

# agenda

## Briefing Session

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

**ON** **TUESDAY, 9 AUGUST 2011**  
**COMMENCING AT** **6.30 pm**

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on **Monday, 8 August 2011**

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## **BRIEFING SESSIONS**

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 17 March 2009:

### **INTRODUCTION**

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

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

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

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

### **PURPOSE OF BRIEFING SESSIONS**

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

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

### **PROCEDURES FOR BRIEFING SESSIONS**

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

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
  - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct.
  - (b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed thirty five (35) minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final;
  - nominate a member of the Council and/or City employee to respond to the question;
  - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Briefing session that is not relevant to a matter listed on the agenda, or;
  - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

**Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only).**

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

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

#### **DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

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

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

## DEPUTATION SESSIONS

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

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

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

## RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.



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**LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information090811.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 9 August 2011** commencing at **6.30 pm**

### ORDER OF BUSINESS

- 1 OPEN AND WELCOME
- 2 DEPUTATIONS
- 3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 12 July 2011:

**Mr R Repke, Kallaroo:**

*Re: Item 4 – Draft Prostitution Bill 2011 – Invitation to Comment*

Q1 *The planning approval for such establishments is required to be given by a local government.*

(a) *Does the City have an individual or a Department within the City that is willing and able to deal with all of these questions; or*

(b) *Are these questions determined by the Department of Racing, Gaming and Liquor, and if so, does the City not lose control over such sensitive matters in this case?*

A1 The domain of local government relative to this legislation is land use planning. The issue of licensing, or the ability for an individual to operate such a business, and all the relevant checks associated with that business falls under the Department of Racing, Gaming and Liquor.

Q2 *The report mentions “larger commercial areas, like Whitfords, Warwick or Currambine, as potential locations for such establishments, but not the CBD or Lakeside Shopping Centre in Joondalup.” What are the reasons for that?*

A2 There is a potential in areas of the City that are zoned for commercial business, civic and cultural, private clubs, recreation and the service industrial areas for these businesses to occur. Under the proposed new Joondalup City Centre Structure Plan, Council's discretion is required for certain residential uses within the City, leaving the City Centre open for this type of use.

## **4 PUBLIC STATEMENT TIME**

The following statement was submitted to the Briefing Session held on 12 July 2011:

**Mr R Repke, Kallaroo:**

*Re: Item 5 – Multicultural Festival*

Mr Repke spoke in relation to the staging of multicultural activities within the City of Joondalup.

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

### **Leave of Absence previously approved**

Cr Christine Hamilton-Prime 8 to 12 August 2011 inclusive.  
Cr Brian Corr 14 to 21 August 2011 inclusive.

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

## **7 REPORTS**

## **ITEM 1                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS – JUNE 2011**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development	
<b>FILE NUMBER:</b>	07032, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	Monthly Development Applications Determined
	Attachment 2	Monthly Building Application Code Variations
	Attachment 3	Monthly Subdivision Applications

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### **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 (DPS2), 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 the following applications determined by the administration with Delegated Authority powers during June 2011 (Attachments 1 and 2 refer):

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

### **BACKGROUND**

The DPS2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 28 June 2011, Council considered and adopted the most recent Town Planning Delegation.

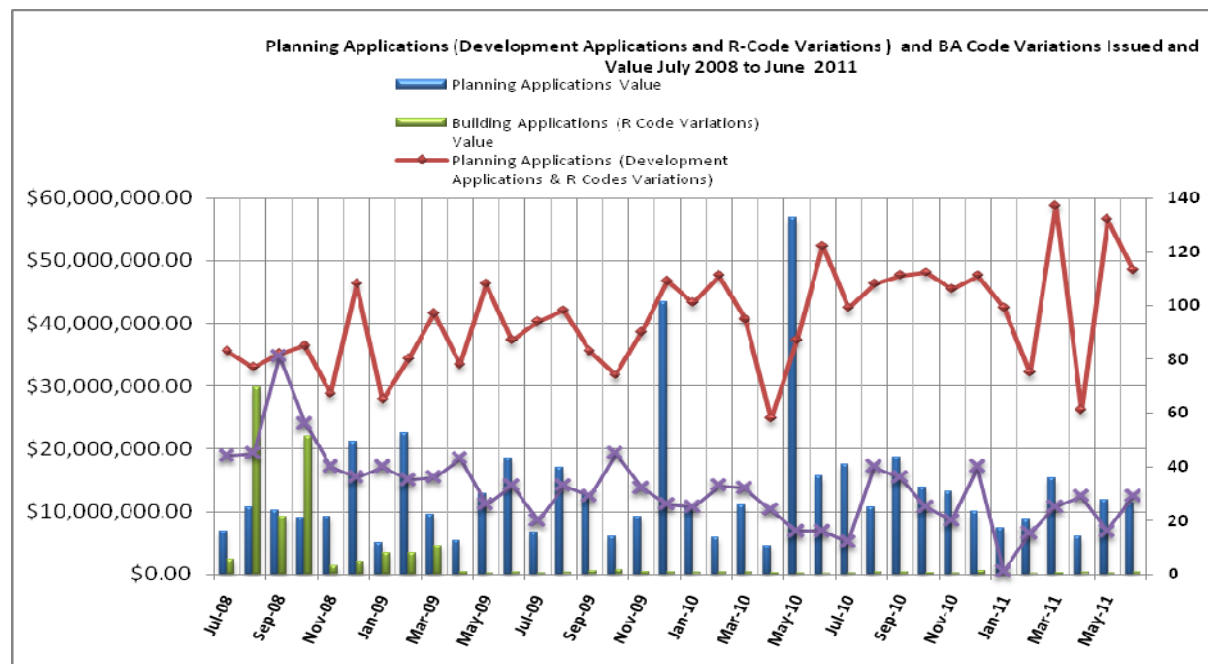
## DETAILS

The number of applications determined under Delegated Authority during June 2011, is shown below:

Approvals determined under delegated authority – June 2011		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	113	\$ 11,262,977
Building applications (R-Codes variations)	29	\$ 390,755
<b>TOTAL</b>	<b>142</b>	<b>\$ 11,653,732</b>

The number of development applications received during the period for June was 111. (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).

The number of development applications current at the end of June was 155. Of these, 41 were pending additional information from applicants, and 42 were being advertised for public comment.



<b>Subdivision approvals processed under delegated authority From 1 June to 30 June 2011</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	1	0
Strata subdivision applications	3	3

In addition to the above, 264 building licences were issued during the month of June with an estimated construction value of \$22,362,504.

### **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:** 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:**

A total of 142 applications were determined for the month of June with a total amount of \$45,654 received as application fees.

All figures quoted in this report are exclusive of GST.

### **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 DPS2.

Of the 113 development applications determined during June 2011, consultation was undertaken for 54 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 four subdivision applications processed during June 2011 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 on and cross checked in accordance with relevant standards and codes.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**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 this Report during June 2011;**
- 2 Subdivision applications described in Attachment 3 to this Report during June 2011.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf090811.pdf](#)

## **ITEM 2                    PROPOSED AMENDMENT NO 54 DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 613 PACIFIC WAY, BELDON – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD:</b>	Central
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	101419, 101515
<b>ATTACHMENTS:</b>	Attachment 1            Location plan Attachment 2            Amendment 54 submissions Attachment 3            Scheme amendment process flowchart

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### **PURPOSE**

The purpose of this Report is for Council to consider submissions received during the public advertising of proposed Amendment 54 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

### **EXECUTIVE SUMMARY**

Council, at its meeting held on 15 February 2011 (CJ003-02/11 refers), resolved to initiate public advertising of Scheme Amendment 54 (Lot 613 Pacific Way, Beldon).

The proposed scheme amendment was advertised for a period of 42 days, closing on 29 June 2011. Eleven submissions were received for Amendment 54, comprising two objections, seven comments (including an 85 signature petition), and two non-objections from service authorities.

Many submissions requested that the subject site be retained for community purposes. The decision to retain ownership of the land for community purposes versus progressing the sale of the lot so that it can be developed for residential purposes and aged persons' accommodation is a matter for Council to decide. From a planning point of view, the use of the site for residential purposes is considered appropriate considering the context of the site and the fact that the site is currently surplus to the City's requirements and is not planned or needed to be used for the purpose originally intended.

It is recommended that Council adopts the proposed scheme amendment as final, with a minor modification to clarify the amendment wording, and forwards the proposed amendment to the Western Australian Planning Commission for final approval.

### **BACKGROUND AND DETAILS**

<b>Suburb/Location:</b>	Lot 613 (11) Pacific Way, Beldon
<b>Applicant:</b>	City of Joondalup
<b>Owner:</b>	City of Joondalup

**Zoning:**           **DPS:** Public Use  
                      **MRS:** Urban  
**Site Area:**       2,001.38m<sup>2</sup>  
**Structure Plan:**   Not applicable

Lot 613 is currently vacant and there is no record of any past development approvals or building licences having been issued. The site is opposite Beldon Primary School and is within 500m of the Beldon Shopping Centre. There is a public access way (PAW) abutting the southern boundary of the site. The majority of the surrounding properties have been developed as single dwelling sites except Lot 1 Pacific Way, which has been developed as a Church.

### Council Decision

Council, at its meeting held on 15 February 2011, resolved in part as follows:

*“1 pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate the Amendment to the City of Joondalup District Planning Scheme No 2 to:*

*1.1 Rezone Lot 613 (11) Pacific Way, Beldon from ‘Public Use’ to ‘Residential’;*

*for the purpose of public advertising for a period of 42 days.”*

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

The issues to be considered by Council include:

- The suitability of the proposed scheme amendment; and
- The public submissions received.

The options available to Council in considering the scheme amendment proposal are:

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

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

#### **Legislation**

##### Residential Design Codes (R-codes)

The R-codes stipulate development standards for residential development, which includes aged or dependent persons’ dwellings.

The R-codes define ‘aged person’ as: ‘a person who is aged 55 years or over’ and a ‘Dependent person’ as ‘a person with a recognised form of disability requiring special accommodation for independent living or special care.’

## Planning and Development Act 2005

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 purposes of public advertising at its meeting held on 15 February 2011. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (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 the amendment.

### **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:**

The City, as the applicant, is required to cover the costs associated with the scheme amendment process. The total cost to advertise the amendments was \$916 which included placing a notice in the relevant newspapers and erecting signs on the subject site.

### **Regional Significance:**

Not applicable

### **Sustainability implications:**

The proposed amendment would enable residential development on the site which will contribute to the environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure within established suburbs.

The development of medium density housing is considered appropriate given the existing character of the area. The type of dwellings will also provide alternative housing choice within established areas.

**Consultation:**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 29 June 2011, as follows:

- Letters were sent to nine nearby landowners, including the Department of Education and the Beldon Primary School, and four service authorities;
- A sign was placed on the site;
- A notice was placed in the local and the West Australian newspapers; and
- A notice and documents were placed on the City's website.

A total of 11 submissions were received, comprising two objections, seven comments (including an 85 signature petition) and two non-objections from service authorities.

The issues raised in the submissions relate to the loss of the land for use as a car park, lack of benefit to the immediate community from the rezoning and the desire for a community garden to be developed on the site.

The schedule of submissions is provided at Attachment 2.

**COMMENT**Loss of community purpose land

Many submissions requested that the subject site be retained for community purposes and not sold. This is ultimately a decision for the Council to make; however, from a planning point of view the use of the site for residential purposes is considered appropriate considering the context of the site, and the fact that the site is currently surplus to the City's requirements and is not planned or needed to be used for the purposes originally intended.

During the original subdivision and development of the area, the land was ceded by the developer to the City, free of cost. Since this time, the City has not identified the site for any specific community purpose and until now has not received a request for the site to be used by community groups. As such, it is deemed appropriate to provide the opportunity for residential dwellings to be developed on the site to benefit the community, rather than leave the land undeveloped.

Suitability of the proposed zoning

As noted in the 'Consultation' section of this Report, a total of 11 submissions were received, comprising two objections, seven comments (including an 85 signature petition) and two non-objections from service authorities. The comments received relate to a desire to retain the site for car parking for the school, a community garden, and to retain the vegetation on the site. A comment was also received questioning the appropriateness of aged persons' dwellings on the site.

The City has not identified the site for any community purpose. There is also no intention by the City to remove the existing tree on the site and, in the event that the site is rezoned and sold, the retention of the tree can be considered at the development stage.

In regard to the appropriateness of aged persons' dwellings, the site is considered to be well located to services, and would provide an option for residents who wish to remain in the area to do so in accommodation more suited to their needs. For these reasons, it is considered that the proposed zoning to 'Residential' is appropriate.

### Resolution wording

The wording for Scheme Amendment No 54 currently states that the site is being rezoned from 'Public Use' to 'Residential, which is not technically correct. On advice received from the Department of Planning, the wording of the resolution for Amendment No 54 has been amended to clarify that the 'Public Use' *reservation* is being removed and replaced by the 'Residential' *zone*.

This does not change the intent of the amendment, although it is considered to be a minor modification to the scheme amendment.

### 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, with a minor wording modification, and the amending documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

## **VOTING REQUIREMENTS**

Simply majority.

## **RECOMMENDATION**

### **That Council:**

- 1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 ADOPTS as final with modification Amendment No 54 to the City of Joondalup District Planning Scheme No. 2 to:**
  - 1.1 Remove the 'Public Use' reservation from Lot 613 (11) Pacific Way, Beldon;**
  - 1.2 Zone Lot 613 (11) Pacific Way, Beldon to 'Residential';**
- 2 AUTHORISES the affixation of the Common Seal and endorses the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision;**
- 4 NOTES the petitions received and advises the lead petitioners of Council's decision;**
- 5 REFERS Scheme Amendments No 54 and Council's decision to the Western Australian Planning Commission for determination.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf090811.pdf](#)

## **ITEM 3                    PROPOSED AMENDMENT NO 55 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 671 CAMBERWARRA            DRIVE,            CRAIGIE            – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD:</b>	Central	
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development	
<b>FILE NUMBER:</b>	101420, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	Location plan
	Attachment 2	Amendment 55 submissions
	Attachment 3	Scheme amendment process flowchart

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### **PURPOSE**

The purpose of this Report is for Council to consider submissions received during the public advertising of proposed Amendment 55 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

### **EXECUTIVE SUMMARY**

Council, at its meeting held on 15 February 2011 (CJ003-02/11 refers), resolved to initiate public advertising of Scheme Amendment 55 (Lot 671 Camberwarra Drive, Craigie).

The proposed scheme amendment was advertised for a period of 42 days, closing on 29 June 2011, with two comments of non-objection being received from service authorities.

From a planning point of view, the use of the site for residential purposes is considered appropriate considering the context of the site and the fact that the site is currently surplus to the City's requirements and is not planned or needed to be used for the purposes originally intended.

It is recommended that Council adopt the proposed scheme amendment as final, and forwards the proposed amendment to the Western Australian Planning Commission for final approval.

### **BACKGROUND AND DETAILS**

<b>Suburb/Location:</b>	Lot 671 (178) Camberwarra Drive, Craigie	
<b>Applicant:</b>	City of Joondalup	
<b>Owner:</b>	City of Joondalup	
<b>Zoning:</b>	<b>DPS:</b>	Civic and Cultural (R20)
	<b>MRS:</b>	Urban
<b>Site Area:</b>	2,000.15m <sup>2</sup>	
<b>Structure Plan:</b>	Not applicable	

Lot 671 is currently vacant and has not previously been developed. The site is adjacent to a Medical Centre and is within 100 metres of the Craigie Shopping Centre. The sites surrounding Lot 671 have been developed as single dwelling sites. The site is identified as being located within Housing Opportunity Area 5 of the City's Draft Local Housing Strategy (LHS). The draft LHS does not propose to change the zoning or coding of the site.

At its meeting held on 15 February 2011 (CJ003-02/11 refers), Council resolved in part as follows:

“1 pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate the Amendment to the City of Joondalup District Planning Scheme No 2 to:

1.2 Rezone Lot 671 (178) Camberwarra Drive, Craigie from 'Civic and Cultural' to 'Residential';

for the purpose of public advertising for a period of 42 days.”

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

The issues to be considered by Council include:

- The suitability of the proposed scheme amendment; and
- The public submissions received.

The options available to Council in considering the scheme amendment proposal are:

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

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

#### **Legislation**

##### Residential Design Codes (R-codes)

The R-codes stipulate development standards for residential development, which includes aged or dependent persons' dwellings.

The R-codes define 'aged person' as: 'a person who is aged 55 years or over' and a 'Dependent person' as 'a person with a recognised form of disability requiring special accommodation for independent living or special care.'

##### Planning and Development Act 2005

Part 5 of the Planning and Development Act 2005 enables local governments to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purposes of public advertising at its meeting held on 15 February 2011. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required.



Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (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 the amendment.

### **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:**

The City, as the applicant, is required to cover the costs associated with the scheme amendment process. The total cost to advertise the amendments was \$916 which included placing a notice in the relevant newspapers and erecting signs on the subject site.

### **Regional Significance:**

Not applicable

### **Sustainability implications:**

The proposed amendment would enable residential development on the site which will contribute to the environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure within established suburbs.

The development of medium density housing is considered appropriate given the existing character of the area. The type of dwellings will also provide alternative housing choice within established areas.

### **Consultation:**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 29 June 2011, as follows:

- Letters were sent to 13 nearby landowners and four service authorities;
- A sign was placed on the site;
- A notice was placed in the local and the West Australian newspapers; and
- A notice and documents were placed on the City's website.

Two submissions of non-objection were received from service authorities. The schedule of submissions is provided at Attachment 2.

## COMMENT

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 and the amending documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 **ADOPTS** as final Amendment No 55 to the City of Joondalup District Planning Scheme No. 2 to rezone Lot 671 (178) Camberwarra Drive, Craigie from 'Civic and Cultural' to 'Residential';
- 2 **AUTHORISES** the affixation of the Common Seal and endorses the signing of the amendment documents;
- 3 **NOTES** the submissions received;
- 4 **REFERS** Scheme Amendment No 55 and Council's decision to the Western Australian Planning Commission for determination.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf090811.pdf](#)

## **ITEM 4                    PROPOSED AMENDMENT NO 56 TO DISTRICT PLANNING SCHEME NO 2 – TO RECODE AND REZONE LOT 745 CARIDEAN STREET, HEATHRIDGE – CONSIDERATION FOLLOWING ADVERTISING**

**WARD:**                    North-Central

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

**FILE NUMBER:**        101421, 101515

**ATTACHMENTS:**      Attachment 1            Location plan  
                                 Attachment 2            Amendment 56 submissions  
                                 Attachment 3            Scheme amendment process flowchart

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### **PURPOSE**

The purpose of this Report is for Council to consider submissions received during the public advertising of proposed Amendment 56 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

### **EXECUTIVE SUMMARY**

At its meeting held on 15 February 2011 (CJ003-02/11 refers), Council resolved to initiate public advertising of Scheme Amendment 56 (Lot 745 Caridean Street, Heathridge).

The proposed scheme amendment was advertised for a period of 42 days, closing on 29 June 2011. A total of 24 submissions were received for Amendment 56, comprising 22 objections (including an 11 signature petition) and two non-objections from service authorities.

Many submissions requested that the subject site be retained for community purposes. The decision to retain ownership of the land for community purposes versus progressing the sale of the lot so that it can be developed for residential purposes and aged persons' accommodation is a matter for Council to decide. From a planning point of view, the use of the site for residential purposes is considered appropriate considering the contexts of the site and the fact that the site is currently surplus to the City's requirements and is not planned or needed to be used for the purposes originally intended.

It is recommended that Council adopts the proposed scheme amendments as final, and forwards the proposed amendments to the Western Australian Planning Commission for final approval.

## BACKGROUND AND DETAIL

<b>Suburb/Location:</b>	Lot 745 (103) Caridean Street, Heathridge
<b>Applicant:</b>	City of Joondalup
<b>Owner:</b>	City of Joondalup
<b>Zoning:</b>	<b>DPS:</b> Civic and Cultural (R20)
	<b>MRS:</b> Urban
<b>Site Area:</b>	2,500.87m <sup>2</sup>
<b>Structure Plan:</b>	Not applicable

Lot 745 is a battleaxe shaped lot bounded by the Heathridge Shopping Centre to the east, Admiral Park to the south east, Heathridge Primary School to the south west and residential properties to the north. The site is undeveloped.

At its meeting held on 15 February 2011 (CJ003-02/11 refers), Council resolved in part as follows:

“1 *pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate the Amendment to the City of Joondalup District Planning Scheme No 2 to:*

1.3 *Rezone Lot 745 (103) Caridean Street, Heathridge from ‘Civic and Cultural’ to ‘Residential’ and recode from R20 to R40;*

1.4 *Include Lot 745 (103) Caridean Street, Heathridge in Schedule 2 – Section 2 - Restricted Uses – Aged Persons’ Dwelling;*

*for the purpose of public advertising for a period of 42 days.”*

### Issues and options considered:

The issues to be considered by Council include:

- The suitability of the proposed scheme amendment; and
- The public submissions received.

The options available to Council in considering the scheme amendment proposal are:

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

### Legislation/Strategic Plan/Policy Implications

#### Legislation

##### Residential Design Codes (R-codes)

The R-codes stipulate development standards for residential development, which includes aged or dependent persons’ dwellings.

The R-codes define ‘aged person’ as: ‘a person who is aged 55 years or over’ and a ‘Dependent person’ as ‘a person with a recognised form of disability requiring special accommodation for independent living or special care.’

## Planning and Development Act 2005

Part 5 of the Planning and Development Act 2005 enables local governments to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purposes of public advertising at its meeting held on 15 February 2011. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal environmental review of the amendment was not required.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (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 the amendment.

### **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:**

The City, as the applicant, is required to cover the costs associated with the scheme amendment process. The total cost to advertise the amendments was \$916 which included placing a notice in the relevant newspapers and erecting signs on the subject site.

### **Regional Significance:**

Not applicable.

### **Sustainability implications:**

The proposed amendment would enable residential development on the site which will contribute to the environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure within established suburbs.

The development of medium density housing is considered appropriate given the existing character of the area. The type of dwellings will also provide alternative housing choice within established areas.

**Consultation:**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 29 June 2011, as follows:

- Letters were sent to 11 nearby landowners, including the Department of Education and the Heathridge Primary School, and 4 service authorities;
- A sign was placed on the site;
- A notice was placed in the local and the West Australian newspapers; and
- A notice and documents were placed on the City's website.

A total of 24 submissions were received, comprising 22 objections (including an 11 signature petition) and two non-objections from service authorities.

Issues raised in the submissions were in regard to the future development of the site and the loss of land for use as a car park.

The schedule of submissions is provided at Attachment 2.

**COMMENT**Loss of community purpose land

Many submissions requested that the subject site be retained for community purposes and not sold. This is ultimately a decision for the Council to make, however, from a planning point of view the use of the site for residential purposes is considered appropriate considering the contexts of the site, and the fact that the site is currently surplus to the City's requirements and is not planned or needed to be used for the purposes originally intended.

During the original subdivision and development of the area, the land was ceded by the developer to the City, free of cost. Since this time, the City has not identified the site for any specific community purpose and until now has not received a request for the site to be used by community groups. As such, it is deemed appropriate to provide the opportunity for aged person's dwellings to be developed on the site to benefit the community, rather than leave the land undeveloped.

Suitability of the proposed zoning

Out of 22 objections received, 19 were proforma submissions. One petition with 11 signatures was also received. Comments included that the site is unsuitable for aged persons' accommodation due to noise from the school, such as sirens, and that there is already antisocial behaviour from nearby "high" density houses on the corner of Caridean Street and Admiral Grove, and this will extend the "suburban slums" next door to the primary school. The petition requests that the land not be sold and be developed to benefit of the residents of Heathridge.

Many residential dwellings are located adjacent to school sites, and this is not an inappropriate situation. In the event that the site is developed, the zoning will restrict the development to aged persons' housing and, therefore, comments in regard to the creation of slums are not considered to be justified.

## 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 and the amending documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

- 1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 ADOPTS as final Amendment No 56 to the City of Joondalup District Planning Scheme No 2 to:**
  - 1.1 Rezone Lot 745 (103) Caridean Street, Heathridge from 'Civic and Cultural' to 'Residential' and recode from R20 to R40;**
  - 1.2 Include Lot 745 (103) Caridean Street, Heathridge in Schedule 2 – Section 2 - Restricted Uses – Aged Persons' Dwelling;**
- 2 AUTHORISES the affixation of the Common Seal and endorses the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision;**
- 4 NOTES the petitions received and advises the lead petitioners of Council's decision;**
- 5 REFERS Scheme Amendments No 56 and Council's decision to the Western Australian Planning Commission for determination.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf090811.Pdf](#)

## **ITEM 5                    PROPOSED AMENDMENT NO 62 TO DISTRICT PLANNING SCHEME NO 2 - LOT 39 (14) LENNARD STREET, MARMION**

**WARD:**                    South

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

**FILE NUMBER:**        101734, 101515

**ATTACHMENTS:**      Attachment 1            Location plan  
                                 Attachment 2            Scheme amendment process flowchart  
                                 Attachment 3            Advertising plan  
                                 Attachment 4            Concept plan

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### **PURPOSE**

The purpose of this Report is for Council to consider initiating proposed Amendment No 62 to the District Planning Scheme No 2 (DPS2) for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

A proposal has been received to amend the DPS2 to amend the residential density code applicable to Lot 39 (14) Lennard Street, Marmion from R20 to R40.

The existing development is currently known as 'Sunset Coast Holiday Accommodation and Conference Centre'. The site contains 11 holiday units, function rooms, dining halls and associated facilities, and has been variously used for school camps, accommodation, conferences and the like.

The current R20 code permits four grouped dwellings to be developed. An R40 code would potentially permit the site to be developed for nine grouped dwellings or 14 aged or dependent persons' dwellings.

Whilst the proposed density increase is greater than that of the adjoining existing residential properties, the resultant development is considered to be less intense than the land use currently operating on the site, and also more in line with the 'Residential' zoning of the site.

The proposed amendment is considered to have merit, and it is recommended that Council initiate the proposed scheme amendment for the purpose of public advertising.



## BACKGROUND

<b>Suburb/Location:</b>	Lot 39 (14) Lennard Street, Marmion
<b>Applicant:</b>	TPG
<b>Owners:</b>	Mr Philip George Haughan; Mr Grant Stephen Dorrington; Ms Glenys Marion Dorrington
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Site Area:</b>	2144m <sup>2</sup>
<b>Structure Plan:</b>	Not applicable

The subject site is located on the corner of Lennard Street and Cliff Street, Marmion. Access to the site is currently obtained from Lennard Street. The subject site accommodates 11 short stay units, a conference hall, a dining hall and associated recreational rooms. It appears that two residential lots were amalgamated to enable the development.

The subject site is relatively unique with regard to its current and approved use, being 'Holiday Accommodation and Conference Centre'. Approval was granted prior to the operation of the Wanneroo Town Planning Scheme No 1 (TPS1). The existing use, whilst not permitted within the 'Residential' zone under DPS2, may continue operation (non-conforming use right) as it was approved prior to the operation of TPS1 and DPS2.

As a public building, the conference centre can accommodate up to 100 people on the site.

The applicant advises that the facilities are currently leased by a group for short-term accommodation purposes.

## DETAILS

An application has been received to increase the residential density code of Lot 39 (14) Lennard Street Marmion from R20 to R40. The zoning of the site ('Residential') is not proposed to change.

In support of the proposal, the applicant states:

*"The purpose of the increased residential density on the subject site is to seek its redevelopment with eight strata dwellings in place of the current short term 'Holiday Village' accommodation use that is approved for the land."*

*The subject site is well located to provide for medium density residential development that would take advantage of the high amenity and liveability of the area. Importantly the proposed rezoning would allow for the development of alternative housing types in the locality that meet the needs of less traditional household compositions, including the growing need to allow residents to age in place.*

*The subject site has a number of locational advantages, including close proximity to a neighbourhood activity centre, good public transport availability and proximity to the coast.*

*Given the existing and potential use of the subject site for short stay accommodation purposes, it is also considered that the proposed increase in residential density would facilitate a form of development that is more consistent with surrounding residential land use, and on this basis would not constitute a 'spot' rezoning.*

**Issues and options considered:**

The issues associated with the proposed amendment include:

- The suitability of the proposed residential density.

The options available to Council in considering the scheme amendment proposal are:

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

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

Part 5 of the Planning and Development Act 2005 enables local governments to amend their local planning schemes and sets out the process to be followed (Attachment 2 refers).

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and will resolve to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (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 the amendment.

If Council resolves not to initiate the amendment, there is no right of review to the State Administrative Tribunal by the applicant, however, in exceptional circumstances, the Minister for Planning can direct the Council to initiate the scheme 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:**

The applicant has paid fees of \$4,583 (incl GST) to cover costs associated with assessing the request and document production. Advertising costs are borne by the applicant and are estimated to be \$2,557.

**Regional Significance:**

The short stay accommodation currently operating on site is not considered to significantly contribute to the available tourist accommodation within the City. Whilst the approved use of the site is 'Holiday Accommodation and Conference Centre' the site is currently used to accommodate students during school terms rather than providing tourist accommodation. Additionally, should the current land use cease to operate a new approval could not be granted as short stay accommodation is an 'X' use within the Residential zone. It is the landowners' preference to develop the site for residential purposes which they have the right to apply for without the scheme amendment to increase the density.

**Sustainability implications:**

The proposed amendment would enable 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:**

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. Advertising will be conducted as follows:

- 19 nearby landowners will be notified in writing (Attachment 3 refers);
- A notice will be placed in the Joondalup Community newspaper and West Australian newspaper;
- A sign will be placed on the site; and
- A notice and documents will be placed on City's website.

It is noted that the applicant, as part of the application documents, provided 20 pro-forma letters of no objection to the rezoning proposal from landowners in the vicinity of the subject site.

**COMMENT****Draft Local Housing Strategy**

The adopted draft Local Housing Strategy outlines the areas where an overall increase in residential density may be appropriate in order to potentially allow existing single residential lots the opportunity for an additional dwelling/s.

Although the subject site is not located in a proposed Housing Opportunity Area, the site has unique characteristics in that it is not currently used for residential purposes, though it has the appearance of having many dwellings on it, is larger in size than surrounding lots, and consists of a non-conforming use. It is considered that these characteristics present an opportunity to consider the merits of the proposal.

### Redevelopment potential and suitability of the proposed coding

As identified by the applicant, the site is within close proximity to:

- A bus route;
- Neighbourhood shops; and
- Recreational opportunities; parkland and beach.

Whilst these are positive attributes for the site, this does not in itself justify the proposed increase in density to R40, as much of the City of Joondalup would also meet these criteria. Notwithstanding the above, the proposed recoding has the potential to provide a type of housing (grouped dwellings) at a slightly higher density and on a larger lot than could otherwise be found in the immediate area.

At the current density code of R20, the existing development could be replaced with a maximum of four dwellings, while the proposed recoding to R40 would facilitate the development of up to nine grouped dwellings or up to 14 aged or dependent persons' dwellings utilising the density bonus available to those types of dwellings. The applicant, however, has provided an indicative sketch showing eight grouped dwellings on the site, with vehicle access from Lennard Street (Attachment 4).

Although not directly comparable, it could be considered that the proposed R40 coding would allow development that is a less intensive use than the existing 11 holiday units and conference centre on the site where up to 100 people can be accommodated.

It is noted that the development of 11 units, similar to that currently on site, would represent a density code of R50, being an average lot size of 160sqm. The applicant is seeking a development scenario which is greater than the current R20 coding, however is less than the density the existing development (if considered as dwellings) would represent.

### Traffic Impacts

In the event that the site is recoded to R40, it is likely that a traffic impact assessment will be required to be carried out to identify any potential traffic issues based on the proposed number of dwellings.

Notwithstanding this, a more consistent flow of traffic from standard vehicular movements to and from the site is likely to be preferable to increased traffic during holiday periods or when functions are being held on the site. The traffic generated as a result of the future residential development is not considered to be greater than the traffic that could already be experienced in the area as a result of the existing holiday village and conference centre.

### Conclusion

Given the unique characteristics of the site, it is considered that there is merit in the proposed recoding of the site to R40. Therefore, it is recommended that the proposed scheme amendment be initiated for the purpose of public advertising.

## **VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council, pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No. 62 to the City of Joondalup District Planning Scheme No 2 to amend the residential density code for Lot 39 (14) Lennard Street, Marmion from R20 to R40, for the purposes of public advertising for a period of 42 days.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf090811.pdf](#)*

## **ITEM 6                      RESIDENTIAL DESIGN CODES REVIEW - INVITATION TO COMMENT**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development	
<b>FILE NUMBER:</b>	09886, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	Submission on the review of the Residential Design Codes

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### **PURPOSE**

To inform Council of a consultation paper released for public comment by the Department of Planning relating to a review of the Residential Design Codes of Western Australia (R-Codes), and seek endorsement of a draft submission on the proposal.

### **EXECUTIVE SUMMARY**

In June 2011, the Department of Planning released a consultation paper for public comment on the review of the R-Codes.

Comment is sought on a number of specific changes to the provisions of the R-Codes, as well as on some more generic changes to the document.

Whilst the objectives for the review of the R-Codes are generally supported, it is considered that the draft document does not fully achieve these objectives and that, in a number of instances, further consideration may be necessary.

A draft submission has been prepared for Council's consideration and endorsement.

### **BACKGROUND**

All residential development in Western Australia is largely controlled through the application of State Planning Policy (SPP) 3.1 - the R-Codes.

The most recent version of the R-Codes was gazetted in April 2008. Subsequent feedback to the Department of Planning has indicated that a number of changes made to the R-Codes to improve clarity of meaning and ease of understanding and application have been unsuccessful.

This review of the R-Codes has already involved early engagement with stakeholders, operators in the industry and government in order to bring together issues for consideration.

The final outcome of the consultation process will be a revised R-Code.

## DETAILS

The consultation paper states that the objective of the review of the R-Codes is to examine the effectiveness and continued relevance of aspects of the R-Codes; in particular:

- 1 to assess the success in achieving the objectives listed in the Part 1 of State Planning Policy 3.1 – Residential Design Codes (Variation 1);
- 2 to assess the relevancy of the existing provisions and whether there is a need to vary or modify them in light of:
  - 2.1 experience gained through their application; and
  - 2.2 all relevant legislative and policy changes that have taken place since their gazettal.
- 3 to assess the effectiveness of the explanatory guidelines and any opportunities to improve the guidance to local governments and others involved in the development of residential land; and
- 4 to assess the need to include additional provisions to address the issues identified by the Western Australian Planning Commission (WAPC) as requiring further consideration as well as any other emerging trends and issues.

The Department of Planning is seeking feedback on the revised R-Codes document and consultation paper, and in particular, the following:

- 1 Terminology changes and additional clarification on how to use the provisions.

The main change in this regard is reference to the two options set out in the Codes – ie. Acceptable Development is now called Deemed to Comply, and Performance Criteria are now Design Solutions. The change is intended to clarify the manner in which the Codes are meant to be used – ie. the Deemed to Comply provisions are just one way of achieving the objective and Design Solutions are any other acceptable way of achieving the objective.

- 2 Clarification on when neighbour consultation should be undertaken.

The draft Codes indicate that less consultation should occur, and that when it is undertaken it is only because it is required by the Scheme or delegation instrument, or the City is unable to ascertain what the impact on a neighbour will be by the design solution proposed. Consultation should not be undertaken when a proposed development meets all Deemed to Comply provisions.

- 3 Possible removal of subdivision controls and more appropriate location within the planning policy framework.

The Department of Planning is simply seeking comments on whether or not this is a good idea – the provisions are still shown in the draft Codes. The thinking behind this is that subdivision is also controlled through other WAPC policy, and that the Codes are intended to be primarily for development control rather than subdivision control.

#### 4 R-Codes vs Lot Sizes

This potential change would only occur if the subdivision controls were to be removed from the Codes. It relates to an idea that certain aspects of a development would be assessed based on the size of a property, rather than its density coding.

#### 5 Use and format of Detailed Area Plans.

The proposal seeks to rename these to Area Specific Plans due to confusion that will otherwise be generated through various DAP acronym. The City does not currently have any Detailed Area Plans and as such is unlikely to be impacted by any changes to these.

#### 6 Use, format, and accessibility of Local Planning Policies (LPPs).

The amended R-Codes are looking to have LPPs displayed in the Codes binder at Local Governments for easy access, and for these to be located on the website in the same place as other development information. A generic format for policy development is also proposed. A specific table of which provisions of the R-Codes may be varied by policy is included in the draft and there is an emphasis on Local Governments not having unnecessary planning policies to vary the Codes provisions, except where area specific circumstances may warrant this.

#### 7 Changes to the provisions, in particular, those relating to overshadowing, privacy, ancillary accommodation and minimum parking requirements.

Changes here include:

- The need to only provide one parking bay per dwelling unit within 400m of a train station (rather than two) or within 250m of a high frequency bus stop.
- Ancillary accommodation being renamed Supplementary Accommodation, allowing a Deemed to Comply standard of up to 70m<sup>2</sup> instead of 60m<sup>2</sup>, and removing the restriction for this to be used by a family member.
- The Deemed to Comply standard for a boundary wall on R20 and R25 coded lots being increased to 12m in length with a maximum height of 3.5m and average height of 3.0m. Presently the standard permits a boundary wall to 9m in length with a maximum height of 3.0m and average height of 2.7m.

Copies of the consultation paper and revised R-Codes are provided in the Councillors' reading room due to the size of the document. These can also be downloaded from the Department of Planning's website at [www.planning.wa.gov.au](http://www.planning.wa.gov.au).

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

Council has the option to:

- Endorse the submission on the R-Codes Review Consultation Paper and forward the submission to the Department of Planning; or
- Modify the submission, and forward the submission to the Department of Planning; or
- Not provide a submission to the Department of Planning.



**Legislation/Strategic Plan/Policy Implications**

**Legislation** District Planning Scheme No. 2 (DPS2)

Clause 4.2 of DPS2 requires that except where otherwise provided for in the Scheme, the development of land for any of the Residential Purposes dealt with by the R-Codes shall conform to the provisions of those Codes.

It is proposed to amend State Planning Policy 3.1 – the R-Codes. The updated R-Codes will continue to have effect under DPS2.

**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.

**Key Focus Area:** The Built Environment

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

**Policy** Not applicable

**Risk Management considerations:**

Staff will require training in the utilisation of the new R-Codes when they come into effect to ensure they are correctly and consistently applied.

As is presently the case, applicants will have a right of review against any decision of the City made under the new R-codes, in accordance with the Planning and Development Act 2005 and the State Administrative Tribunal Act 2004.

**Financial/Budget Implications:**

Not applicable

**Regional Significance:**

The R-Codes set qualitative standards for acceptable housing development throughout Western Australia. The provisions of the R-Codes assist in shaping the built form of residential development.

**Sustainability Implications:**

The consultation paper discusses Ecologically Sustainable Design (ESD) issues, and sets out that 'it is considered that matters covered in other legislation should not be duplicated in the Codes, as such, no significant additional control is proposed by the revised Codes.'

**Consultation:**

The Department of Planning is undertaking a consultation period of approximately two months in regard to the Draft R-Codes.

The closing date for submissions is 31 August 2011.

**COMMENT**

A draft submission on the consultation paper and draft R-Codes document has been prepared and is included as Attachment 1 to this report.

The main points addressed in the submission are outlined below. A number of technical and operational issues are also identified in the full submission.

- 1 Terminology changes and additional clarification on how to use the provisions.
  - The City does not object to the proposed changes to terminology such as 'deemed to comply' and 'design solutions'.
- 2 Possible removal of subdivision controls and more appropriate location within the planning policy framework.
  - The City is concerned that these elements should not be considered in isolation given that dwelling design can impact on lot configuration and vice versa.
  - Notwithstanding the above comment, the City does not object to the proposed change provided there is some onus for both documents to be considered where necessary.
- 3 R-Codes vs Lot Sizes.
  - The proposed change appears unnecessary, and is likely to complicate the assessment process.
  - The proposed change could penalise those who have specifically purchased a larger property within an area.
  - It is not completely clear how this would apply to sites capable of accommodating two or more grouped dwellings – would this be based on total lot size or the size of the lots indicated on plans?
- 4 Use and format of Detailed Area Plans.
  - The City does not have any Detailed Area Plans and as such is unlikely to be immediately impacted by the proposed changes.
- 5 Use, format, and accessibility of Local Planning Policies (LPPs).
  - The City supports the approach that Planning Policies should only be put in place to deal with specific circumstances, and to assist in the delivery of good outcomes that may not otherwise be achieved through the application of the R-Codes.
  - A template for the development of Local Planning Policies is viewed as a positive step as it will remove inconsistencies between Local Governments and provide guidance on the appropriate form and content of these documents.

6 Changes to the provisions, in particular those relating to overshadowing, privacy, ancillary accommodation and minimum parking requirements.

- Due to the level of detail provided in relation to these technical changes to the R-codes, reference should be made to Attachment 1.

It is recommended that Council endorse the draft submission on the R-Codes review and consultation paper, as provided in Attachment 1, and that the City forwards this submission to the Department of Planning.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That Council:**

1. **ENDORSES** the submission from the City of Joondalup on the Residential Design Codes Review Consultation Paper, as outlined in Attachment 1 to this Report, and **FORWARDS** the submission to the Department of Planning.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf090811.pdf](#)

## **ITEM 7                    MINUTES OF THE JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY STEERING COMMITTEE MEETING HELD ON 26 JULY 2011**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER:</b>	07019, 101515
<b>ATTACHMENTS:</b>	Attachment 1            Minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee Meeting Held on 26 July 2011

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### **PURPOSE**

To submit the minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee (JPACF) for noting and request Council's consideration of the appointment of Deputy Members for three of the representative organisations.

### **EXECUTIVE SUMMARY**

At its meeting held on 26 July 2011, the Joondalup Performing Arts and Cultural Facility Steering Committee considered the following matter:

Item 1            Joondalup Performing Arts and Cultural Facility Steering Committee – Appointment of Deputy Members.

At its meeting held on 22 June 2010 (CJ103-06/10 refers), Council endorsed the Project Philosophy and Parameters and the formation of a Steering Committee for the Joondalup Performing Arts and Cultural Facility (JPACF). Further, Council endorsed the Terms of Reference for the Steering Committee at its meeting held on 21 September 2010 (CJ150-09/10 refers):

The endorsed Terms of Reference for the JPACF Steering Committee are:

- To provide advice and make recommendations to Council on:
  - The architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;
  - The core components to be included in the Joondalup Performing Arts and Cultural Facility;
  - The capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility;
  - The options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.
  - The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks.

## DETAILS

The Motion carried at the Joondalup Performing Arts and Cultural Facility Steering meeting is set out below, together with officer's comments.

### **Item 1 Joondalup Performing Arts and Cultural Facility Steering Committee – Appointment of Deputy Members.**

The following motion was carried:

*“That the Committee RECOMMENDS that Council CONSIDERS the appointment of deputy members to the Joondalup Performing Arts and Cultural Facility Steering Committee for the following representative organisations:*

- 1 *Edith Cowan University;*
- 2 *Western Australian Police Academy;*
- 3 *West Coast Institute of Training.”*

#### Officer's Comment

If Council endorses the appointment of Deputy Members for the three representative organisations, nominations for Deputy Members for Edith Cowan University, Western Australian Police Academy and West Coast Institute of Training will be determined at a future meeting of the Joondalup Performing Arts and Cultural Facility Steering Committee.

## REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

The Chief Executive Officer stated that a further meeting of the Joondalup Performing Arts and Cultural Facility Steering Committee was required to be held prior to the upcoming local government elections in October 2011.

He advised that at this stage a tentative date for a possible meeting had been set for Thursday, 15 September 2011, but that Committee Members would be notified under separate cover.

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

**Legislation**                    The Local Government Act 1995  
                                          The Local Government (Administration) Regulations 1996  
                                          The City of Joondalup Standing Orders Local Law 1995

**Policy**                            Council Policy – Code of Conduct

### **Risk Management considerations:**

Not Applicable.

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

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Not Applicable.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 NOTES the unconfirmed minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee meeting held on 26 July 2011, forming Attachment 1 to this Report;**
- 2 CONSIDERS the appointment of deputy members to the Joondalup Performing Arts and Cultural Facility Steering Committee for the following representative organisations:**
  - 2.1 Edith Cowan University;**
  - 2.2 Western Australian Police Academy;**
  - 2.3 West Coast Institute of Training.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf090811.pdf](#)

## **ITEM 8                      EXECUTION OF DOCUMENTS**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	15876, 101515
<b>ATTACHMENTS:</b>	Attachment 1              Documents executed by affixing the Common Seal

### **PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 31 May 2011 to 26 July 2011 (Attachment 1 refers).

### **EXECUTIVE SUMMARY**

The City of Joondalup enters into 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.

### **DETAILS**

During the period 31 May 2011 to 26 July 2011, six documents were executed by affixing the Common Seal. A summary is provided below:

<b>Type</b>	<b>Number</b>
Section 70A Notifications	4
Agreement	1
Deed – Grant of Easement	1

Details of these documents are provided in Attachment 1 to this report.

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

Not Applicable.

### **COMMENT**

The documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information (Attachment 1 refers).

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 31 May 2011 to 26 July 2011 executed by means of affixing the Common Seal as detailed in Attachment 1 to this Report.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf900811.pdf](#)*



## ITEM 9 MINUTES OF EXTERNAL COMMITTEES

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

**FILE NUMBER:** 03149, 101515

**ATTACHMENTS:** Attachment 1 Minutes of the Ordinary Meeting of the Mindarie Regional Council held on 7 July 2011.

*(Please Note: These minutes are only available electronically)*

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### PURPOSE

To submit minutes of external committees to Council for information.

### EXECUTIVE SUMMARY

The following minutes are provided:

- Ordinary Meeting of the Mindarie Regional Council held on 7 July 2011.

### DETAILS

#### **Mindarie Regional Council Ordinary Council Meeting – 7 July 2011**

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 7 July 2011.

The Council's representatives on the MRC are Cr Fishwick (Chair) and Cr Hollywood.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the MRC Ordinary Council meeting:

#### **8.1.3 BUSINESS REPORT (for the period 26 March 2011 – 10 June 2011)**

It was resolved by the MRC as follows:

*“That Council:*

- (i) receive this progress report for the period 26 March 2011 – 10 June 2011 against Annual Business Plan 2010/2011;*
- (ii) approve the approach for the review of MRCs Strategic Plan at Attachment Four to this Item.”*

#### **8.1.4 RESOURCE RECOVERY FACILITY UPDATE REPORT (for the period 1 April 2011 – 31 May 2011)**

It was resolved by the MRC as follows:

*“That Council:*

- (i) note the RRF update report for the period 1 April 2011 to 31 May 2011;*
- (ii) note the following operational aspects associated with the RRF that are currently being dealt with:*
  - composter long-term repairs;*
  - composter crack insurance claims (MRC and BV);*
  - SITA ongoing investigation of accepting rear lift vehicles;*
  - SITA problems associated with disposal of ferrous metal;*
  - RRF Project Insurance renewal process and cost; and*
  - vehicle wash down facility.”*

#### **8.1.7 CITY OF STIRLING CITY OF STIRLING REQUEST FOR EXEMPTION - WASTE DISPOSAL**

It was resolved by the MRC as follows:

*“That Council:*

- (i) authorise an exemption to City of Stirling for disposal of all waste to MRC facilities for the period commencing on 1 July 2011 and ending on 31 December 2011 subject to, and conditional upon the City of Stirling paying the MRC’s fee and charges applicable to casual and commercial users (and not the Member’s Gate Fee) for the disposal of any waste delivered to the MRC by the City of Stirling;*
- (ii) reconsider this matter prior to 31 December 2011 in the event that the withdrawal of City of Stirling from MRC has not been completed.”*

#### **8.1.8 BUDGET PLANNING FINANCIAL YEAR 2011/2012**

It was resolved by the MRC as follows:

*“That Council:*

- (i) adopt the Budget for the Mindarie Regional Council for Financial Year 2011/2012;*
- (ii) endorse the on-going strategy of deferred payment of operational surplus, as approved by Council at its August 2005 meeting, for the Financial Year 2005/2006 and future years to meet its on-going capital requirement;*
- (iii) approve the use of an on-going overdraft facility of \$1 million to manage cashflow ‘short falls’ during Financial Year 2011/2012 and future years;*
- (iv) approve the Capital Budget Program of \$15.841 million for 2011/2012 as follows:*

**New Capital Expenditure**

• Plant and Vehicles	191,000
• Machinery and Equipment	85,000
• Furniture and Fittings	10,000
• Computing Equipment	85,500
• Infrastructure (Leachate System)	10,000
• Landfill Stage 2 Phase 3 Development	2,000,000
• Landfill Gas Infrastructure	15,000
• Resource Recovery Facility	650,000
<b>Sub Total</b>	<b>\$3,046,500</b>

**Capital Expenditure Brought Forward**

• Computing Equipment	3,000
• Building	86,200
• Land (New Landfill)	12,000,000
• Infrastructure	704,800
<b>Sub Total</b>	<b>\$12,794,000</b>

**TOTAL** **\$15,840,500**

(v) *approve the carry forward of the following operating budget to 2011/2012:*

- *Computer Software Acquisition –SQL Development Reporting 15,000;*
- *Computer Software Acquisition HR Module Development and Implementation 30,000;*
- *Bushland Management 51,000;*
- *Waste Management Education – Bus Subsidy 3,500;*
- *Waste Management Education – Build E-news Database 2,500;*
- *Waste Management Education – Battery Program 4,800;*
- *RRF Computer Maintenance – Setup Cost for Communication Tower 2,300;*

(vi) *note that \$1.1 million will be transferred from the Operating Surplus to the Reserve for Capital Expenditure as approved by Council at the 30May 2011 Special Council Meeting;*

(vii) *approve a further \$2.3 million loan to fully fund the \$8.9 million Phase 3 landfill cell development expenditure from a dedicated loan (\$6.6 million has been approved by the Council in 2008/2009;)*

(viii) *approve the following transfers from respective Reserves:*

- *Transfer \$1.065 million from the Reserve for RRF Operating Requirements to cover MRC's cost associated with the repairs of the damaged composters;*
- *Transfer \$1.057 million from the Reserve for Capital Expenditure to cover the 2011/2012 Capital Expenditure program excluding purchase of land, Phase 3 landfill cell development and the other carry forward items.*

### **8.1.9 MRC CEO ISSUES**

It was resolved by the MRC as follows:

*"That Council:*

- (i) *appoint a CEO Recruitment Committee comprising Chair, Deputy Chair, Councillor Bissett and Councillor Farrell;*
- (ii) *authorise CEO Recruitment Committee to undertake action as follows:*
  - *Recommend for appointment of Acting CEO, if timing requires this.*
  - *Development of procurement document for invitation of proposals from recruitment providers.*
  - *Selection of recruitment provider.*
  - *Management of this recruitment provider.*
  - *Provision, for Council consideration, of a report on this project, including a recommendation for appointment of permanent CEO MRC."*

### **8.3.1 RESOURCE RECOVERY FACILITY – Waste Diversion Target, RRFA Amendment, Standstill Deed**

The Council received a briefing from Mr Ian Watkins.

It was resolved by the MRC as follows:

*"That Council:*

- (i) *approve the amended Waste Diversion Target to be set at 51.33%;*
- (ii) *by absolute majority authorise the MRC Administration to make the retrospective catch-up payment of \$1,121,379.26 (excl GST). The payment being subject to BioVision agreeing to change the RRFA to allow the MRC to request future changes to the Waste Diversion Target;*
- (iii) *approve the Second Standstill Deed as at Attachment Three to this Item, subject to ANZ Bank prior sign off thereof on condition that BioVision and ANZ agree to a change to the RRFA to allow the MRC to request a change to the Waste Diversion Target;*
- (iv) *authorise the MRC Chairperson and the MRC CEO to sign the Second Standstill Deed, subject to ANZ Bank prior sign off thereof;*
- (v) *note that the MRC Administration is in the process of finalising a suite of minor contractual amendments to the RRFA which, once provisionally agreed to with BioVision, will be presented to Council for approval at a future meeting."*

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the minutes of the Ordinary Meeting of the Mindarie Regional Council held on 7 July 2011 forming Attachment 1 to this Report.**

*To access this attachment on electronic document, click here: [externalminutes090811.pdf](#)*

## **ITEM 10 TAMALA CONSERVATION PARK - COMMENT ON COMMUNITY ADVISORY COMMITTEE REPORT (DRAFT ESTABLISHMENT PLAN)**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Governance and Strategy
<b>FILE NUMBER:</b>	58582, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Tamala Park Coastal Reserve Community Advisory Committee Report (Draft Establishment Plan)

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### **PURPOSE**

For Council to consider the recommendations contained within the *Tamala Park Coastal Reserve Community Advisory Committee Report*, which acts as a *Draft Establishment Plan* to re-establish the Tamala Park Coastal Reserve as a Conservation Park.

### **EXECUTIVE SUMMARY**

The Council is represented on the Tamala Park Reserve Coastal Advisory Committee (CAC); an informal Department of Planning working group created to assist in the development of an Establishment Plan for the Parks and Recreational Land at Mindarie.

A Draft Establishment Plan (DEP) was recently developed by the CAC and released for public comment as a Committee Report. The recommendations within the DEP cover issues pertaining to the funding and management of a proposed new shared path, management tenure of the park, conservation and heritage values, aboriginal heritage, unauthorised vehicle access and naming of the new park.

The Council has previously resolved positions relating to the ongoing management of City-owned portions of land within the proposed reserve area and funding contributions to the design and construction of a new shared path between Burns Beach and Mindarie (CJ165-07/09 and CJ044-03/11 refer). There are no identified inconsistencies between the recommendations contained within the DEP and Council's previously endorsed positions.

In order to progress the undertaking of environmental surveys and planning studies to inform the development of a Draft Management Plan for the area, it is requested that Council considers the recommendations contained within the DEP and, if in support of the direction provided by the CAC, resolves the following:

*It is recommended that Council:*

- 1 *NOTES its position regarding the construction of a shared path from Burns Beach to Mindarie (CJ044-03/11 refers), which includes a \$50,000 (excluding GST) contribution from the City of Joondalup in 2011/12 towards the cost of a detailed study (managed by the Department of Planning) to determine the most appropriate alignment of a proposed coastal shared path, that provides universal access with minimum environmental impact, within the Tamala Park Coastal Reserve, between Burns Beach and Mindarie;*
- 2 *SUPPORTS the position of the Tamala Park Reserve Coastal Advisory Committee that the Department of Environment and Conservation should be responsible for managing the area vested in the Conservation Commission of Western Australia as a conservation park;*
- 3 *SUPPORTS further investigation into the establishment of a fenced hard-stand public access road and associated infrastructure and facilities off Long Beach Promenade and agrees, in principle, to prohibiting vehicular access beyond the hard-stand area, other than for management purposes;*
- 4 *SUPPORTS the undertaking and full funding of comprehensive weed mapping and flora and fauna surveys by the Department of Environment and Conservation to inform the development of a Management Plan for the proposed Tamala Conservation Park area;*
- 5 *SUPPORTS the undertaking and full funding by the Department of Environment and Conservation of a planning study as part of the development of a Management Plan, which considers issues and actions to maintain and enhance the east-west ecological and open space link from the coast through Tamala park to Neerabup National Park;*
- 6 *SUPPORTS the incorporation of recommendations from the Western Australian Planning Commission's Aboriginal Heritage Survey into the Department of Environment and Conservation's Management Plan; and*
- 7 *PROVIDES in principle support for the purchase and installation of appropriate fencing around the perimeter of the proposed Tamala Conservation Park area to minimise and prevent unauthorised vehicle access, but provides no commitment to contribute funds towards this action in the future.*

## **BACKGROUND**

<b>Suburb/Location:</b>	Burns Beach Reserve Numbers 38526 and 47831
<b>Applicant:</b>	Not Applicable.
<b>Owner:</b>	Crown, City of Joondalup Management Order (2000 and 2004 respectively, originally gazetted 1984 and 1930 respectively).
<b>Zoning:</b>	<b>DPS:</b> Parks and Recreation <b>MRS:</b> Parks and Recreation (Bush Forever)
<b>Site Area:</b>	Not Applicable.
<b>Structure Plan:</b>	Not Applicable.

Council is represented on the CAC by Elected Members and Officers; an informal Department of Planning working group created to develop an Establishment Plan for the Parks and Recreation Land at Mindarie.

The Council has given consideration, on several occasions, to matters relating to the proposed management arrangements of the Tamala Park Coastal Reserve and the funding and location of a proposed shared path from Burns Beach to Mindarie (CJ244-11/08, CJ165-07/09 and CJ044-03/11 refer). In summary, the relevant decisions made by Council have so far included:

- 1 In principle agreement for the City to maintain the foreshore (Reserve 47831) in accordance with its current Management Order. The agreement is conditional upon the State Government bearing the costs of the construction and maintenance of the proposed shared path from Burns Beach to Mindarie and confirmation that the path route will not be contained within Reserve 47831 (CJ165-07/09 refers).
- 2 No commitment or support for the City maintaining Reserve 38526 (a 47816m<sup>2</sup> parcel of Crown land at the northern border of Burns Beach that the City has a Management Order over) and a request that the land be divested from the City of Joondalup (CJ165-07/09 refers).
- 3 Inclusion in the 2011/12 Budget of \$50,000 (excluding GST) towards the cost of a detailed study (managed by the Department of Planning) to determine the most appropriate alignment of the proposed shared path from Burns Beach to Mindarie, which provides universal access and minimum environmental impact and to request that Tamala Park Regional Council be asked to consider contributing to the cost (CJ044-03/11 and CJ115-06/11 refer).
- 4 Authorising the Chief Executive Officer to endorse the scope of the detailed study for the proposed shared path on behalf of the City of Joondalup, prior to the study commencing (CJ044-03/11 refers).

As previously advised, the CAC recommended at its 15 November 2009 meeting that the proposed shared path should be constructed as close to the shoreline as possible within environmental and topographical constraints and cognisant of the stated positions of the Cities of Joondalup and Wanneroo. (Namely, that the path route will not encroach on foreshore areas managed and maintained by the Cities of Joondalup and Wanneroo).

Council recently committed \$50,000 (excluding GST) within its 2011/12 Budget to contribute towards the cost of a detailed study to determine the appropriate alignment of a proposed shared path from Burns Beach to Mindarie. A request to the Tamala Park Regional Council (TPRC) to contribute towards funding the project has yet to be formally considered by the TPRC, although possible contributions towards the design and construction of east/west hard-stand connections may be considered by the TPRC. Confirmation of funding contributions from the Cities of Joondalup and Wanneroo and WA Planning Commission (WAPC) were provided at the CAC meeting on 21 March 2011, in which \$50,000 (excluding GST) from each party has been committed for completion of a detailed path location study.

## **DETAILS**

At its meeting held on 21 March 2011, the CAC finalised the proposed content and recommendations of the DEP, which was released for public comment by the Department of Planning as a Committee Report on 18 July 2011.



The DEP (provided at Attachment 1), seeks to achieve the following:

- 1 Define the areas to be included within the proposed Tamala Conservation Park, including any potential future additions that may be required to create an east-west bushland corridor. (Aerial map of proposed Park area provided on page 18 within Attachment 1, which includes divesting inland areas of land currently managed by the Cities of Joondalup and Wanneroo to the Department of Environment and Conservation (DEC)).
- 2 Briefly describe the environmental and geophysical values of the Park and make recommendations for further essential flora and fauna studies.
- 3 Suggest options for tenure and associated management responsibility of the Park based on environmental and recreational priorities and goals.
- 4 Addresses issues of the interface of the proposed Park with the urban developments to the north and south and associated public access for recreational purposes.
- 5 Acknowledges the need to identify and describe any Aboriginal heritage issues associated with the area.
- 6 Seek public comment on the proposed arrangements for the Park.

Background information on the issues listed above are provided in the first three sections of the DEP, while the last section provides a summary of the issues and corresponding recommendations developed by the CAC, which it now seeks public comment on.

The issue summaries and recommendations pertaining to the establishment of a conservation park within the Tamala Park Coastal Reserve are provided below:

#### Land vesting arrangements/shared path

Whilst the Cities of Joondalup and Wanneroo have made their continued management of the foreshore areas contingent upon State Government funding and management of the proposed shared path from Burns Beach to Mindarie, the WAPC had stated that it can only contribute to funding for projects on land that it owns or manages. (Sections of the dunal area are still managed by the Cities of Joondalup and Wanneroo where the path route is likely to follow, therefore contributions to the detailed study, prior to divesting these lands, is required).

Sources of funding from the State Government are identified in the development of the Management Plan for the proposed Park, which is still subject to budget approval processes.

It is agreed that any part of the subject area that is not managed by the Cities of Joondalup or Wanneroo will be managed by the DEC, primarily for conservation purposes.

#### *Recommendation:*

- 1 *That as a matter of priority, the City of Wanneroo, the City of Joondalup and the WA Planning Commission considers jointly funding appropriate studies for a shared path from Burns Beach to Mindarie.*

### Management tenure

The DEC has stated that it will manage the area vested to the Conservation Commission of Western Australia as a conservation park.

It is agreed that planning should also be undertaken to identify a public recreational swimming area off Long Beach Promenade and should include a hard-stand access road, public parking, toilets and potential surf lifesaving facilities.

#### *Recommendations:*

- 2 *The Community Advisory Committee endorses the proposal by the Department of Environment and Conservation to manage the area to be under its responsibility as a conservation park.*
- 3 *That a fenced hard-stand public road access with appropriately located facilities such as car parking, toilets and potential surf lifesaving facilities, be the subject of further investigation. There should be no vehicular access beyond the hard-stand area other than for management purposes.*

### Conservation and heritage values

The area has very high environmental and geophysical values that require appropriate protection and management.

The CAC acknowledges the importance of the ecological linkages of the proposed park with other conservation areas further inland.

#### *Recommendations:*

- 4 *That funding for comprehensive weed mapping and flora and fauna surveys be provided as a matter of priority for interim management of the area.*
- 5 *That a planning study be undertaken as part of the development of the Department of Environment and Conservation's Management Plan to consider issues and identify action to maintain and enhance the east-west ecological and open space link from the coast through Tamala Park to Neerabup National Park.*

### Aboriginal heritage

An ethnographic and archaeological survey of the area has been commissioned by the WAPC and certain recommendations have been made.

#### *Recommendation:*

- 6 *That the findings and recommendations of the Aboriginal Heritage Survey of the subject area commissioned by the WA Planning Commission be incorporated into the Management Plan to be prepared by the Department of Environment and Conservation.*

Unauthorised vehicle access

A matter of some concern has been the intrusion of vehicles into the area, with associated rubbish dumping, the spreading of weeds and damage to vegetation.

*Recommendation:*

- 7 *That the perimeter of the proposed park be appropriately secured to minimise/prevent unauthorised vehicle access to the area.*

Naming the park

Tamala Conservation Park is an interim name adopted by the Committee for the development of the Establishment Plan.

*Recommendation:*

- 8 *That members of the public be invited to submit suggestions for naming the park to the CAC as a part of the public comment process.*

**Issues and options considered:**

Comments against each of the proposed recommendations by CAC within the DEP are provided below:

CAC Recommendation	Officer Comment
1 - Land vesting arrangements/ shared path	<p>The CAC recommendation supports Council's current position that joint funding of a detailed study into the appropriate alignment of a shared path from Burns Beach to Mindarie should be provided by relevant stakeholders.</p> <p>The Council's request that the path route does not encroach on foreshore areas it manages has been acknowledged within the DEP report and will be taken into consideration by the appointed consultant.</p> <p>It is acknowledged that the TPRC has yet to formally consider contributing to the funding of this project. In light of equal financial commitments from the Cities of Joondalup and Wanneroo and the WAPC, this should not be an issue in undertaking a successful detailed study.</p>
2 and 3 – Management tenure	<p>Recommendation 2 supports Council's current position that DEC should be responsible for the ongoing management of the proposed Park.</p> <p>Whilst the recommendation does not stipulate the divesting of land from the Cities of Joondalup and Wanneroo to DEC, the proposed land tenure and management map within the DEP displays this outcome.</p> <p>Recommendation 3 mainly has implications for the City of Wanneroo, however, the City supports the intent of increasing public swimming locations north of Burns Beach.</p>

CAC Recommendation	Officer Comment
4 and 5 – Conservation and heritage values	<p>Recommendation 4 is supported by the City in that it reflects Council's concerns with regard to maintaining as much as possible, the high environmental value of the proposed Park area.</p> <p>It is recommended, however, that any resolution provided by the Council in response to Recommendation 4 confirms that the funding of the surveys should be borne by the State Government in the development of a Management Plan for the proposed Park.</p> <p>Recommendation 5 is also supported in that it reflects the enhancement of ecological links within the area, however, it should again be confirmed within any Council resolutions that the funding of a planning study should be borne by the State Government.</p>
6 – Aboriginal heritage	<p>The Council has not previously considered matters relating to potential Aboriginal heritage sites within the area, however, supporting Recommendation 6 is considered to be an appropriate and valuable issue to incorporate within the development of a Management Plan.</p>
7 – Unauthorised vehicle access	<p>Again, the Council has not previously considered matters relating to the management of unauthorised vehicle access within the area, however, Recommendation 7 should be supported on the basis that it is congruent with Council's position that environmental impacts should be minimised as much as possible.</p> <p>It is recommended that Council resolves to provide in principle support for the installation of appropriate fencing around the perimeter of the proposed Park and confirm that it will not contribute financially to purchase and installation of the fencing.</p>
8 – Naming of the Park	<p>The City sees no issue with recommending the public to suggest names for proposed Park, however, it is not considered necessary for Council to resolve its support for this recommendation.</p>

### Options

Council can choose to either support, reject or provide further comment with regard to each of the recommendations contained within the CAC's DEP.

In light of the comments provided in the table above, it is recommended that Council supports CAC's recommendations 1-7, with clarifying statements in relation to undecided funding arrangements for further studies and infrastructure installation in areas that border land managed by the City of Joondalup.

## Legislation/Strategic Plan/Policy Implications

**Legislation** The creation of Management Orders for Crown Land is in accordance with the Land Administration Act 1997 and Transfer of Land Act 1893.

### Strategic Plan

**Key Focus Area:** The Natural Environment

**Objective:** Objective 2.2 to engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Strategy 2.23 the City undertakes actions to protect and rehabilitate its natural bushland and coastal environment and works closely with Friends and local environmental groups to achieve these outcomes.

**Policy** Not Applicable.

### Risk Management considerations:

The Council has given its commitment to the CAC through its representation on the Committee. As such, it is important that Council provides public support for the continued establishment of a conservation park within the Tamala Park Coastal Reserve area and ensures that sufficient comment into the finalisation of the Establishment Plan is provided.

### Financial/Budget Implications:

Whilst the City has committed \$50,000 (excluding GST) within its 2011/12 Budget as a contribution for a detailed study on the appropriate alignment of a proposed shared path, it must still be aware of any potential financial implications that may be imposed in the future.

Clarifying the Council's position in relation to the funding of proposed studies and infrastructure in the future should therefore be provided to ensure that it is clear that Council does not support further financial contributions to the establishment of the conservation park.

<b>Account No:</b>	210.A5101.3265.0000
<b>Budget Item:</b>	Consultancy
<b>Budget Amount:</b>	\$50,000
<b>Amount Spent To Date:</b>	\$0
<b>Proposed Cost:</b>	\$50,000
<b>Balance:</b>	\$50,000

All figures quoted in this report are exclusive of GST.

### Regional Significance:

The proposed outcome of the work conducted by the CAC is a conservation park that will have regional value for the Cities of Joondalup and Wanneroo and the broader community.

The construction of a shared path through this area will provide increased connectivity along the coastline between the two Cities, as well as greater passive movement of pedestrians and cyclists.

**Sustainability Implications:**Environmental

The proposal supports the protection of natural assets and retains local biodiversity.

Social

The proposal maintains community access and amenity to the coastal strip.

**Consultation:**

The CAC has released its DEP for public comment, of which this report provides the basis for the Council's consideration of the document.

**COMMENT**

The City is currently preparing a report for consideration by Elected Members with regard to a Master Plan for the Burns Beach area. This Master Plan will include identification of landscape and recreational enhancement opportunities within the Master Plan boundary and will also investigate linkages of these with adjoining areas. Whilst the locations relevant to the report do not encroach into the proposed Tamala Conservation Park area, potential enhancements; such as walking trails, path networks, carparking, etc. may abut the proposed Park border and create opportunities for infrastructure alignment.

Given that details of possible enhancement projects within the Burns Beach area are yet to be developed and considered by Council and that DEC has yet to undertake detailed studies into potential infrastructure sites within the Tamala Conservation Park, there is unlikely to be any inconsistencies between the two projects.

It is still recommended, however, that after considering the Burns Beach report, Council requests the Chief Executive Officer to liaise with the Departments of Planning and Environment and Conservation to identify and discuss any potential sites for infrastructure alignment along the border of the Tamala Conservation Park and Burns Beach and any possibility for linkages between the two.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 NOTES its position regarding the construction of a shared path from Burns Beach to Mindarie (CJ044-03/11 refers), which includes a \$50,000 (excluding GST) contribution from the City of Joondalup in 2011/2012 toward the cost of a detailed study (managed by the Department of Planning) to determine the most appropriate alignment of a proposed coastal shared path, that provides universal access with minimum environmental impact, within the Tamala Park Coastal Reserve, between Burns Beach and Mindarie;**

- 2 SUPPORTS the position of the Tamala Park Reserve Coastal Advisory Committee that the Department of Environment and Conservation should be responsible for managing the area vested in the Conservation Commission of Western Australia as a conservation park;**
- 3 SUPPORTS further investigation into the establishment of a fenced hard-stand public access road and associated infrastructure and facilities off Long Beach Promenade and agrees, in principle, to prohibiting vehicular access beyond the hard-stand area, other than for management purposes;**
- 4 SUPPORTS the undertaking and full funding of comprehensive weed mapping and flora and fauna surveys by the Department of Environment and Conservation to inform the development of a Management Plan for the proposed Tamala Conservation Park area;**
- 5 SUPPORTS the undertaking and full funding by the Department of Environment and Conservation of a planning study as part of the development of a Management Plan, which considers issues and actions to maintain and enhance the east-west ecological and open space link from the coast through Tamala park to Neerabup National Park;**
- 6 SUPPORTS the incorporation of recommendations from the Western Australian Planning Commission's Aboriginal Heritage Survey into the Department of Environment and Conservation's Management Plan; and**
- 7 PROVIDES in principle support for the purchase and installation of appropriate fencing around the perimeter of the proposed Tamala Conservation Park area to minimise and prevent unauthorised vehicle access to the area, but provides no commitment to contribute funds towards this action in the future.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf090811.pdf](#)*

## **ITEM 11                    FOURTH QUARTER ANNUAL PLAN QUARTERLY REPORT FOR THE PERIOD 1 APRIL – 30 JUNE 2011**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

**FILE NUMBER:** 45060, 101515

**ATTACHMENTS:** Attachment 1      Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2011

Attachment 2      Capital Works Overview Report for the period 1 April – 30 June 2011

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### **PURPOSE**

To present the Annual Plan 2010-2011 Quarterly Progress Report for the period 1 April to 30 June 2011.

### **EXECUTIVE SUMMARY**

The Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2010-2011. This is the final progress report for the 2010-2011 Annual Plan.

A Capital Works Overview Report, which details all projects within the Capital Works Program, is provided as *Attachment 2* to this report.

*It is recommended that Council RECEIVES the:*

- 1      *Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2011 shown as Attachment 1 to this Report;*
- 2      *the Capital Works Overview Report for the period 1 April – 30 June 2011 shown as Attachment 2 to this Report.*

### **BACKGROUND**

The City's Corporate Reporting Framework, endorsed by Council, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis.



## DETAILS

### Issues and options considered:

The Annual Plan contains a description of the key projects and programs to be delivered by the City in the 2010-11 financial year. The Quarterly Progress Report provides information on achievements against the milestones set during the year and a commentary is provided against each milestone to provide information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported are the shaded sections of *Attachment 1*. Details of progress from the previous three quarters, which have already been received by Council, are provided for background information.

As this is the final Quarterly Progress Report for the 2010-2011 Annual Plan, the following provides an overall summary of significant achievements for the financial year:

### Leadership and Governance

- Strategic Position Statement endorsed;
- Outbound Delegation to Jinan;
- Community Consultation conducted on the following projects:
  - Beach Management Plan;
  - Local Housing Strategy;
  - Mirror Park Skate Park;
  - Animals Amendment Local Law;
  - Seacrest Park Playground Relocation;
  - Tom Simpson Park Redevelopment;
  - Currambine Community Centre; and
  - Positive Ageing Plan.
- Community Forums Framework adopted with the following Community Forums conducted:
  - Seniors Interest Forum – Baby Boomers Facing the Future; and
  - Conservation Forum.
- Seventeen Citizenship Ceremonies held including an Australia Day Ceremony;
- A new Community Directory on the City's website;
- Annual Customer Satisfaction Monitor conducted;
- Provision of quarterly progress reports to Council on the Annual Plan and Capital Works Program for 2010-2011;
- Adoption of a Borrowing Strategy; and
- Adoption of the Beach Management Plan.

## The Natural Environment

- Delivery of an Environmental Education Program;
- Environmental events held, including:
  - Clean-Up Australia Day;
  - Great Gardens Workshops;
  - Bush to Beach Photography Competition;
  - *Switch your thinking!* Program;
  - Bird Watching Tours of Neil Hawkins Park
  - Biodiversity and Bushtucker Tour;
  - World Environment Day; and
  - Power Meter Project.
  
- Completion of Milestone 4 in the ICLEI Water Campaign;
- Coastal Foreshore Biodiversity Signage Project;
- Yellagonga Interpretive Signage. Recognised at the 2011 WA Heritage Awards in April, winning the Outstanding Interpretation Project That Enhances a Place category;
- Adopt a Coastline Project;
- Update of the Natural Areas Friends Group Manual;
- Actions implemented as part of the Greenhouse Action Plan;
- Reduction in the City's groundwater usage; and
- Adoption of the Strategic Waste Minimisation Plan.

## Economic Prosperity and Growth

- The hosting of Business Forums including:
  - Tourism 2011 and Beyond;
  - Growing Joondalup Businesses;
  - Structuring for Growth; and
  - Growing Employment Centres.
  
- Publication of a Joondalup Business Online Newsletter;
- Promotion of the Special Trading Precinct;
- Development of Investment and Industry Attraction documents;
- Provision of business statistical data on the City's website;
- Development of a City Revitalisation Project Plan; and
- Continued implementation of the Economic Development Plan.

## The Built Environment

- Development of Online Building Licence Application service;
- Major Capital Works completed, which include:
  - Reticulation and Landscaping in Ellersdale Park, Warwick
  - New play equipment at;
    - Bracken Park – Duncraig;
    - Caledonia Park – Currambine;
    - Camberwarra Park – Craigie;
    - Charonia Park – Mullaloo;
    - Warwick Open Space – Warwick;
    - Blackthorn Park - Greenwood;
    - Burns Beach Park – Burns Beach;

- Emerald Park - Edgewater;
- Glengarry Park - Glengarry;
- Heathridge Park - Heathridge.
- Penistone Park – Greenwood; and
- Kilrenny Park Greenwood.
- New footpaths constructed at;
  - Bonnie Doon Gardens – Connolly;
  - Hepburn Avenue – Kingsley; and
  - Hakea Place – Sorrento.
- Completed projects as part of the Black Spot Program, which include:
  - Joondalup Drive and Shenton Avenue in Joondalup – New traffic signal upgrade;
  - Marmion Avenue and Hodges Drive in Joondalup - New traffic signal upgrade;
  - Edgewater Drive from Ocean Reef Road to Wedgewood Drive in Edgewater; and
  - Marmion Avenue and Hepburn Avenue – Slip road modifications.
- Local Road Traffic Management Projects which include:
  - Lillburne Road – Duncraig;
  - Timberlane Drive – Woodvale;
  - Beaumont Way – Greenwood;
  - Millport Drive – Warwick; and
  - Simpson Drive – Padbury.

## **Community Wellbeing**

- Delivery of a comprehensive program of cultural events throughout the year, including:
  - NAIDOC Week;
  - Joondalup Festival;
  - Joondalup Sunset Markets;
  - Summer Concert Series;
  - Valentine's Day Concert;
  - Joondalup Eisteddfod;
  - Sunday Serenades;
  - Invitation Art Award;
  - Community Art Exhibition; and
  - Little Feet Festival.
- Delivery of Art of Ageing Events;
- Upgrade of community facilities include:
  - Fleur Fraeme Pavillion at MacDonald Park, Padbury;
  - Seacrest Park, Sorrento;
  - Gibson Community Centre, Padbury;
  - Sorrento Surf Life Saving Club;
  - Sorrento Bowling Club kitchen upgrade; and
  - Sorrento Football/Teeball Club kitchen upgrade.

- Funding of approximately \$59000 distributed to Community Groups as part of the Community Funding Program;
- Upgrade of the City's Library Lending Service to implement self-service terminals;
- Commencement of the digitisation of local history; and
- Implementation of the Community Safety and Crime Prevention Plan.

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

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

*This Act is intended to result in:*

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

**Key Focus Area:** Leadership and Governance

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

**Policy** City Policy - Communications – the Council recognises and acknowledges the importance of consistent, clear communication, and access to information for its stakeholders.

### **Risk Management considerations:**

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

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

Not Applicable.

### **Regional Significance:**

Not Applicable.

### **Sustainability Implications:**

Projects and programs in the Annual Plan contribute to community wellbeing, the natural and built environment, economic development and good governance.

### **Consultation:**

Not Applicable.

**COMMENT**

Significant progress on most major projects and programs has been made during the final quarter. Projects not completed will be carried forward to the 2011-2012 Annual Plan.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council RECEIVES the:**

- 1 final Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2011 shown as Attachment 1 to this Report;**
- 2 Capital Works Overview Report for the period 1 April – 30 June 2011 shown as Attachment 2 to this Report.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf090811.pdf](#)*

**ITEM 12                    ANNUAL PLAN 2011-2012****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy**FILE NUMBER:** 20560, 101515**ATTACHMENTS:** Attachment 1            Annual Plan 2011-2012  
Attachment 2            Capital Works Program 2011-2012

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**PURPOSE**

To present Council with the Annual Plan 2011-2012.

**EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City intends to deliver in the 2011-2012 financial year.

*It is recommended that Council RECEIVES the:*

- 1     *Annual Plan 2011-2012 shown as Attachment 1 to this Report;*
- 2     *Capital Works Program 2011-2012 shown as Attachment 2 to this Report.*

**BACKGROUND**

The City's Corporate Reporting Framework requires the development of an Annual Plan to achieve the objectives of the Strategic Plan and the provision of reports against the Annual Plan to be presented to Council on a quarterly basis.

As part of the Local Government Reform Program, the Department of Local Government introduced a new Integrated Planning Framework in October 2010 which sets out new requirements for local governments to undertake planning and reporting on their activities. The process includes annual reporting to the community on achievements and outcomes. The City's Annual Plan 2011-2012 is in line with this requirement.

**DETAILS****Issues and options considered:**

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2011-2012 financial year.

Quarterly milestones are set for each key project and program to be delivered, and a report will be presented to Council at the end of each quarter detailing progress against these milestones. Progress against the Capital Works Program 2011-2012 will be provided with the quarterly reports. The Capital Works Program 2011-2012 is shown as *Attachment 2* to this report.

The 2011-2012 Annual Plan has been developed in accordance with the Key Focus Areas of the 2008-2011 Strategic Plan being:

- Leadership and Governance.
- The Natural Environment.
- Economic Prosperity and Growth.
- The Built Environment.
- Community Wellbeing.

The City is currently developing a new Strategic Plan, however, the requirements of the new Integrated Planning Framework have resulted in some necessary adjustments to the process for developing the new Strategic Plan 2012-2022.

It is proposed that the new Strategic Plan will be presented to Council in early 2012. Once endorsed, the approved projects and programs within the Annual Plan 2011-2012 will be realigned with the Key Focus Areas of the new Strategic Plan 2012-2022.

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

#### **Legislation**

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

*This Act is intended to result in:*

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

#### **Strategic Plan**

**Key Focus Area:** Leadership and Governance.

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

**Policy** City Policy - Communications – the Council recognises and acknowledges the importance of consistent, clear communication, and access to information for its stakeholders

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

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

**Financial/Budget Implications:**

All projects in the Annual Plan 2011-2012 have been included in the 2011-2012 Budget.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

All projects and programs in the Annual Plan contribute to community wellbeing, the natural and built environment, economic development and good governance of the City.

**Consultation:**

Not Applicable.

**COMMENT**

It is important that the City develops and communicates to the community a clear plan of the projects and activities it intends to undertake each year. Measuring performance on the timely delivery of projects and programs enables the community to assess the City's achievements against the Annual Plan and the objectives of the Strategic Plan.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council RECEIVES the:**

- 1 Annual Plan 2011-2012 shown as Attachment 1 to this Report;**
- 2 Capital Works Program 2011-2012 shown as Attachment 2 to this Report.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf090811.pdf](#)



## **ITEM 13 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2011**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER:</b>	09882, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	CEO's Delegated Municipal Payment List for the month of June 2011
	Attachment 2	CEO's Delegated Trust Payment List for the month of June 2011
	Attachment 3	Municipal and Trust Fund Vouchers for the month of June 2011

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### **PURPOSE**

To present to Council the list of accounts paid under the CEO's Delegated Authority during the month of June 2011 for noting.

### **EXECUTIVE SUMMARY**

This Report presents the list of payments made under Delegated Authority during the month of June 2011 totalling \$11,786,597.28

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts for June 2011 paid under Delegated Authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to this Report, totalling \$11,786,597.28*

### **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 June 2011. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Cheques 89962 - 90291 and EF018564 – EF019429 Net of cancelled payments	\$8,041,714.63
	Vouchers 842A-847A & 849A-851A	\$3,528,854.83
Trust Account	Cheques 204269 - 204321 Net of cancelled payments	\$216,027.82
<b>Total</b>		<b>\$11,786,597.28</b>

**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 City's Annual Budget as adopted or revised 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 incurred in accordance with the Annual Budget as adopted or revised by Council or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the Chief Executive Officer's list of accounts for June 2011 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 this Report, totalling \$11,786,597.28.**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf090811.pdf](#)

## **ITEM 14            APPLICATION FOR RATE EXEMPTION - THE MOTOR INDUSTRY TRAINING ASSOCIATION OF WESTERN AUSTRALIA**

**WARD:** All

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

**FILE NUMBER:** 00104, 101515

**ATTACHMENTS:** Nil.

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### **PURPOSE**

To consider the rate exemption application received from the Motor Industry Training Association of Western Australia Incorporated (MITA).

### **EXECUTIVE SUMMARY**

MITA purchased and constructed new facilities on a site at 10 Injune Way, Joondalup and relocated to this facility in February 2011.

In May 2011, the City received an application from MITA to be exempted from rates under section 6.26 (2) (g) of the Local Government Act 1995 (the Act), on the basis that it is a charitable organisation. An examination of MITA's Constitution and operating arrangements could not substantiate the request for rate exemption and the application was declined under delegated authority.

At the same time that it made application to the City, MITA also referred the issue to the Hon John Castrilli MLA, Minister for Local Government. The Minister has subsequently sought comment from the City on the matter and whether the City is prepared to grant MITA a concession to the value of the rates.

*It is recommended that Council:*

- 1     *ENDORSE the decision made under delegated authority in relation to the application for rate exemption under section 6.26 (2) (g) of the Act, being that it is considered that MITA does not meet the requirements to qualify as a charitable organisation;*
- 2     *NOT grant a concession for rates under section 6.47 of the Local Government Act 1995 in relation to the property owned by the Motor Industry Training Association of WA Inc at 10 Injune Way Joondalup;*
- 3     *ADVISES the Minister for Local Government of the decisions determined in 1 and 2 above.*

## **BACKGROUND**

MITA is an industry training organisation established in 1990 to employ and indenture apprentices/trainees and address the demand for skilled labour in the automotive industry. Apprentices/trainees are indentured to MITA and placed with host employers for the duration of their training period.

## **DETAILS**

The City received an application for rate exemption from MITA under section 6.26 (2) (g) of the Local Government Act 1995 (the Act), on the basis that it is a charitable organisation.

The Act provides for exemption from rates for land used exclusively for charitable purposes.

There is no statutory definition of charitable purpose. What constitutes charitable has been established over the years by case law and has generally involved not for profit activities for the benefit of the public and the relief of poverty or the aged.

An examination of the Constitution of MITA shows that it is an automotive industry training organisation. Its membership is open to employers and businesses operating in the automotive industry.

MITA is managed by a Management Committee formed from a number of its members and other representatives of associated industry groups. The Constitution however gives the Management Committee the power to refuse to accept a membership application from any industry associated employer, business or association without giving any reason for the refusal.

MITA operations involve engaging apprentices/trainees, paying them wages and rotating them between host employers for the duration of the training period, during which employers reimburse MITA for the wages paid to the trainees.

MITA also offers post trade training courses at specified fees payable by participants.

An examination of its annual accounts for the year ended on 30 June 2010 shows that MITA realised an operating profit for the year of \$752,715 and has an accumulated surplus at the reporting date totalling \$4,875,849.

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

The information provided by MITA establishes that it is an industry training body, that it charges for its services and operates at a profit. Its membership can also be restricted by its Management Committee, which has the power to reject any membership application.

Given the evidence it is considered that MITA does not meet the requirements to qualify as a charitable organisation.

The request from the Minister does not refer to a rate exemption but rather whether the City is prepared to grant MITA a concession to the value of the rates. Council has the power under section 6.47 of the Act, by absolute majority, to waive or grant other concessions in relation to a rate or service charge. Council can consider this regardless of the outcome of an application in relation to a rate exemption application under section 6.26 (2) (g) of the Act.

The Council has not previously used section 6.47 to waive or grant other concessions in relation to rates or service charges.

The options are:

Option 1: Endorse the decision made under delegated authority in relation to the application for rate exemption under section 6.26 (2) (g) of the Act as it is considered that MITA *does not* meet the requirements to qualify as a charitable organisation;

or

Option 2: Determine that in relation to the application for rate exemption under section 6.26 (2) (g) of the Act, it is considered that MITA *does* meet the requirements to qualify as a charitable organisation.

If Council endorses Option 1 (being the decision made under delegated authority, and agrees that MITA *does not* meet the requirements to qualify as a charitable organisation and be eligible for a rates concession), then the Minister's request to consider granting a concession under section 6.47 of the Act to the value of the rates (\$40,904.57 for 2011/12) needs to be considered.

The options available in relation to consideration of a rates concession are:

Option 3: A concession not be granted;

or

Option 4: A concession be granted for the property at 10 Injune Way, Joondalup, such that annual City of Joondalup rates are not required to be paid (concession does not apply to refuse or other property charges).

An assessment of the information provided by MITA indicates that it does not meet the requirements under section 6.26 (2) (g) of the Act for a rate exemption. There is no established basis for why MITA should be considered for a rate concession under section 6.47 of the Act.

Options 1 and 3 are the recommended options.

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

**Legislation** Sections 6.26 and 6.47 of the Local Government Act 1995

#### **Strategic Plan**

**Key Focus Area:** Leadership and governance

**Objective:** To lead and manage the City effectively

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

There is no risk in relation to the application for rate exemption. The application is assessed according to the Act.

There are risks in regards to considering a concession in relation to rates. There is currently no criteria or framework for considering requests for concessions. Granting a concession could potentially set a precedent leading to other requests from a variety of organisations, with adverse financial consequences for the City.

**Financial/Budget Implications:**

Granting an exemption or concession will cause loss of income. The value of the rates in 2011/12 is \$40,904.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

There are implications for financial sustainability in relation to granting a concession for rates. The City would lose rate income, the extent of which would depend on the number of applications for concessions that are received and granted.

**Consultation:**

The City consulted the City of Stirling as, prior to the move to Joondalup, MITA was based in Balcatta. The City of Stirling had previously dealt with a similar request for rates exemption from MITA in 2004. The City of Stirling did not agree that the property should be exempted.

**COMMENT**

MITA applied for exemption from rates on the ground of being a charitable organisation under section 6.26 (2) (g) of the Act. An examination of its Constitution and operation does not support the exemption. Council has the power under section 6.47 of the Act to waive or grant a concession, which is not recommended

**VOTING REQUIREMENTS**

Simple majority

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

- 1 ENDORSE the decision made under delegated authority in relation to the application for rate exemption under section 6.26 (2) (g) of the Act, being that it is considered that MITA does not meet the requirements to qualify as a charitable organisation;**
- 2 NOT grant a concession for rates under section 6.47 of the Local Government Act 1995 in relation to the property owned by the Motor Industry Training Association of WA Inc at 10 Injune Way Joondalup;**
- 3 ADVISES the Minister for Local Government of the decisions determined in 1 and 2 above.**

## **ITEM 15                    TENDER 021/11 PROVISION OF PLANT HIRE**

<b>WARD:</b>	All	
<b>RESPONSIBLE DIRECTOR:</b>	Mr. Mike Tidy Corporate Services	
<b>FILE NUMBER:</b>	101753, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions
	Attachment 3	Summary of Price Assessment

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### **PURPOSE**

To seek the approval of Council to accept the Tenders submitted by Dalco Earthmoving, Environmental Land Clearing Services and Alvito Pty Ltd T/as Stampalia Contractors for the provision of plant hire (Tender 021/11).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 7 May 2011 through state wide public notice for the provision of plant hire for a period of three years. Tenders closed on 24 May 2011. Thirteen Submissions were received from:

- Environmental Land Clearing Services;
- Kretar Holdings Pty Ltd T/as Tonca Earthmoving;
- Dalco Earthmoving;
- All Earth Group Pty Ltd;
- Kwik Transport & Crane Hire;
- Alvito Pty Ltd T/as Stampalia Contractors;
- MCD Excavator Hire Services;
- Miniquip;
- Bear Valley Pty Ltd T/as Pondplan Excavating;
- Jake Smith Excavation;
- J & V Earthmoving Contractors;
- Harris Hire Shops; and
- Sherrin Rentals Pty Ltd (Late submission).

The submission from Sherrin Rentals was received after the closing time and was not accepted for evaluation.

The submissions from Dalco Earthmoving, Environmental Land Clearing Services and Stampalia Contractors meet all the City's plant requirements and represent best value to the City. A panel of suppliers is necessary as no one supplier provides the full range of items required. All are located within close proximity to the City and would have a short mobilisation time for any emergency plant hire requirements. Between the three suppliers they have sufficient resources and the appropriate experience to complete most of the City's requirements.



*That Council ACCEPTS the Tenders submitted by Dalco Earthmoving, Environmental Land Clearing Services and Alvito Pty Ltd T/as Stampalia Contractors for the provision of plant hire for a three (3) year period for requirements as specified in Tender 021/11 at the submitted schedule of rates.*

## **BACKGROUND**

This requirement is for the provision of various plant hire to be supplied with or without an operator to nominated sites within the City of Joondalup as and when required.

The City had a panel contract for the provision of plant hire with Dalco Earthmoving, Environmental Land Clearing Services and Coates Hire which expired on the 6 April 2011. The services are currently being provided on a quotation basis by Dalco Earthmoving and Environmental Land Clearing Services.

Plant hire was previously tendered in January 2011. The Offers received did not cover the range of plant items the City requires. All Offers were declined and the requirement was re-tendered.

## **DETAILS**

Tenders were advertised on 7 May 2011 through State wide public notice for the provision of plant hire for a period of three years. The Tender period was for two weeks and Tenders closed on 24 May 2011.

### **Tender Submissions**

Thirteen submissions were received from:

- Environmental Land Clearing Services;
- Kretar Holdings Pty Ltd T/as Tonca Earthmoving;
- Dalco Earthmoving;
- All Earth Group Pty Ltd;
- Kwik Transport & Crane Hire;
- Alvito Pty Ltd T/as Stampalia Contractors;
- MCD Excavator Hire Services;
- Miniquip;
- Bear Valley Pty Ltd T/as Pondplan Excavating;
- Jake Smith Excavation;
- J & V Earthmoving Contractors;
- Harris Hire Shops; and
- Sherrin Rentals Pty Ltd (late submission).

The schedule of items as listed in the RFT is provided in Attachment 1.

A summary of the Tender submissions including the location of each Tenderer is provided at Attachment 2.

The submission from Sherrin Rentals Pty Ltd was received after the closing time and was not accepted for evaluation.

## Evaluation Panel

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

## Compliance Assessment

The following Offers were assessed as fully compliant:

- Environmental Land Clearing Services;
- Tonca Earthmoving;
- All Earth Group Pty Ltd;
- Stampalia Contractors;
- MCD Excavator Hire;
- Miniquip; and
- Pondplan Excavating.

The following Offers were not fully compliant:

- Dalco Earthmoving;
- Kwik Transport & Crane Hire;
- Jake Smith Excavation;
- J & V Earthmoving Contractors; and
- Harris Hire Shops.

The submissions from Dalco Earthmoving, Kwik Transport & Crane Hire, Jake Smith Excavations, J & V Earthmoving Contractors and Harris Hire Shops did not provide responses to some of the compliance criteria. Although not fully compliant, all were included for further assessment on the basis that the companies would be requested to provide responses to the criteria before final consideration.

## Qualitative Assessment

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

Qualitative Criteria		Weighting
1	Capacity	55%
2	Demonstrated experience in providing similar services	25%
3	Demonstrated understanding of the required tasks	15%
4	Social and economic effects on the local community	5%

Harris Hire Shops scored 9.6% and was ranked last in the qualitative assessment. It is an equipment hire shop that submitted one rate for a vibratory roller. The company did not provide sufficient information demonstrating its capacity, understanding of the requirements or experience.

J & V Earthmoving Contractors scored 32.2% and was ranked eleventh in the qualitative assessment. It did not provide sufficient information demonstrating its capacity or understanding of the requirements and provided limited information addressing its experience.

Jake Smith Excavations scored 34.8% and was ranked tenth in the qualitative assessment. It is a sole trader with one 3.5 tonne excavator and has been trading for 6 months. The operator demonstrated experience undertaking works for various civil companies, but did not adequately demonstrate an understanding of the requirements.

Pondplan Excavating scored 35.1% and was ranked ninth in the qualitative assessment. It did not provide specific examples of work demonstrating its experience, sufficient information demonstrating its capacity or an adequate response addressing its understanding of the requirements. Its three locations in Gingin, Hamilton Hill and Henley Brook are a substantial distance from the City and the time taken to mobilise for emergency or short-notice requirements could be in excess of an hour.

Miniquip scored 45.2% and was ranked eighth in the qualitative assessment. It demonstrated experience providing similar services to the Shire of Mundaring and the City of Cockburn. Brief responses addressed some understanding of the requirements and its capacity. The company is based in Bibra Lake, a significant distance from the City. The time taken to mobilise for emergency or short-notice requirements could be in excess of an hour.

MCD Excavator Hire Services scored 45.6% and was ranked seventh in the qualitative assessment. It demonstrated experience undertaking trenching for Western Power and the Department of Treasury and Finance. It is a complementary business set up to support its plumbing business with two 1.5 tonne excavators. It did not adequately demonstrate an understanding of the requirements.

Stampalia Contractors scored 45.8% and was ranked sixth in the qualitative assessment. It did not provide a specific response addressing its understanding of the requirements. The company demonstrated experience in supplying earthmoving equipment to the Water Corporation and Mayday Earthmoving. It did not provide sufficient information addressing its capacity to meet the City's requirements.

Kwik Transport & Crane Hire scored 49.2% and was ranked fifth in the qualitative assessment. The company demonstrated experience in the supply of cranes and trucks. It is a large company that can meet all the City's crane requirements. It did not provide a specific response addressing its understanding of the requirements.

All Earth Group Pty Ltd scored 54.7% and was ranked fourth in the qualitative assessment. The company demonstrated an understanding of the requirements and experience providing similar services to various companies and local government including the Cities of Canning, Cockburn, Fremantle, Gosnells, Melville, Swan and Stirling. The company did not provide any information on the age and manufacturer of its plant items.

Dalco Earthmoving scored 55.9% and was ranked third in the qualitative assessment. It is an experienced company that is one of the City's current contractors for plant hire and provides similar services to the City of Melville, BGC, Millstream Landscapes and Wilmac Plumbing. It demonstrated a good understanding of the requirements. The submission was lacking information supporting its capacity; however it offered the most comprehensive range of plant of all the Tenderers.

Tonca Earthmoving scored 58.5% and was ranked second in the qualitative assessment. It is a small company that offers skid steer loaders and trucks. It demonstrated experience providing similar services to the City of Stirling and Town of Cambridge and an understanding of the work requirements. Although the company ranked second in the qualitative assessment, it offers a limited number of plant items. Only two of these items are used frequently by the City.

Environmental Land Clearing Services scored 59.9% and was ranked first in the qualitative assessment. It demonstrated substantial experience completing similar types of work to the City's requirements for the Cities of Stirling, Wanneroo and Western Power and CALM. It is one of the city's current Contractors for plant hire. It demonstrated its capacity to supply its offered plant items, but did not provide a specific response addressing its understanding of the requirements.

### Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

Tendered rates are fixed for the first year of the Contract, but are subject to a price variation on each anniversary date thereafter limited to the percentage change in the Perth CPI (All Groups) Index from the corresponding quarter of the previous year.

The price schedule listed 38 items of plant that may be required by the City. To provide a comparison of the rates offered by each Tenderer, the 21 types of plant used in the past year were identified with the quantity of hours/days and mobilisation. The total cost of each item was compared for each Tenderer, as summarised in the table provided as Attachment 3 to this Report. Each Tenderer has been assigned a price ranking based upon the quantity of lowest, second lowest and third lowest rates it submitted.

During the last financial year 2010/11, the City incurred \$587,578 for the provision of plant hire and is expected to incur in the order of \$1,690,000 over the three year Contract period.

The City is purchasing a five tonne excavator in 2011/12. This purchase will reduce the quantity of hours required from the plant hire Contractors and reduce the overall cost of the Contract.

### Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the evaluation panel.

<b>Tenderer</b>	<b>Price Rank</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>
Environmental Land Clearing Services	3	59.9%	1
Tonca Earthmoving	7	58.5%	2
Dalco Earthmoving	1	55.9%	3
All Earth Group Pty Ltd	9	54.7%	4
Kwik Transport & Crane Hire	5	49.2%	5
Alvito Pty Ltd T/as Stampalia Contractors	2	45.8%	6
MCD Excavator Hire	12	45.6%	7

<b>Tenderer</b>	<b>Price Rank</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>
Miniquip	6	45.2%	8
Bear Valley Pty Ltd T/as Pondplan Excavating	8	35.1%	9
Jake Smith Excavations	11	34.8%	10
J & V Earthmoving	4	32.2%	11
Harris Hire Shops	10	9.6%	12
Sherrin Rentals	Non-compliant , not assessed		

The combination of the recommended Tenderers (Dalco Earthmoving, Environmental Land Clearing Services and Stampalia Contractors) covers the range of plant most commonly used by the City. All Tenderers are located within close proximity to the City and would have a short mobilisation time for any emergency requirements the City may have. The rates offered are similar to that being currently paid by the City and the three Tenderers offer the best value to the City.

Based on the evaluation result the panel concluded that the Tenders that provide best value to the City are that of Dalco Earthmoving, Environmental Land Clearing Services and Stampalia Contractors and are therefore recommended.

### **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 & 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.

### **Strategic Plan**

**Key Focus Area:** The built environment

**Objective:** To progress a range of innovative and high quality urban development projects within the City.

**Policy** Not applicable.

### **Risk Management considerations:**

Should the contract not proceed, the risk to the City will be high as the City requires plant hire on a daily basis as part of the capital project and maintenance programs.

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

**Financial/Budget Implications:**

<b>Natural Account Numbers</b>	Various accounts
<b>Budget Item:</b>	Provision of plant hire. Expenditure is spread across various activities and cost codes for operational maintenance and capital works.
<b>Estimated Budget Amount 2011/12:</b>	\$563,333
<b>Estimated Expenditure 1 July 2011 to 31 August 2011 (Current quotation):</b>	\$ 93,889
<b>Estimated Contract cost 1 September 2011 to 30 June 2012</b>	\$469,444
<b>Balance:</b>	\$ 0

In addition to plant hire the City has budgeted \$107,140 for the purchase of a 5 tonne excavator. This will replace the need to hire this item.

All figures quoted in this report are exclusive of GST

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**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 offers representing best value to the City are that submitted by Dalco Earthmoving, Environmental Land Clearing Services and Alvito Pty Ltd T/as Stampalia Contractors.

Between the three suppliers they will be able to meet most of the City's requirements. With one exception, the items that they cannot supply are not used extensively and the City can cover these needs through its normal purchase quotation system. The exception is a 5 tonne excavator which the City requires frequently. The City is purchasing its own 5 tonne excavator this year so this will not be a supply issue.

**VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

**That Council ACCEPTS the Tenders submitted by Dalco Earthmoving, Environmental Land Clearing Services and Alvito Pty Ltd T/as Stampalia Contractors for the provision of plant hire for a three year period for requirements as specified in Tender 021/11 at the submitted schedule of rates.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf090811.pdf](#)*

## **ITEM 16                    DECLARATION FOR THE EXTENSION OF THE MITCHELL FREEWAY AND LIMESTONE HILL AT THE INTERSECTION OF MITCHELL FREEWAY AND SHENTON AVENUE**

**WARD:**                    North

**RESPONSIBLE DIRECTOR:**    Mr Martyn Glover  
Infrastructure Services

**FILE NUMBER:**        72619, 101515

**ATTACHMENTS:**    Attachment 1        Shenton Avenue Limestone Hill – Removal Design  
Attachment 2        Main Roads Western Australia Drawings  
No 0921-378-01

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### **PURPOSE**

To seek Council's agreement to the following:

- the proposal from Main Roads WA that the limestone hill at Shenton Avenue will be removed to the design agreed by the City when the next stage of the Freeway north of Burns Beach Road progresses;
- the proclamation of the section of Mitchell Freeway between Hodges Drive to Burns Beach Road; and
- authorisation for the Chief Executive Officer to endorse the Main Roads WA drawings associated with the proclamation.

### **EXECUTIVE SUMMARY**

The City has received confirmation from Main Roads WA that the limestone hill at the intersection of Mitchell Freeway and Shenton Avenue will be removed as part of the next extension of the Mitchell Freeway north of Burns Beach Road.

Main Roads WA have advised that these works cannot progress earlier due to cost considerations, however, the hill will be removed to the amended design as agreed by the City.

*It is recommended that Council:*

- 1    *ACCEPTS Main Roads WA's commitment that the limestone hill will be removed as part of the next extension to the Mitchell Freeway north of Burns Beach Road and in accordance with the design approved by the City;*
- 2    *AGREES with the proposal submitted by Main Roads WA to proclaim the section of Mitchell Freeway from Hodges Drive to Burns Beach Road as a Highway as detailed on Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00 forming Attachment 2 to this Report;*
- 3    *AUTHORISES the Chief Executive Officer to endorse Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00 for this present proclamation and to ensure Drawing Numbers 0921-0379-00, 0921-0383-00, 0921-0381-00, 0921-0382-00 and 0921-0386-00 for previous proclamations.*



## BACKGROUND

At its Ordinary Meeting of 21 July 2009 (CJ164-07/09 refers), Council considered a request for Council's endorsement of proclamation documents for the Mitchell Freeway and resolved:

*“That Council, subject to the removal of the large earth mound of material between the northbound offramp and the Mitchell Freeway at the Shenton Avenue interchange:*

- 1 *AGREES with the proposal submitted by Main Roads WA to proclaim the section of Mitchell Freeway from Hodges Drive to Burns Beach Road as a Highway as detailed on Main Roads Drawing Numbers 0921-378-01, 0921-08300, 0921-0384-00 and 0921-0385-00;*
- 2 *AUTHORISES the Chief Executive Officer to endorse Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00 for this present proclamation and to endorse Drawing Numbers 0921-0379-00, 0921-0380-00, 0921-0381-00 0921-0382-00, 0921-0383-00 and 0921-0386-00 for previous proclamations.*

The City wrote to Main Roads WA and received an offer for the top three metres of the hill to be removed as part of the next stage of the Mitchell Freeway extension.

Council considered the offer at the Ordinary Meeting of 16 March 2010 (CJ049-03/10 refers) and resolved that it:

- “1 *DECLINES the offer from Main Roads WA to remove three metres in height from the top of the limestone mound as part of the earthworks for the next section of the Freeway;*
- 2 *REQUESTS that Main Roads WA arranges for the removal during the next twelve month of the top of the limestone mound to a height no greater than one metre above the height of the off ramp for the length of the ramp and revegetates the remnant mound during the winter of 2011.”*

## DETAILS

The City advised Main Roads WA of Council's resolution of 16 March 2010 and proceeded to negotiate the final design of the limestone hill which involved removal of 22,500m<sup>3</sup> of material (Attachment 1 refers).

The City continued to negotiate with Main Roads WA regarding the timing of the project, including the opportunity to remove the hill as part of the recently announced widening of the Freeway between Hepburn Avenue and Hodges Drive.

On 4 July 2011, the Managing Director of Main Roads WA, Mr Menno Henneveld, wrote back to the City advising that the removal of the limestone hill could not take place except for in conjunction with the next project to extend the Freeway beyond Burns Beach Road. Mr Henneveld also requested that Council reconsider the proclamation and drawings associated with the extension of the Freeway to Burns Beach Road.

**Issues and options considered:**

- 1 Accept the offer and agree to the Freeway Proclamation – the design for the removal of the hill is now acceptable to the City as it follows the contours of the Freeway off ramp. The timing of the works is at this stage unknown, however, the City has a commitment in writing from the Managing Director of Main Roads WA that the works will take place when the next stage of the Freeway extension goes ahead.
- 2 Not accept the offer – the argument mounted by Main Roads WA is that the cost of removing the hill without a nearby site to accept the material is unacceptable, therefore there is no other offer.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**                      The proclamation of the Highway is in accordance with Section 13 of the Main Roads Act 1930.

**Strategic Plan**

Not Applicable.

**Policy**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

There are no financial or budget implications for the City as Main Roads WA becomes the sole provider of the road and is therefore responsible for all maintenance, refurbishment and construction works on the Freeway.

**Regional Significance:**

The Mitchell Freeway is the major north-south arterial road to the north of the Perth CBD and the Shenton Avenue intersection is a major access into the Joondalup City Centre.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## COMMENT

The offer from Main Roads WA, although not fully compliant with Council's wishes, provides a high level of confidence that the hill will be:

- 1 removed as part of the next extension to the Freeway beyond Burns Beach Road; and
- 2 will be removed to a level and design acceptable to the City.

It is also noted that as a consequence of Council's agreement to the proclamation, Main Roads WA becomes the sole provider for the road and it is therefore responsible for all maintenance, refurbishment and construction work on the Freeway and associated paths. This then relieves the City of any potential responsibility.

It is therefore recommended that the offer from Main Roads WA be accepted and Council progress with agreement to the proclamation.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **ACCEPTS** Main Roads WA's commitment that the limestone hill will be removed as part of the next extension to the Mitchell Freeway north of Burns Beach Road and in accordance with the design approved by the City;
- 2 **AGREES** with the proposal submitted by Main Roads WA to proclaim the section of Mitchell Freeway from Hodges Drive to Burns Beach Road as a Highway as detailed on Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00 forming Attachment 2 to this Report;
- 3 **AUTHORISES** the Chief Executive Officer to endorse Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00 for this present proclamation and to ensure Drawing Numbers 0921-0379-00, 0921-0383-00, 0921-0381-00, 0921-0382-00 and 0921-0386-00 for previous proclamations.

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf090811.pdf](#)

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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

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



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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

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

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



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

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

**QUESTIONS**

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Please submit this form at the meeting or:

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

**Please note that:**

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

