pty Ltd	58.3	\$ 938,152.00	8
Abacus Project Services	57.3	\$ 898,001.00	9
Laneway Construction	49.4	\$ 848,269.00	10
Briklay Builders	39.6	\$ 745,190.00	11
Stillcon Pty Ltd	27.7	\$1,135,304.00	12
Absecon Pty Ltd		Non-conforming in accordance with Clause 4.7 of the Request For Tender.	
Western Australian Building Group		Non-conforming in accordance with Clause 4.7 of the Request For Tender.	
Myers Construction (1995) Pty Ltd		Late Tender, not assessed.	

The submission from Absecon Pty Ltd did not confirm their offer was in compliance with the Request For Tender. The submission from Western Australian Building Group contained insufficient information required by the qualitative criteria. Both submissions were deemed non-conforming in accordance with Clause 4.7 of the conditions of tendering and did not progress for further consideration.

The submission from Myers Constructions (1995) Pty Ltd was received after the Tender Closing Time and was deemed a Late Tender in accordance with Clause 4.3 of the conditions of tendering and was not considered further.

The submissions from ZD Constructions 93 Pty Ltd, Abacus Project Services, Laneway Construction, Briklay Builders and Stillcon Pty Ltd were ranked eight to 12 respectively in the qualitative assessment. They did not adequately address their experience, capacity or understanding of the requirements and were not considered further.

CPD Group was seventh highest in the qualitative assessment and seventh in the price ranking. It demonstrated the experience, capacity and understanding of the requirements. CPP Group is accredited with the Department of Housing for contracts up to \$5.5 million.

Classic Contractors was sixth highest in the qualitative assessment and tenth in price ranking. It demonstrated the experience, capacity and understanding of the requirements. After hours contacts and details of plant and equipment were not provided.

KMC Group was fifth highest in the qualitative assessment and third in price ranking. They demonstrated the experience, capacity and understanding of the requirements.

Dalcon Construction Pty Ltd was fourth highest in the qualitative assessment and fifth in price ranking. It fully demonstrated the experience, capacity and understanding of the requirements.

JCP Construction Pty Ltd was third highest in the qualitative assessment and second in price ranking. It fully demonstrated the experience, capacity and understanding of the requirements.

Midland Construction Pty Ltd was second highest in the qualitative assessment and fourth in price ranking. It fully demonstrated the experience, capacity and understanding of the requirements.

Devco Holdings Pty Ltd was the highest in the qualitative assessment and eighth in price ranking. It thoroughly demonstrated the experience in completing similar projects, addressed all aspects of capacity and understanding of the requirements.

Issues and options considered:

Tenderers

Devco Holdings Pty Ltd, Midland Construction Pty Ltd and JCP Construction achieved the three highest qualitative rankings and the panel are confident that either of the organisations can complete the requirements on time in accordance with the specifications.

The submissions from Devco Holdings Pty Ltd and Midland Constructions Pty Ltd are \$117,674 (15%) and \$20,922 (2.8%) more expensive respectively than the submission from JCP Construction. The panel unanimously agreed that no benefit could be obtained for the City by paying higher tendered prices as submitted by Devco Holdings Pty Ltd and Midland Constructions Pty Ltd. The submission from JCP Construction represents best value and low risk to the City.

Design Variation

At the time of initial design of the facility, consultation occurred with the four Lions groups and the Orchid Society to ascertain their requirements for the facility. Some of the groups indicated their requirements while others stated that they did not require storage space. Following the initial consultation a design (which became Option A) was undertaken.

Subsequent to the initial design, further consultation was undertaken with some of the groups revising their requirements which lead to an option B being prepared. Both options included the existing sheds (Lions Club and Orchid Society) remaining at the location.

The City called public tenders based on option B (Attachments 2 and 3 refer) and the submissions received which are the subject of this report are below budget, revealing a saving of approximately \$130k.

It would be preferable for the existing storage sheds to be removed. Based on the tenders received the additional storage required by the Lions Clubs could be accommodated then the original budget approved by the Council.

Given the expected saving against budget, the additional storage identified by the clubs of 70 to 75 square metres can be included as part of the construction project. Based on the tendered amount per square metre, the cost of the additional storage is likely to be approximately \$100,000. Additional costs would then be incurred relating to professional and architectural fees.

It is therefore recommended that the Chief Executive Officer be delegated authority to negotiate a variation to the facility with the proposed builder prior to a contract being entered into. This delegation is proposed to be granted subject to the total cost of the project not exceeding the agreed budget amount of \$1,060,000.

Name of Facility

It is also appropriate for the Council to consider the naming of the new facility. In accordance with the requirements of the City Policy (Refer extract of City policy below), the facility is proposed to be named 'Gibson Park Community Centre'.

Legislation/Strategic Plan/Policy Implications

Legislation

A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions and 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.

According to the *Local Government (Functions and General) Regulations 1996*, Part 4, Division 2, Clause 20 (1) - Variation of requirement before entry into contract; the City can negotiate a variation with the successful tenderer prior to entering into a contract. The regulation states:

“If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied requirement subject to such variations in the tender as may be agreed with the tenderer.”

Strategic Plan

Key Focus Area: Community Wellbeing.

Objective: To facilitate healthy lifestyles within the community.

Policy The City currently has a policy, 'Naming of Public Facilities', which states: -

"The Chief Executive Officer shall arrange for the naming of streets and reserves, and the allocation of house numbers. All naming of streets, reserves and buildings shall be in accordance with the Geographic Names Committee guidelines.

Parks and Reserves shall be named after an adjacent boundary road, where possible, to facilitate ease of identification. The Chief Executive Officer shall liaise with Directors in determining the names of Council buildings and make a recommendation to the Council.

Buildings and facilities shall be named after the locality in which they reside or after an adjacent road, where possible, to facilitate ease of identification. Notwithstanding the foregoing, exceptions may be permitted with the prior approval of Council."

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City will be unable to complete or be working towards completion of the construction project within the timeframe prescribed by the Federal Government Regional and Local Community Infrastructure Projects (RLCIP) program. This would result in the loss of the funding for the project.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is well established with significant industry experience and the capacity to meet the construction deadline.

Financial/Budget Implications:

Proposed Budget Allocation for this Project 2009/10 and 2010/11	Projected expenditure on these projects over the life of the Contract if Accepted
\$1,060,000	\$1,060,000

The budget for this Project also includes allocations for Consultants fees and contingencies. This project is part funded by the RLCIP program, being \$360,000 with the balance of \$700k being funded from the City's Reserves.

Following receipt of the tender submissions a saving against the tender component of the project is estimated at \$130,000.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability implications:

The completion of this project will provide better equipped facilities for the various community groups that use the location for recreational activities.

Consultation:

Not Applicable.

COMMENT

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing the best value and lowest risk to the City is that as submitted by JCP Construction.

As the tendered lump sum price is less than expected there is finding available to increase the storage component of the construction to enable the removal of the existing sheds. This is recommended subject to the CEO being able to negotiate the price within the total project budget.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council:

- 1 ACCEPTS the Tender submitted by JCP Construction for the construction of a community facility at Gibson Park, Padbury in accordance with the statement of requirements as specified in Tender 020/10 for the fixed lump sum of \$749,078.00 (excluding GST) for completion of the works within 24 weeks from the commencement date advised in the letter of acceptance;**
- 2 BY AN ABSOLUTE MAJORITY, DELEGATES authority to the Chief Executive Officer to enter into negotiations with JCP Construction, prior to entering into a contract, for a minor variation to the construction of the community facility at Gibson Park, Padbury, as detailed in Part 1 above to accommodate additional storage, subject to the total cost of the project not exceeding the budget amount of \$1,060,000;**
- 3 In accordance with City Policy 'Naming of Public Facilities' AGREES to name the community facility to be constructed at Gibson Park, Padbury as detailed in Part 1 above, 'Gibson Park Community Centre.'**

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn200710.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2022 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr T McLEAN
Cr P TAYLOR
Cr T YOUNG
Cr L GOBBERT
Cr G AMPHLETT
Cr J CHESTER
Cr C HAMILTON-PRIME
Cr M NORMAN
Cr F DIAZ