

AGENDA

Council Meeting City of Joondalup

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

MEETING DATE



to be held on
TUESDAY, 27 FEBRUARY 2007
commencing at 7.00 pm

PUBLIC QUESTION TIME



Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Friday, 23 February 2007. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Council meeting.



GARRY HUNT
Chief Executive Officer
23 February 2007



City of
Joondalup

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

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

Members of the public are invited to ask questions, either verbally or in writing, at Council meetings of the City.

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

Questions asked at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions asked at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.

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

DISCLAIMER

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

PUBLIC STATEMENT TIME

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

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

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

PROCEDURE FOR PUBLIC STATEMENT TIME

Members of the public are invited to make statements, either verbally or in writing, at Council meetings.

Statements made at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.

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

CODE OF CONDUCT

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

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

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

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

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 270207.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 27 FEBRUARY 2007** commencing at **7.00 pm**.

GARRY HUNT
Chief Executive Officer
23 February 2007

Joondalup
Western Australia

VISION

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

MISSION

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

VALUES

Vibrancy

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

Innovation

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

Responsiveness

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

Respect

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

Trust

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

Safety

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

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 12 December 2006:

Mr S Kobelke, Sorrento:

I am referring to the responses to questions I raised on the Mayor Pickard's lobbying of political lobbyist and disgraced former Premier Mr Brian Burke.

Q1 I am referring to the response to questions by Mr R Privilege of Edgewater (21 November 2006) regarding the City's relationship with Mr Burke and lobbying of Officers. There is a clear underlying response that there has been no contact between the City, Officer, Officials etc and Mr Burke.

However in the response to my question No 1 the community is now advised that the CEO had been briefed by the Mayor that he was using Mr Brian Burke as a go to man for the City. Can the City advise why the contact with Mr Burke by the Mayor was not advised on the 21st November?

A1 The questions asked by Mr Privilege on 21 November 2006 related to former Commissioner Peter Clough, Council Members' election campaigns and Council officer contact with Mr Burke and Mr Marlborough. The questions did not relate to contact between the Mayor and Mr Burke outside of the electoral process.

The City can only respond to those questions which are asked. It is for this reason that the answers to the questions of 21 November made no reference to the Mayor's contact.

Q2 Can the Council clarify whether elected Officers or staff will be seeking further favours from Mr Burke?

A2 The City will not be seeking the support of Brian Burke in the future.

Q3 In response to question 6. had Mr Burke been successful in lobbying the Minister on behalf of the City of Joondalup, at the Mayors request, had a success fee been negotiated or was Mr Burke just doing this as a favour Mayor Pickard without expectation of anything in return?

A3 No fee had been negotiated and nothing was paid to Mr Burke.

Mrs M Macdonald, Mullaloo:

Re: Re-marking of car parking bays – Mullaloo Tavern Development, Lot 100 (10) Oceanside Promenade, Mullaloo

- Q1 *As there is no Development Application attached to the Agenda and the attached plans as shown have many variations from the Development Application approved in August 2002, will the Councillors be giving retrospective approval to the total development built contrary to its development approval? Why isn't the original decision and plans attached to the Agenda so that true comparisons can be made?*
- A1 The application before the Council related only to the content of that application - i.e. re-marking of the car park.
- Q2 *If Councillors are being referred to section S6.6.2 of the DPS2 what changes of discretionary use are they making in approving this application and why doesn't S4.8 apply and/or S4.5?*
- A2 The application was not one for a discretionary land use. The report focus was on the process required as a result of the SAT consideration of this matter.
- Q3 *Is the Council changing the use class of the units known as Residential Building and if so to what?*
- A3 No.
- Q4 *Is the Council changing the use class of the convenience store to bottle shop?*
- A4 No.
- Q5 *Is Council changing any use class?*
- A5 No.
- Q6 *Will councillors be approving multiple dwellings on an R20 site? Are they aware that SAT ruled at Sorrento that this is impossible? Are they aware that the Supreme Court stated and agreed by solicitors for the City that the development approval approved group dwellings on site?*
- A6 See Answer 1 above.
- Q7 *Is the Council giving retrospective approval for a single use ramp between car park floors instead of a dual use ramp as approved?*
- A7 No.
- Q8 *Is the Council giving approval to 119 bays instead of 160 as per the resolution of Council?*
- A8 No, see Answer 1 above. The SAT has agreed to 119 marked bays being provided in lieu of 121, as was shown on the development approval.

- Q9 *Does the marking of the bays on the attached document conform to the requirements of Australian Standards as detailed in the missing development application and are the measurements shown on the plans correct?*
- A9 The reference to a missing Development Application is not understood, however please note that the Traffic Engineer's advice to the SAT is provided in reference to the Australian Standards, and also takes into account the accuracy or otherwise of the submitted drawings.
- Q10 *Do the disabled bays as shown meet the requirements of the original DA and other laws with respect to disability?*
- A10 Yes.
- Q11 *Does the absence of a service bay for unloading meet the requirements of the original Development Application and will Councillors be approving this?*
- A11 Comparison with the Council approved (August 2002) development approval indicates that the location of the service bay area, and adjacent parking bays has not materially altered.
- Q12 *Are councillors aware that all servicing of the building is done from across the road in the car park or from the pavement in front of the tavern?*
- A12 The tavern owners are aware of the need to service the building in an appropriate fashion. There has been considerable dialogue with the owners on this point and this is ongoing.
- Q13 *Do these new plans show 5 standing bays adjacent to the bottle shop and why aren't these car bays marked in the drive through?*
- A13 This is not required – car bays in a drive-through are not generally marked on commercial car parks.
- Q14 *What happens to the movement of the traffic through the building when the drive through bays and car park are full and spilling into the exit lane?*
- A14 The building is designed to provide an acceptable level of efficiency and ease of movement. All car parks can be subject to some congestion at times of peak operation.
- Q15 *Will Councillors be approving a new façade, as the one built does not represent what was approved and shown to people signing the petition on which officers placed much emphasis in their report of August 2002?*
- A15 See Answer 1 above. Also note that this issue has been raised and considered on numerous occasions during the period 2002 -2005. In 2004, the Mullaloo Progress Association was advised that the new facade did not require a fresh application to be made. The facade presented no new planning issues for consideration.

Q16 *Does the ingress and egress as shown on the plans conform to the Australian standard and are they safe?*

A16 The ingress/egress points were subject to review - the conclusion being that the access was acceptable.

Q17 *Are they approving inadequate Landscaping on the site?*

Q18 *Are they negating the requirement to have a current acoustic report?*

Q19 *Are they negating the requirement that the residential building should have a management plan?*

Q20 *Are they approving retail NLA greater 500sqm as laid down in the DPS2?*

Q21 *If Councillors approve this application will they be stating that they have considered all the amenity issues related to the changes with respect to the locality, the beachgoers and the users of the site?*

A17-21 No, see Answer 1 above.

Q22(a) *Did Justice Chaney make a decision that Council should approve the development retrospectively?*

A22(a) No.

Q22(b)& (c) *Isn't it a fact that Council do not have to do this and Justice Chaney can make this decision on the car bays himself and that Council does not have to ratify his decision? Is Council relieving him of his responsibility?*

A22(b)&(c) The powers of the SAT are set out in the Tribunal rules and it is not appropriate for the Council to speculate as to any suggested abrogation of powers.

Q23 *Who gave approval for the development to go ahead when it didn't and could never meet its development approval and why did they do this?*

A23 The development was approved by the Council, following which the developer obtained a Building Licence from the City. A landowner can then proceed to construct, subject to conformity with both those approvals.

Q24 *Why isn't this retrospective development approval going out for public comment?*

A24 The re-marking of the bays is a technical matter that does not give rise to issues other than those which can be evaluated by comparing the SAT order, and expert evidence provided, with the actual configuration of the bays on site.

Mr M Caiacob, Mullaloo:

Q1 *With the City's Ranger Service conducting regular patrols of the Mullaloo Tavern and targeting unsafe commercial vehicle parking on the footways and 'No Stopping' areas at this location, does this application address Part 2 of the Australian Standard 2890 and its design requirements or are commercial vehicle ingress, egress and public safety to be dealt with as a separate issue?*

A1 This matter originally listed for Council consideration relates to the SAT Directional Hearing and the item that Mr Caiacob has identified was not part of that.

The owners of the site are required to meet the relevant provisions of Part 2 of Australian Standard 2890, including internal traffic signal operations, internal height clearance and sight lines.

Mr A Bryant, Craigie:

Re: Mullaloo Physiotherapy Centre, 31 Linear Avenue, Mullaloo

Q1 *Are health inspections carried out on the premises? I consider it a health hazard and customer complaints are ignored.*

A1 The Health Act 1911 only has provision for regulating the swimming pool area of a Physiotherapy establishment and as such, only the swimming pool is checked by the City. The City carries out monthly sampling of swimming pool water and should it prove to be unsafe, the pool is closed until the problem is rectified. Samples taken in the last three years have yielded satisfactory results. The Health Act 1911 does not cover any other activity conducted within a Physiotherapy establishment.

The City will contact the enquirer for further details and if necessary, forward the complaint to the State Health Department for further investigation.

Mrs P Morgan, Connolly:

Q1 *The City of Joondalup security has subjected my daughter, who lives at 2 Boon Court, Marmion to surveillance between 16 and 19 November 2006 and possibly a period before and after, based upon a complaint made to the City that they are not the residents of the above property and, in fact, that the property was vacant. Could the Chief Executive Officer please respond to these questions, who made this false representation and is it linked to the fact that my daughter's family currently has an application before the City?*

A1 The City is currently assessing two separate development applications for a home business and commercial vehicle parking at 2 Boon Court, Marmion.

During the course of assessing the proposal, it was brought to the City's attention that the proposed operator of the home business may not be the permanent resident of the subject property, contrary to the requirements of the City's District Planning Scheme No 2.

The City's subsequent investigations indicate that the home business operator is the permanent resident of the property, and this will be taken into consideration by the City when determining the current applications.

Q2 *If you are unable to name the individual or individuals, was this person a Councillor or the wife of a Councillor at the City of Joondalup?*

A2 The City is unable to provide the identity of the complainant.

Mr M Sideris, Mullaloo:

Q1 *Would Council advise ratepayers clearly and precisely what legal arrangements and/or legal binding reciprocal car parking agreements bound the City of Joondalup to provide Rennet Pty Ltd with the right to 34 car bays on the opposite of the road from the new tavern redevelopment" (CJ204-08/02) in 2002, since none has even been declared under any numerous FOI applications, and when in fact the alleged original cash in lieu car parking arrangements of 1981 was approved by Council in respect of a restaurant on a different block of land from the original tavern, to a different person, with the money allegedly received spent by Council elsewhere, and this 1981 cash in lieu parking agreement made between the restaurant owner and Council ceased in fact when he sold the property to Tromen Ltd in the 1990s, contrary to what Council stated in the Supreme Court in 2003, because in fact he received no payment from the new owners in respect of that 1981 car parking agreement because no such formal legal agreement document or arrangement existed between him and the Council for him to on-sell to new owners at that point of time?*

A1 Planning approvals when granted, generally apply to the land rather than a person with only some exceptions, such as Home Businesses. The cash-in-lieu payment provided for a parking shortfall in the tavern development would not lapse due to a change in land ownership.

Q2 *Would Council advise ratepayers clearly and precisely why the report currently before Council tonight (CJ256-12/06) does not place before Council and its ratepayers all lawful Council policies, documents, legal advice and legal agreements (between the City of Joondalup and Rennet Pty Ltd? that have allowed this Council the legal right to endlessly waive both the financial penalties that should have been imposed for Rennet's numerous and serious breaches of its development conditions as alluded to by Council in the Supreme Court in 2003 or any cash in lieu car parking considerations in 2005/06 since half of the Mullaloo Hotel onsite parking bays built in 2004/05, some 60 car bays in total are too small to park a normal sized car, a family car or a four wheel drive, and there is also no onsite commercial parking provided at all, producing the effect that the entire Mullaloo Surf Club car park has now been given away by this Council for no cost, when in reality The Mayor's slip road as he now calls it, is worth well over \$6M in lost income to ratepayers?*

A2 The application that was to be presented to the December 2006 Council (although ultimately withdrawn), related to proposed changes to the layout of the existing car parking area based on information provided at the SAT hearing on this matter. Therefore, the report did include the necessary information for Council to make a determination on the application.

Ms M Moon, Greenwood:

Re: CJ256-12/06 Retrospective Approval - Re-Marking of Car Parking Bays - Mullaloo Tavern Development Lot 100 (10) Oceanside Promenade, Mullaloo.

Q1 *When was Council informed there was an issue with the classification of the units at Mullaloo Tavern and when were the owners of the units informed of this issue?*

A1 The City became aware of this issue in early October 2006. The solicitors representing Rennet Pty Ltd, who are the owners of all the development on Lot 100 (10) Oceanside Promenade, Mullaloo were subsequently advised of this issue in late October 2006.

The following questions were submitted in writing prior to the Council meeting on 27 February 2007:

Mr S Kobelke, Sorrento:

Re: The recent article in the Community Newspaper on 23 November 2006 in relation to Mayor Pickard contacting Mr Brian Burke on behalf of the City of Joondalup.

Q1 *Will the Council explain the details in full in relation to the matter before the City where it is alleged that Mayor Pickard sought the help of Brian Burke to address as issue before the City?*

A1 The approach to Brian Burke was made in relation to a development at Woodlake Retreat which has generated a significant amount of community concern. For further information on issues associated with Woodlake Retreat, please refer to Council Reports CJ094-06/06 and CJ109-06/06.

Q2 *Why did Mayor Pickard seek the assistance of Brian Burke on this matter?*

A2 As indicated in response to the question to the Council meeting of 12 December 2006, the assistance was sought to obtain a meeting with the Minister for Planning and Infrastructure to progress consideration of new access arrangements.

Q3 *Did Mayor Pickard advise any Officer of the City as to his intentions to seek the assistance of Brian Burke?*

Q4 *If so, which Officer?*

Q5 *If an Officer did provide Mayor Pickard with advice prior to him seeking help from Brian Burke, what advice was this?*

Q6 *If that advice was not to proceed to make contact with Brian Burke why did Mayor Pickard proceed?*

- Q7 *After Mayor Pickard's contact with Brian Burke did he report this to an Officer of the City?*
- Q8 *If so which Officer and what was that Officer's response to Mayor Pickard?*
- Q9 *Given a previous question regarding your relationship with Brian Burke why has Mayor Pickard refused to answer?*
- Q10 *Has Mayor Pickard sought the help of Noel Crichton-Browne regarding any matters before the City?*
- A3-10 These are not questions of the City but questions of the Mayor. Consequently, it is not appropriate for the City to respond.

Ms R Jopling:

Re: Mullaloo Beach Development:

- Q1 *If the 'new zoning' came in, as I understand, in 2004 and was 'tested'/interpreted in 2005, why was it not until about October/November 2006 that it was suddenly announced that the Rennet development was not in accordance with the 2004 zoning? If this could have been pointed out in 2004 or even in 2005, it would have made a huge difference to the unsuspecting purchasers, who had bought apartments 'in good faith' and now stand to lose a substantial sum of money, not to mention the frustration, heartache and worry sustained.*
- Q2 *Given the situation as it is today, what is needed to resolve it? Are strata titles ever likely to be issued? What must Rennet do in order to move forward?*
- Q3 *Have the Joondalup Shire Council & the "Mullaloo Progress Association" ever considered the plight of the buyers of the apartments at Mullaloo Beach development? From the council minutes, it seems that these two bodies have all along been locked in combat and that a great deal of taxpayers' money has been frittered away on pointless arguments, which, at the end of the day, are going to be irrelevant.*
- A1-3 The City is currently seeking legal advice and a response will be provided once the advice has been received.

3 PUBLIC STATEMENT TIME

4 APOLOGIES AND LEAVE OF ABSENCE

REQUEST FOR LEAVE OF ABSENCE - CR R FISHWICK - [61581]

Cr R Fishwick has requested Leave of Absence from Council duties covering the period 20 April 2007 to 14 May 2007 inclusive.

RECOMMENDATION

That Council APPROVES the request from Cr R Fishwick for Leave of Absence from Council duties covering the period 20 April 2007 to 14 May 2007 inclusive.

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 12 DECEMBER 2006

RECOMMENDATION

That the Minutes of the Council Meeting held on 12 December 2006 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**7 DECLARATIONS OF INTEREST****Disclosure of Financial Interests**

Nil.

Disclosure of interest affecting impartiality

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

Name/Position	Mayor Troy Pickard
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances and Item 4 - Code of Conduct: Gifts and Acts of Hospitality)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Allowances, gifts and acts of hospitality are relevant to his position as Mayor.

Name/Position	Cr Sue Hart
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances and Item 4 - Code of Conduct: Gifts and Acts of Hospitality)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hart could receive a benefit under these policies.

Name/Position	Cr Steve Magyar
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Magyar could receive a benefit under this policy.

Name/Position	Cr Russ Fishwick
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is an elected member of Council.

Name/Position	Cr Kerry Hollywood
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood could receive a benefit under this policy.

Name/Position	Cr Marie Evans
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Evans could receive a benefit under this policy.

Name/Position	Cr Richard Currie
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 2) - Policies Relating to Recognition of Community/Sporting Groups and Volunteers. (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	(Item 2) – Cr Currie is a member of a sporting club that may benefit. (Item 3) - Cr Currie is an elected member of Council.

Name/Position	Cr Tom McLean
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr McLean could receive a benefit under this policy.

Name/Position	Cr Brian Corr
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Corr could receive a benefit under this policy.

Name/Position	Cr Michele John
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr John could receive a benefit under this policy.

Name/Position	Cr Albert Jacob
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Jacob could receive a benefit under this policy.

Name/Position	Cr Kerry Hollywood
Item No/Subject	Item CJ023-02/07 – Proposed Amendment to the Burns Beach Structure Plan – Northern Residential Precinct and other Minor Changes
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood lives on the border of the Burns Beach Redevelopment.

Name/Position	Mr Chris Terelinck, Manager Approvals Planning and Environmental Services
Item No/Subject	Item CJ30-02/07 – Proposed Three Storey Office Development and Basement Car Parking Area: Lot 510 (5) Davidson Terrace, Joondalup
Nature of interest	Interest that may affect impartiality
Extent of Interest	The applicant operates a local accounting firm from which Mr Terelinck obtains occasional services

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Item CJ033-02/07 – Change of Land Use from Light Industrial, Office and Workshop to Landscape Supplies: Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood
Nature of interest	Interest that may affect impartiality
Extent of Interest	Consultant is a former business associate of CEO

Name/Position	Mr Mike Tidy, Director Corporate Services
Item No/Subject	Item CJ034-02/07 – Monthly Town Planning Delegated Authority Report, Development and Subdivision Applications – November and December 2006
Nature of interest	Interest that may affect impartiality
Extent of Interest	Development Application DA06/1145 (14.11.06) – Patio addition listed

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

9 PETITIONS

1 PETITION OPPOSING CONSTRUCTION OF STORAGE FACILITY AND COMPOUND AT PINNAROO POINT – [26209]

A 50-signature petition has been received from Hillarys residents opposing the construction of a storage facility and compound at Pinnaroo Point.

The petitioners state Pinnaroo Point is a very important part of Western Australia's pristine coastline and nature reserve area and that a facility such as this will do nothing to enhance the natural beauty of the area.

This petition will be referred to the CEO for action.

2 PETITION REQUESTING CONSTRUCTION OF SPEED HUMP – CONRAD WAY, CURRAMBINE – [45223]

An 8-signature petition has been received from Currambine residents requesting construction of a speed hump in Conrad Way, Currambine in an attempt to prevent accidents occurring due to the high speed of vehicles and to prevent the possibility of a fatality.

This petition will be referred to the CEO for action.

3 PETITION REQUESTING THE USE OF HYDROTHERMAL WEED CONTROL TECHNOLOGY WITHIN THE CITY OF JOONDALUP - [00992]

A 163-signature petition (137 of which were from residents of the City of Joondalup) has been received requesting the use of hydrothermal weed control technology instead of chemical spraying wherever possible.

This petition will be referred to the CEO for action.

4 PETITION OBJECTING TO THE INSTALLATION OF PATH, FORMER CSIRO SITE, 14 LEACH STREET, MARMION - [38221 56501]

A 22-signature petition has been received from Marmion residents objecting to the installation of a path through the bushland at the former CSIRO site at 14 Leach Street, Marmion.

The petitioners state they would like to see the bushland remain in its current condition and not be destroyed by this development.

RECOMMENDATION

That the petitions:

- 1 **opposing the construction of a storage facility and compound at Pinnaroo Point;**
- 2 **requesting construction of a speed hump in Conrad Way, Currambine;**

3 requesting the use of hydrothermal weed control technology instead of chemical spraying wherever possible;

4 objecting to the installation of a path through the bushland at the former CSIRO site at 14 Leach Street, Marmion;

be RECEIVED and referred to the appropriate Business Units for action.

10 REPORTS

CJ001 - 02/07 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 5 December 2006 to 1 February 2007.

EXECUTIVE SUMMARY

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

BACKGROUND

Not Applicable.

DETAILS

Document:	Withdrawal of Caveat
Parties:	City of Joondalup, Westpoint Management Ltd and Entrust Funds Management Ltd
Description:	Lot 22 on Strata Plan 35175 – 639 Warwick Road, Warwick to enable the transfer of land. The transfer is required to enable the removal of the existing trustee, Westpoint Management Ltd (in liquidation) and replacement of that trustee with Entrust Funds Management Ltd. The caveat will be replaced once the transfer has been registered.
Date:	05.12.06

Document:	Joint Agreement re Operation of Materials Recovery Centre
Parties:	City of Joondalup, City of Wanneroo and City of Swan
Description:	Joint Agreement to continue City's participation in joint agreement for Materials Recovery Facility at Wangara.
Date:	14.12.06

Document:	Withdrawal of Caveat
Parties:	City of Joondalup, Woodvale Tavern and Shopping Centre
Description:	Lot 28 on Strata Plan 16710 – 153 Trappers Drive, Woodvale – Withdrawal of Caveat to enable its transfer. The City's caveat will be replaced on the transfer of land.
Date:	20.12.06

Document:	Withdrawal of Caveat
Parties:	City of Joondalup/15 Ash Grove, Duncraig: Lewis
Description:	Lots 668 and 669 on Diagram 82396 – No 15 and 17 Ash Grove, Duncraig. The City's Caveat will be replaced on the transfer of land.
Date:	22.12.06

Document:	Amendment No 35 to District Planning Scheme No 2
Parties:	City of Joondalup and WA Planning Commission
Description:	Amendment No 35 to City of Joondalup District Planning Scheme No 2 to protect natural areas of significance (no seal required).
Date:	22.12.06

Document:	Restrictive Covenant
Parties:	City of Joondalup and Meath Care
Description:	Restrictive Covenant – Meath Care Lots 28 and 63 Hocking Road, Kingsley. Condition of subdivision approval (Reference No 125642) requiring prevention of access to Whitfords Avenue. The Restrictive Covenant previously signed and sealed by the City and misplaced by Department of Land Information.
Date:	08.01.07

Document:	Deed
Parties:	City of Joondalup and Margaret A Heaton
Description:	Deed for author to assign to the City all copyright – recording of historical importance – Local Studies Collection
Date:	01.02.07

Document:	Deed
Parties:	City of Joondalup and Melanie Prentice
Description:	Deed for author to assign to the City all copyright – recording of historical importance – Local Studies Collection
Date:	01.02.07

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Robert A Winter
Description:	Withdrawal of Caveat – Lot 11 (No 40A) Raleigh Road, Sorrento –
Date:	01.02.07

Document:	Deed of Restrictive Covenant
Parties:	City of Joondalup and Peet Ltd
Description:	To restrict vehicular access, Stage 4, Portion of Lot 9002 Burns Beach Road, Burns Beach on Deposited Plan 52613
Date:	01.02.07

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Schedule of Documents executed by means of affixing the Common Seal covering the period 5 December 2006 to 1 February 2007 be NOTED.

CJ002 - 02/07 WALGA BOARDS AND COMMITTEE VACANCIES - [02011] [00033]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To advise Council of the WALGA vacancies for representation on State and Association Boards and Committees.

EXECUTIVE SUMMARY

WALGA is seeking nominations for the representations listed below, with nominations closing on 9 March 2007.

Committee	Representation Required
Air Quality Coordinating Committee	1 Member 1 Deputy Member
Natural Resources Management Council	1 Member (term between one and three years)
South West Catchments Council	4 Members (South West Country Zone, Peel Zone, Central Country Zone and Great Southern Zone)
Swan River Trust	1 Member (three year term)
Taxi Customers Advisory Forum	1 Member
WA Community Safety and Crime Prevention Council	1 Metropolitan Member 1 Country Member
WA Telecentre Advisory Council	1 Member
Western Australian Planning Commission (WAPC)	1 Metropolitan Member (two year term) 1 Deputy Metropolitan Member (two year term) 1 Non-Metropolitan Member (two year term) 1 Deputy Non-Metropolitan Member (two year term)
WAPC Coastal Planning and Coordination Council	1 Metropolitan Member (two year term) 1 Non-Metropolitan Member (two year term)
WAPC Infrastructure Coordinating Committee	1 Member (two year term)
WAPC Statutory Planning Committee	1 Member (two year term)
WAPC Sustainable Transport Committee	1 Member (two year term)
WAPC South West Region Planning Committee	3 Members (South West Region)
WAPC Greater Bunbury Region Planning Committee	4 Members (Greater Bunbury Region)
WAPC Peel Region Planning Committee	3 Members (Peel Region)

BACKGROUND

Notification of these vacancies has previously been circulated through the Desk of the CEO publication.

DETAILS

Vacancies are posted on the WALGA Internet site and disseminated to all local governments. The Summary of Current Vacancies is attached.

The vacancies relating to the South West Catchments Council, WAPC South West Region Planning Committee, WAPC Greater Bunbury Region Planning Committee and WAPC Peel Region Planning Committee require regional membership and are therefore not relevant to the City of Joondalup.

Nominations are to be completed using the WALGA Nomination Form and received by close of business on Friday 9 March 2007. At the close of the nomination period the Selection Committee will meet and resolve on preferred candidates or make recommendations on preferred candidates to the WALGA State Council.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

There is opportunity for regional partnerships to be further developed through participation by City of Joondalup Elected Members on roles on WALGA committees.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The sitting fees are:

Committee	Sitting Fees
Air Quality Coordinating Committee	Nil
Natural Resources Management Council	As per Department of Premier and Cabinet rates
Swan River Trust	Between \$7,600 - \$16,700 per annum
Taxi Customers Advisory Forum	Nil
WA Community Safety and Crime Prevention Council	\$320 per day or \$210 per part day (less than 4 hours)
WA Telecentre Advisory Council	As per the schedule of rates and charges
Western Australian Planning Commission (WAPC)	\$11,500 per annum
WAPC Coastal Planning and Coordination Council	\$4,700 per annum
WAPC Infrastructure Coordinating Committee	\$4,050 per annum
WAPC Statutory Planning Committee	\$8,100 per annum
WAPC Sustainable Transport Committee	\$4,050 per annum

ATTACHMENTS

Attachment 1 Summary of Current Vacancies

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOMINATES the following representatives as WALGA Members:

- 1 Air Quality Coordinating Committee**
 - One elected member as member;**
 - One elected member as deputy member;**

2 Natural Resources Management Council

One elected member as member;

3 Swan River Trust

One elected member as member;

4 Taxi Customers Advisory Forum

One elected member as member;

5 Western Australian Community Safety and Crime Prevention Council

One elected member as metropolitan member;

6 WA Telecentre Advisory Council

One elected member as member;

7 WA Planning Commission (WAPC)

One elected member as metropolitan member;

One elected member as deputy metropolitan member;

8 WA Planning Commission (WAPC) Statutory Planning Committee

One elected member as member;

9 WA Planning Commission (WAPC) Sustainable Transport Committee

One elected member as member;

10 WA Planning Commission (WAPC) Infrastructure Coordinating Committee

One elected member as member;

11 WA Planning Commission (WAPC) Coastal Planning and Coordination Council

One elected member as metropolitan member.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf200207.pdf](#)

CJ003 - 02/07 APPOINTMENT OF REPRESENTATIVES TO COMMITTEES – [02153]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

Following the resignation of Cr John Park, consideration is required to be given to the appointment of representatives to various Council-created Committees and to certain external Committees as an interim measure before Cr Park's replacement is determined.

BACKGROUND

Council establishes various committees to advise it on specific matters. Such committees have no delegated power. The Local Government Act 1995 applies to these Council-created committees, and appointment of representatives to these committees must be made by Council and passed by an absolute majority. Council also nominates representatives to committees created by external organisations. Council may nominate representatives to such external committees by a simple majority.

Following the elections held on 6 May 2006, representatives were appointed to various Council-created and external committees. Cr John Park was appointed to the following committees:

Council-created committees:

- Conservation Advisory Committee.
- Policy Committee.
- Strategic Financial Management Committee.

External Committees:

- North Metropolitan Regional Recreation Advisory Committee.
- North Western Metropolitan Regional Road Sub-Group.
- Small Business Centre Inc.
- WA Local Government Association – North Metropolitan Zone.

DETAILS

Vacancies exist on the above committees following the resignation of Cr Park. Information on the role of each committee and meeting details is provided at Attachment 1.

It is considered important to make interim appointments to Council related Committees to ensure the Central Ward is represented and also to the Small Business Centre Inc in particular where Cr Park was the City's sole representative.

Council-created committees:**Conservation Advisory Committee.**

Current membership:

Cr S Magyar Presiding Person
Cr M John
Cr S Hart
Cr B Corr
Vacant - Member

Friends of Korella	Mrs M Zakrevsky
Friends of Hepburn Heights	Mr R Henderson
Friends of Craigie Bushland	Mr J Wood
Friends of Periwinkle	Mr B Fitzsimmons
Friends of Maritana	Ms S Bailey
Joondalup Coast Care Forum	Ms P Robertson
Friends of Iluka Foreshore	Dr M Apthorpe
Mr John Chester	
Mrs Wendy Herbert	
Ms Alice Stubber	

Policy Committee.

Current membership:

Cr S Hart *Presiding Person*
Mayor T Pickard
Cr K Hollywood
Cr S Magyar
Cr M Evans
Cr R Fishwick
Vacant - Central Ward member

Strategic Financial Management Committee.

Current membership:

Cr M John Presiding Person
Cr R Fishwick
Mayor T Pickard
Cr T McLean
Cr S Magyar
Cr B Corr
Vacant – Central Ward Member

External Committees:**North Metropolitan Regional Recreation Advisory Committee.**

Current membership:

<u>Member</u>	<u>Deputy</u>
Cr G Amphlett	<i>Vacant</i>

North Western Metropolitan Regional Road Sub-Group.

Current membership:

<u>Member</u>	<u>Deputy</u>
Mayor T Pickard Director Infrastructure Services	<i>Vacant</i> -

Small Business Centre Inc.

Current membership:

<u>Member</u>
<i>Vacant</i>

WA Local Government Association – North Metropolitan Zone.

Current membership:

<u>Member</u>	<u>Deputy</u>
Mayor T Pickard	Cr S Hart
Cr R Currie	Cr M John
Cr S Magyar	<i>Vacant</i>
Cr T McLean	Cr K Hollywood

Issues and options considered:

The Council has the option of either:

- Appointing an Elected Member replacement to all or some of the various Council-created and external committees at this time, or
- Giving consideration to these vacancies once the vacant position of Central Ward Councillor is filled.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:Appointment of committee members

5.10 (1) A committee is to have as its members:

- (a) persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and
- (b) persons who are appointed to be members of the committee under subsection (4) or (5).

* Absolute majority required.

- (2) At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides.
- (3) Section 52 of the Interpretation Act 1984 applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government.
- (4) If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee.
- (5) If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish:
 - (a) to be a member of the committee; or
 - (b) that a representative of the CEO be a member of the committee,the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee.

Tenure of committee membership

- 5.11 (1) Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until:
- (a) the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be;

- (b) the person resigns from membership of the committee;
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

(2) Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until:

- (a) the term of the person's appointment as a committee member expires;
- (b) the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant;
- (c) the committee is disbanded; or
- (d) the next ordinary elections day,

whichever happens first.

Clause 51(2) of the Standing Orders Local Law 2005 states: -

A nomination to any position is not required to be seconded.

Risk Management considerations:

Appointment of committees is essentially to assist the Council in performing some of its responsibilities. If the Council resolves not to appoint committees or representation to external committees, this may hinder the overall decision-making process.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

A number of the external committees that the City of Joondalup is entitled to have representation on deal with matters that not only affect the affairs of the City but also the region and the local government industry as a whole. If the City has representation on such committees, this will allow the representatives to represent the best interests of the City of Joondalup.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Whilst it could be argued that the vacancies created by Cr Park's resignation should be considered when a replacement for Cr Park is sworn in, this report is presented now to enable Council to consider appointments and avoid vacancies remaining for an extended period.

Where there are more nominations to the vacancies for representation on either Council appointed or external committees, a ballot will need to be conducted to determine the representative.

ATTACHMENTS

Attachment 1 Committees – Role and meeting details

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION**That Council:**

- 1 BY AN ABSOLUTE MAJORITY, APPOINTS the following delegates;**
 - (a) one member to the Conservation Advisory Committee;**
 - (b) Cr Geoff Amphlett as Central Ward member to the Policy Committee as an interim measure until a replacement for Cr Park is appointed;**
 - (c) Cr Geoff Amphlett as Central Ward member to the Strategic Financial Management Committee as an interim measure until a replacement for Cr Park is appointed;**

2 NOMINATES the following representatives to external committees:

(a) North Western Metropolitan Regional Road Sub-Group.

One Elected Member as deputy to Mayor T Pickard;

(b) Small Business Centre Inc.

One Elected Member;

(c) WA Local Government Association – North Metropolitan Zone.

One Elected Member as deputy to Cr S Magyar.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf200207.pdf](#)

CJ004 - 02/07 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER TO 31 DECEMBER 2006 - [20560]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To present the *Annual Plan 2006/07 Quarterly Progress Report* for the period 1 October to 31 December 2006.

EXECUTIVE SUMMARY

The Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2006/07.

It is recommended that Council RECEIVES the Annual Plan 2006/07 Quarterly Progress Report for the period 1 October – 31 December 2006 shown as Attachment 1 to Report CJ004-02/07.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council at its meeting of 14 December 2004 (Item CJ307-12/04 refers), 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 brief description of the key projects and programs that the City intends to deliver in the 2006/07 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

Link to Strategic Plan:

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

Outcome: The City is a sustainable and accountable business.

Objective 4.1 To manage the business in a responsible and accountable manner.

Strategy 4.1.2 Develop a corporate reporting framework based on sustainable indicators.

Legislation – Statutory Provisions:

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

This Act is intended to result in:

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

The majority of project and program milestones have been met for the October - December quarter.

ATTACHMENTS

Attachment 1 Annual Plan Progress Report for the period 1 October – 31 December 2006.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2006 shown as Attachment 1 to Report CJ004-02/07.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf200207.pdf](#)

CJ005 - 02/07 FUNDING SUPPORT FOR THE SMALL BUSINESS CENTRE (NORTH WEST METRO) INC. - [73597]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To confirm funding support for the Small Business Centre (North West Metro) Inc.

EXECUTIVE SUMMARY

At its meeting of 13 December 2005, Item CJ264-12/05 referred to Council's agreement to establish an independent incorporated body to manage the new Business Enterprise Centre for the North West Region of Perth covering the Cities of Wanneroo and Joondalup, and requested that a business plan be submitted outlining its business activities for the 2006-2007 Financial Year.

A Business Plan has now been finalised by the Small Business Centre (SBC) and is shown as Attachment 1. This Business Plan outlines the services to be provided by the SBC, a framework for delivery together with a financial plan.

The Business Plan highlights that services will be provided on an equitable basis between the Cities of Wanneroo and Joondalup.

This report recommends that Council endorses the business plan and agrees to contribute \$55,000 to the SBC for the 2006/2007 financial year.

BACKGROUND

At its meeting of 13 December 2005, Item CJ264-12/05 referred to Council's agreement to establish an independent incorporated body to manage the new Business Enterprise Centre for the North West Region of Perth covering the Cities of Wanneroo and Joondalup.

Furthermore, as part of this item Council resolved to:

- "7. *List up to \$55,000 for consideration in the draft Council Budget for 2006/2007 subject to the new Business Enterprise Centre presenting to council a Business Plan which shows how the funds will be allocated to support business development within the region comprising the Cities of Joondalup and Wanneroo.*
8. *Council REQUESTS a review of the effectiveness of the new proposed Business Enterprise Centre after twelve (12) months from the date of establishment, in terms of:*
 - (a) *overall service delivery;*
 - (b) *appropriateness of locations;*
 - (c) *appropriateness and effectiveness of a two-office service model;"*

Since this meeting, a new name for the Business Enterprise Centre in the North West Region has been adopted, namely the Small Business Centre trading as the Small Business Centre (North West Metro) Inc.

A Business Plan has now been finalised by the Small Business Centre (SBC), that has responded to feedback provided by the City's Administration in conjunction with the City of Wanneroo (Attachment 1 refers). This Business Plan outlines the services to be provided by the SBC, a framework for delivery together with a financial plan.

DETAILS

The SBC Business Plan for 2006/2007 outlines a basis for the delivery of a quality support service to the small business community in the North West Metro region. The core services of the SBC focus upon supporting and facilitating small business development on a free-of-charge basis. As outlined in the business plan, this will be achieved by assisting small businesses to access the following:

- Business planning information
- Commercial sources of finance
- Marketing information
- Electronic commerce
- Legal, accounting and other professional advice and assistance
- Technical assistance and product development information and guidance
- Support after business start-up
- Government legislation and acts, the regulations and their requirements and information services
- Information regarding research and development support including NGO and government resources.

As part of its core services, the SBC will seek to deliver appropriate training, business skills and personal development courses for local business owners. A program of workshops will help to improve the skills of local businesses to increase their likelihood of success. These workshops will be evenly distributed between Wanneroo and Joondalup and will be held at various times to provide local businesses with convenient access to the training. The workshops will be provided on a cost-recovery basis and topics will include the Small Business Development Corporation's generic series of subjects that include:

- Cashflow Management
- Marketing Today
- Tourism Today

The plan suggests that other workshop topics are also expected to be developed through discussion with the City. In addition, through participation in other strategic projects like Succession Planning and Thinklearn, the SBC will be ideally placed to support targeted skills development in the region.

The business plan outlines the following forecasts for the 2006/2007 financial year that demonstrate the value of the Centre to the City and the North West region:

- 2030 Business will be supported by the Centre (made up of 390 new business interviews, 80 existing business interviews and 1560 casual enquiries);
- 110 New Business start-ups will arise following input from the Small Business Centre;
- 165 Full time jobs will be created in the region;
- 60 part time jobs will be created in the region.

The Business Plan highlights that services will be provided on an equitable basis between the Cities of Wanneroo and Joondalup.

The SBC services will be delivered to the North West Metro region through offices in Enterprise House, Wanneroo and Lakeside Drive, Joondalup. This will be achieved by way of a facilitator located at each office. The facilitator based at Joondalup also has the responsibility of overall management of the Centre, with the support of an Administration Assistant, who is also based at the Joondalup Office.

By having a local facilitator based in Wanneroo, the SBC service has achieved effective regional distribution. Additional outreach services are provided further north into Clarkson and Brighton. The SBC has committed to continuing these services and extending them to Yanchep and Two Rocks in the future as opportunity and resources become available. In addition, the SBC also conducts presentations at Clarkson and Two Rocks Libraries and looks to extend this service to include Joondalup and Whitfords Libraries.

Based on the operation of the Centre over the 2006 calendar year and through direct liaison with the SBC facilitators and board of management, the two-office service model remains the most effective service distribution for the SBC. Furthermore with the outreach services in place to service the north both office locations are ideally placed to achieve equitable access to the service, whilst capturing the natural traffic flow they receive.

From a strategic perspective, the plan ensures strategic links to the City to add value to its economic development activities. The SBC provides a 'finger on the pulse' for small business development, which is used to assist the City to achieve broader economic development outcomes in the region. A key commitment made in the plan is to conduct regular meetings between the SBC and economic development representatives from both Cities to facilitate knowledge exchange and to review and improve the quality of service.

The SBC recognises its position in relation to economic development in the region and the importance of working closely with the City. Part of this will be achieved through the SBC's commitment to providing more comprehensive reporting statistics that will enable the City to measure both quantitatively and qualitatively the support the SBC provides to small businesses in the region and the nature and extent of demand for services. Previously, most of the reporting statistics under the former Business Enterprise Centre related to the number of client sessions by interview time and by business lifecycle (i.e. new business or existing business), the number of new business start-ups and the associated employment positions created. A measure of the number of workshops held was also provided. With the revised Business Plan, more comprehensive and valuable reporting statistics will be provided that include improved industry classifications, event participation levels, business continuity, and client feedback results.

The plan provides for a coordinated marketing strategy to ensure the activities and services of the SBC are positioned and promoted inline with the City's own economic development activities. The aim is to ensure that members of the business community are clear on the positioning of the SBC and to ensure that events and activities of the SBC and the City complement each other. This also includes supporting each organisation with marketing and cross-promotional activities.

In terms of financials for the 2006/07 financial year, the SBC is expecting support from the Cities of Joondalup and Wanneroo as well as the Small Business Development Corporation. The total funding is calculated at \$230,000. The City of Wanneroo, at its meeting on the 30 January, approved its contribution of \$55,000, which is the same amount requested from the City of Joondalup. Whilst Council has previously noted the expectation of the SBC that it expects to receive on-going funding support in future years, it is prudent that this be subject to a review of the 2006-2007 Financial Year Business Plan and the submission of a subsequent three-year Business Plan to Council for the 2007-2008, 2008-2009 and 2009-2010 Financial Years.

The delay in submitting the plan has been caused primarily by a changeover in management of the SBC together with the time taken to incorporate feedback from the two cities and other stakeholders in the plan. Following this period of feedback and on-going discussions with the City's Strategic Development Unit (in association with other stakeholders), the plan has subsequently been revised in order to align it more closely to the expectations and requirements of the City and to ensure the appropriate specification for the effective delivery of business development support services in the region.

Link to Strategic Plan:

The support of the SBC aligns to the City's Strategic Plan. In particular, the City Development Key Focus Area Objective 3.5 is 'To provide and maintain sustainable economic development'. The SBC, under the terms of its Business Plan, aligns to following strategy within this objective area:

- Develop partnerships with stakeholders to foster business development opportunities.

Legislation – Statutory Provisions:

Nil.

Risk Management considerations:

The City has representation on the board of management for the Small Business Centre and is able to monitor its operation accordingly. Representatives from the City's Strategic Development Unit will also meet regularly with SBC facilitators to provide guidance and assistance were practicable.

Financial/Budget Implications:

The City has listed \$55,000 in the approved Council Budget for 2006/2007 under:

Account No:	1-2130.5399.0001.F402
Budget Item:	Small Business Funding Agreement
Budget Amount:	\$55,000
YTD Amount:	\$0
Actual Cost:	\$0

For 2006/07 financial year, the SBC is expecting support from the Cities of Wanneroo and Joondalup as well as the Small Business Development Corporation. The total funding is calculated at \$230,000.

The SBC expects to receive on-going funding support in future years, however this is expected to be subject to a review of the current 2006-2007 Financial Year Business Plan and the submission of a subsequent three-year Business Plan to Council for the 2007-2008, 2008-2009 and 2009-2010 Financial Years.

Policy Implications:

Nil.

Regional Significance:

The service represents a strategic partnership for the delivery of business support services for the North West Metropolitan region. By partnering with the City of Wanneroo and the State Government the City has been able to maximise the services available for small business across the region that will ultimately provide flow-on benefits for the whole community.

Sustainability Implications:

The business support service offered by the SBC enhances the economic sustainability of the region.

Consultation:

In accordance with the regional focus for the delivery of services from the North West Metro SBC, the development of the SBC Business Plan has needed to consider requirements of both the City of Wanneroo and the City of Joondalup. The SBC has proactively sought feedback from both City Administrations in relation to the development of the plan. The City of Joondalup Administration has closely consulted with the City of Wanneroo to ensure alignment of views and consistent feedback. The City of Wanneroo has already considered and endorsed the attached Business Plan.

In addition, the Small Business Development Corporation, as the parent body for the Small Business Centre, has also been consulted in the development of the plan to ensure alignment and agreement.

COMMENT

The Business Plan submitted by the SBC represents a significant step forward in the delivery of a quality service to the Small Business Community in the North West Region. Through delivery against this business plan, the SBC is set to become a benchmark for small business support in WA.

It is considered that the current Business Plan reflects a solid framework for the City to ensure the appropriate expenditure of Council funds. The plan outlines a service that will not only underpin a quality service delivery to our local small business community, but will also provide the City with performance measures to quantify the value of the services being delivered.

The forecasts included in the plan suggest a total of 110 new businesses will start-up following input from the SBC in the 2006/07 financial year. This will lead to approximately 165 full-time jobs and 60 part-time jobs in the region. Based upon an equitable split of services between Joondalup and Wanneroo, this will be of significant benefit to Joondalup generating increased local employment opportunities as well as providing other economic and community benefits.

In addition, the new Plan provides a basis for valuable information to be provided to the City that can be used to influence the strategic delivery of economic development activities in the region tailored to the needs of local businesses. The commitment to regular meetings with the City's Administration will also enable the further development and improvement of small business support services in the future.

ATTACHMENTS

Attachment 1 Small Business Centre Application for Funding (including 2006/07 Business Plan)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ENDORSES the Small Business Centre Business Plan (Financial Year 2006 – 2007) submitted by the Small Business Centre (North West Metro) Inc forming Attachment 1 to Report CJ005-02/07;**
- 2 AGREES to contribute \$55,000 to the Small Business Centre (North West Metro) Inc. for Financial Year 2006/2007 to support small business development within the City of Joondalup;**
- 3 REQUIRES the Small Business Centre (North West Metro) Inc. to undertake a review of its achievements against the Business Plan (Financial Year 2006 – 2007) prior to funding the Financial Year 2007 – 2008 request;**
- 4 NOTES the funding model included in the Business Plan and the Small Business Centre's expectation that the Cities of Joondalup and Wanneroo will provide on-going funding support;**
- 5 REQUESTS the Small Business Centre (North West Metro) Inc. submit a subsequent three-year Business Plan encompassing the 2007-2008, 2008-2009 and 2009-2010 Financial Years before further funding is considered.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf200207.pdf](#)

CJ006 - 02/07 ANNUAL GENERAL MEETING OF ELECTORS HELD ON 20 NOVEMBER 2006 – [65578]

WARD: All

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

PURPOSE

For the Council to give consideration to the motions moved at the Annual General Meeting of Electors held on 20 November 2006.

EXECUTIVE SUMMARY

The City's Annual General Meeting of Electors was held on 20 November 2006 in accordance with Section 5.27 of the Local Government Act 1995, and the minutes of that meeting were submitted to the Council meeting on 12 December 2006.

As required by Section 5.33 of the Local Government Act 1995, this report gives consideration to the motions moved at the Annual General Meeting of Electors and recommends a suggested course of action as to how each matter should be dealt with.

BACKGROUND

The City's Annual General Meeting of Electors was held on 20 November 2006 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by 22 members of the public, with a total of nine motions passed at the meeting. The minutes of that meeting were submitted to the Council meeting on 12 December 2006.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Council committee meetings, they are not binding on the Council, however the Council must consider them.

At its meeting on 12 December 2006 (Item CJ237 - 12/06 refers) Council resolved to:

- 1 *NOTE the Minutes of the Annual General Meeting of Electors held on 20 November 2006 forming Attachment 1 to Report CJ237-12/06;*
- 2 *REQUEST that a report be submitted to the first Ordinary Council meeting in 2007 giving consideration to the motions raised at the Annual General Meeting of Electors.*

DETAILS**Issues and options considered:**

The nine motions passed at the Annual General Meeting of Electors are set out below in *italics*, followed by a comment and suggested course of action as to how each matter should be dealt with.

MOTION NO 1 – NATURAL AREAS BUDGET

MOVED Mrs M Apthorpe, 69 Bacchante Circle, Ocean Reef, SECONDED Mrs M Macdonald, 5 Mair Place, Mullaloo that the Natural Areas budget approved by Council be made available to the Bushcare Officer in toto for expenditure from 1 July of each financial year, so that appropriate allocation of expenditure can be made during the spring weed season, when most work is required in natural areas.

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

Maintenance funds are available for all works associated with bush land, and maintenance within the foreshore or public open space areas.

Weed spraying was deferred during 2006 due to the poor seasonal rainfall in May, June and July. Spraying was not required until mid August as weed germination occurred.

RECOMMENDED RESPONSE:

That the City's current practice of having natural areas maintenance funds available for use in the early part of the new financial year is continued and that sufficient funds be allocated within this budget to perform weed control programmes as required.

MOTION NO 2 – BUSH AREA FORUMS

MOVED Mrs M Apthorpe, 69 Bacchante Circle, Ocean Reef, SECONDED Mrs M Zakrevsky, 49 Korella Street, Mullaloo that the City set up a quarterly forum between bushcare community representatives (i.e. Friends Groups and other interested people) and the City's Natural Areas staff, to exchange detailed information on work programs to be carried out in bush areas, and details of the City's budget in those areas, how much and what has been, and is to be spent on bush areas and when and exactly where.

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

It is proposed that representatives of the various friends group meet annually with designated staff to develop service level agreements for Council's consideration as part of future budget processes. The purpose of the meetings will be to:

- Review the previous year's program
- Identify and agree on the forthcoming year's program

RECOMMENDED RESPONSE:

That designated staff meet on site annually with members of the Natural Areas Friends Groups. The purpose of the meeting is to produce the following:

- A review of the previous season's activities.
- An action plan for the forthcoming season, with an appropriate service level agreement.

MOTION NO 3 – REMOVAL OF ASBESTOS ROOFS

MOVED Mr M Caiacob, 7 Rowan Place, Mullaloo, SECONDED Ms M Moon, 6 Carew Place, Mullaloo that Council include in the 2007/08 budget adequate funds for the removal of asbestos roofs in public toilet blocks and the replacement of these roofs with an alternative safe material.

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

There are currently two toilet blocks remaining in the City that have asbestos roofs, one adjacent to the Angling Club, Marmion and the other at the northern end of Tom Simpson Park.

The replacement of the roof at Tom Simpson Park is already listed for consideration in the 2007/2008 Budget and the future of the Marmion site will be considered soon, as it is likely that this facility requires replacement.

RECOMMENDED RESPONSE:

That replacement of the asbestos roof at the Marmion Angling Club toilet block be considered in the 2007/2008 Draft Budget.

MOTION NO 4 – RECORDING OF COUNCIL MEETINGS

MOVED Mr M Caiacob, 7 Rowan Place, Mullaloo, SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo, that Council:

- 1 provides a better standard of minutes, indicating a brief outline of each individual Councillor's debate, and*
- 2 includes in the 2007/08 budget funds for electronic video and audio streaming of the Council meetings for the benefit of the community.*

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

- 1 Minutes are prepared in accordance with the requirements of Regulation 11 of the Local Government (Administration) Regulations 1996, and the Guidelines prepared by the Department of Local Government and Regional Development.
- 2 An amount of \$200,000 is listed on the 2006/07 budget to replace the current sound and recording system within the Council Chamber. Various options will be considered as part of the replacement.

RECOMMENDED RESPONSE:

That Council notes that:

- 1 a process review of minute taking be undertaken;
- 2 investigations have begun into the replacement of the sound and recording system in the Council chamber, including site visits to other venues.

MOTION NO 5 - MULLALOO PARKING ISSUES

MOVED Mr M Sideris, 12 Page Drive, Mullaloo, SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that this Council places before itself and each Elected Member:

- 1 *copies of all the following very salient State Records in respect of the statements made by the City of Joondalup to the Supreme Court, the State Administrative Tribunal and to ratepayers including the written quote "further 34 bays paid and constructed by the Tavern have been previously provided on the opposite side of the road" and "these car bays were funded by the owner of the tavern site";*
- 2 *the land title deeds of Lot 225 which clearly show that Mr Bellombra did not own the land at the time of its repossession;*
- 3 *the two pictures of the Mullaloo Beach car parking pre 1981;*
- 4 *Council resolution showing conditional approval to a restaurant on Lot 9;*
- 5 *Council's Minutes directing cash-in-lieu monies never received to be spent north of Korella Street.*

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

The City provides information relevant to Elected Members to assist them in their decision-making. The request that certain information be placed before Council and each Elected Member is noted.

RECOMMENDED RESPONSE:

Council notes the request that certain historical information be placed before Elected Members. The Council also notes that it receives relevant information to assist it in decision-making.

MOTION NO 6 – MULLALOO TAVERN

MOVED Mr M Caiacob, 7 Rowan Place, Mullaloo, SECONDED Mrs M Macdonald, 5 Mair Place, Mullaloo that Council advise:

- 1 why the parking issues and safety concerns outlined in the correspondence from the City dated 30 October 2006 were not presented to State Administrative Tribunal (SAT);*
- 2 why Council approval based on conditional landscaping requirements which affects parking provisions were not presented to the SAT;*
- 3 why ongoing unauthorised commercial delivery issues were not presented to the SAT;*
- 4 why the independent parking report referred to in the correspondence of 31 October 2006 was not presented to the SAT;*
- 5 if all required disabled bays are supplied including one bay minimum to the units level and what is the final number of disabled bays and their locations;*
- 6 if Australian Standard 2890 Part 1 & 2 is complied with in total, including visual sight lines for commercial vehicles exiting the development and minimum head heights required for commercial vehicles entering the development.*

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

The correspondence dated 30 October 2006 (referred to in point 1 of the above motion) is related to the enforcement of the City's Parking Local Laws and the methods of substantiating an infringement. This is not a matter that is under SAT consideration.

In relation to points 2 and 3, the Notice issued by the City related to the number and dimensions of car parking spaces and therefore, the issues raised in points 2 and 3 were not relevant to matter before the State Administrative Tribunal.

In relation to point 4, the traffic and parking study is being undertaken to assist with Parking Local Law enforcement. It does not relate to the Stop Order which is before the SAT.

Concerning point 5, five disabled bays have been provided (which satisfies the relevant standard), of which four bays are located in the basement and one bay is located on the upper level of the development.

The City is awaiting written certification from the owner's traffic engineers in relation to the issues raised in point 6 concerning Australian Standard 2890. Once this information is received, the City will then determine whether any further action is required.

RECOMMENDED RESPONSE:

That Council:

- 1 takes no further action in relation to parts 1-4 as the matter regarding car parking is before the State Administrative Tribunal and this matter does not relate to the issues raised in these parts of the resolution.
- 2 takes no further action in relation to Part 5 as the location and number of disabled car parking spaces provided complies with the relevant standards.
- 3 acknowledges that at this stage, the City is seeking written confirmation from the owner's Traffic Engineer that certain parts of the development meet the requirements of Australian Standard 2890 and that further action may or may not be required by the City once the requested information has been received.

MOTION NO 7 – REQUEST FOR RELEASE OF O'NEILL REPORT

MOVED Mr K Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mrs M Zakrevsky, 49 Korella Street, Mullaloo that the Chris O'Neill Report be made available to the public immediately, and copies be provided to the Mullaloo residents who contributed to it, because it has no bearing on legal matters as it has been seen by Rennet Pty Ltd's lawyers, for the following reasons:

- *The Chris O'Neil investigation was instigated to assess the problems associated with Lot 100 Oceanside Promenade Mixed Use Development, that were and still are of serious concern to ratepayers.*
- *What facts are in it that it cannot be released to the public? What synopsis of the O'Neil Report have the Councillors been told or given as a statement? Who verbalised the Mullaloo Tavern (Lot 100 Oceanside Promenade) as "historic"? The matter is very much alive and not historic. It is still unfinished business and very current.*
- *Mr Chaney clearly stated at the SAT Directional Hearing that this matter has dragged on for so long because the plans were "Mottled and Confused". Mr Chaney at the hearing without any reference to or from the MPA or any ratepayer, was obviously not satisfied and perhaps, not surprisingly, becoming a little impatient with this matter before him. He has clearly advised both sides, solicitors for Rennet Pty Ltd and solicitors for the City of Joondalup to negotiate an agreement.*

- *What brief has been given to the Council's solicitors? If Councillors do not know what brief has been given to solicitors, then what brief are you, the Council, going to give the solicitors now because I understand that Rennet Pty Ltd have not submitted a new development application.*
- *City of Joondalup solicitors at the hearing said they will advise Council and that Council has at least two meetings to determine their position before 19 January 2007 SAT hearing.*
- *Council needs to urgently address this whole drawn out matter, which is very current and definitely not historic.*

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

The Council has received legal advice that as the SAT has not yet made final orders, and as a number of matters remain to be resolved which may require referral to the SAT, it is not appropriate to provide the O'Neill Report at this time.

RECOMMENDED RESPONSE:

That the O'Neill Report is not provided to members of the public at this time.

MOTION NO 8 – PREVENTION OF BEACH CONTAMINATION

MOVED Mrs M Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mr M Caiacob, 7 Rowan Place, Mullaloo that Council investigate and implement world best practice to prevent the contamination of our beaches with life threatening animal faecal bacteria.

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

The City is currently assisting the Department of Health (DoH) in its Sanitary Survey of Coastal Waters. The Sanitary Survey is being conducted in accordance with the 2005 National Health and Medical Research Council (NHMRC) Guidelines for Managing Risks in Recreation Waters. The Guidelines provide a mechanism for communicating substantiated information to the public on bacterial risks in popular recreational water environments and provide a risk-management framework to classify a recreational water body.

The City has been assisting the DoH with the water sampling of beaches for bacterial analysis. There are 10 sampling sites within the City. This approach provides information on possible sources of pollution, as well as numerical information on the likely level of faecal pollution. Previous results have rated the City of Joondalup Beaches as 'Good'; however, should sampling results deteriorate, potential sources of pollution will be investigated.

RECOMMENDED RESPONSE:

That the City continues to liaise with and assist the Department of Health with the Sanitary Surveys of Coastal Waters, as guided by the NHMRC Guidelines for Managing Risks in Recreational Waters.

MOTION NO 9 – CORPORATE STRUCTURE

MOVED Mrs M Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mr M Caiacob, 7 Rowan Place, Mullaloo that the current corporate structure from executive to named middle manager level positions having a salary package of \$80,000 or more per annum be made public and available as an agenda report for the February 2007 Council Meeting.

The Motion was Put and

CARRIED WITHOUT DISSENT

Officer's comment:

A copy of the current corporate structure is provided at Attachment 1.

Details of all senior positions' salary packages are listed in the 2005/2006 Annual Report.

RECOMMENDED RESPONSE:

That it is noted that statutory reporting of information on senior positions' salary packages is included in the City's 2005/2006 Annual Report.

Link to Strategic Plan:

Outcomes:

The City of Joondalup is an interactive community.

Objectives:

4.3 To ensure the City respond to and communicate with the community.

Strategies:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.33 of the Local Government Act 1995 states:

Decisions made at Electors' Meetings

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

Risk Management considerations:

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The motions carried at the Annual General Meeting of Electors held on 20 November 2006 are presented to the Council in accordance with the requirements of the legislation. It is recommended that the Council gives consideration to the matters raised.

ATTACHMENTS

Attachment 1 Corporate Structure

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That:

- 1** in relation to Motion 1 raised at the Annual General Meeting of Electors held on 20 November 2006, Council AGREES that the City continues its current practice of having natural areas maintenance funds available for use in the early part of the new financial year and that sufficient funds be allocated within this budget to perform weed control programmes as required;
- 2** in relation to Motion 2 raised at the Annual General Meeting of Electors held on 20 November 2006, Council SUPPORTS the idea that designated staff meet on site annually with members of the Natural Areas Friends Groups. The purpose of the meeting is to produce the following:
 - A review of the previous season's activities
 - An action plan for the forthcoming season, with an appropriate service level agreement
- 3** in relation to Motion 3 raised at the Annual General Meeting of Electors held on 20 November 2006, Council AGREES that the replacement of the asbestos roof at the Marmion Angling Club toilet block be considered in the 2007/2008 Draft Budget;
- 4** in relation to Motion 4 raised at the Annual General Meeting of Electors held on 20 November 2006, Council NOTES that:
 - (a) minutes are prepared in accordance with the requirements of Regulation 11 of the Local Government (Administration) Regulations 1996, and the Guidelines prepared by the Department of Local Government and Regional Development;
 - (b) technology within the Council Chamber is the subject of a review;
- 5** in relation to Motion 5 raised at the Annual General Meeting of Electors held on 20 November 2006, Council NOTES the request that certain historical information be placed before Elected Members. The Council also NOTES that it receives relevant information to assist it in decision-making;
- 6** in relation to Motion 6 raised at the Annual General Meeting of Electors held on 20 November 2006, Council:
 - (a) TAKES NO FURTHER ACTION in relation to parts 1-4 as the matter regarding car parking is before the State Administrative Tribunal and this matter does not relate to the issues raised in these parts of the resolution;

- (b) **TAKES NO FURTHER ACTION** in relation to Part 5 as the location and number of disabled car parking spaces provided complies with the relevant standards;
 - (c) **ACKNOWLEDGES** that at this stage, the City is seeking written confirmation from the owner's Traffic Engineer that certain parts of the development meet the requirements of Australian Standard 2890 and that further action may or may not be required by the City once the requested information has been received;
- 7** in relation to Motion 7 raised at the Annual General Meeting of Electors held on 20 November 2006, Council **ACKNOWLEDGES** that the O'Neill Report will not be provided to members of the public at this time;
- 8** in relation to Motion 8 raised at the Annual General Meeting of Electors held on 20 November 2006, Council **NOTES** that the City continues to liaise with and assist the Department of Health with the Sanitary Surveys of Coastal Waters, as guided by the National Health and Medical Research Council Guidelines for Managing Risks in Recreational Waters;
- 9** in relation to Motion 9 raised at the Annual General Meeting of Electors held on 20 November 2006, Council **NOTES** that statutory reporting of information on senior positions' salary packages is included in the City's 2005/2006 Annual Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf200207.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mayor Troy Pickard
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances and Item 4 - Code of Conduct: Gifts and Acts of Hospitality)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Allowances, gifts and acts of hospitality are relevant to his position as Mayor.

Name/Position	Cr Sue Hart
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances and Item 4 - Code of Conduct: Gifts and Acts of Hospitality)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hart could receive a benefit under these policies.

Name/Position	Cr Steve Magyar
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Magyar could receive a benefit under this policy.

Name/Position	Cr Russ Fishwick
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is an elected member of Council.

Name/Position	Cr Kerry Hollywood
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood could receive a benefit under this policy.

Name/Position	Cr Marie Evans
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Evans could receive a benefit under this policy.

Name/Position	Cr Richard Currie
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 2) - Policies Relating to Recognition of Community/Sporting Groups and Volunteers. (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	(Item 2) – Cr Currie is a member of a sporting club that may benefit. (Item 3) - Cr Currie is an elected member of Council.

Name/Position	Cr Tom McLean
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr McLean could receive a benefit under this policy.

Name/Position	Cr Brian Corr
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Corr could receive a benefit under this policy.

Name/Position	Cr Michele John
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr John could receive a benefit under this policy.

Name/Position	Cr Albert Jacob
Item No/Subject	Item CJ007-02/07 – Policy Committee minutes and policies for public consultation or adoption (Item 3 - Proposed Amendment to Policy 8-2 – Elected Member Allowances)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Jacob could receive a benefit under this policy.

CJ007 - 02/07 POLICY COMMITTEE MINUTES AND POLICIES FOR PUBLIC CONSULTATION OR ADOPTION - [18058]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

To present the unconfirmed minutes of the Policy Committee meeting held on 6 February 2007 and to seek Council support for the:

- Advertising of the amended draft Local Planning Policy – Short Stay Accommodation for 28 Days;
- Ratification of the two policies relating to the Recognition of Community/Sporting Groups and Volunteers;
- Ratification of the amendments to Policy 8-2 – Elected Member Allowances; and
- Ratification of the amendments to the Code of Conduct in relation to Gifts and Acts of Hospitality.

BACKGROUND

The Policy Committee met on 6 February 2007 to consider four reports relating to:

- Short Stay Accommodation;
- Policies relating to the Recognition of Community/Sporting Groups and Volunteers;
- Amendments to Policy 8-2 relating to Elected Member Allowances; and
- An amendment to the Code of Conduct relating to Gifts and Acts of Hospitality.

DETAILS

The unconfirmed minutes of the Policy Committee are included as Attachment 1.

Draft Local Planning Policy – Short Stay Accommodation

The Policy Committee made a number of amendments to the draft Policy which are highlighted in Attachment 2.

Officer's Comment

The amended Policy, as shown at Attachment 2, is supported.

New City Policy - Recognition of Community/Sporting Groups

The Policy Committee made several amendments to this new City Policy which are shown at Attachment 3.

Officer's Comment

The amended Policy, as shown at Attachment 3, is supported.

New City Policy – Recognition of Volunteers

The Policy Committee made several amendments to the draft Policy recognising Volunteers. These are shown at Attachment 4.

Officer's Comment

The amendments to the Draft Policy, as shown at Attachment 4, are supported.

Policy 8-2 - Elected Members – Allowances

The Policy Committee made several changes to Policy 8-2 which are highlighted in Attachment 5.

Officer's Comment

The amendments to Policy 8-2, as shown at Attachment 5, are supported.

Code of Conduct: Gifts and Acts of Hospitality

The Policy Committee supported the proposed amended wording to the Code of Conduct in relation to Gifts and Acts of Hospitality without change (Attachment 6 refers).

Officer's Comment

The revised wording for the Code of Conduct in relation to Gifts and Acts of Hospitality, as shown at Attachment 6, is supported.

Request for reports

During the meeting, the Policy Committee requested three reports, which are identified in the recommendation of this report.

Issues and options considered:

Council could:

- Decide to accept the Policies/Positions as amended or supported by the Policy Committee;
- Make further amendments to any or all of the Policies/Positions; or
- Not amend the Policies and Code.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

The reports, attached to the minutes, indicate the various pieces of legislation which influence these policies. These include the District Planning Scheme and sections 5.98 to 5.103 of the *Local Government Act 1995*.

Risk Management considerations:

Policies and the Code are designed to clarify action to be taken in the future. In this sense, the Policies and Code revisions/enhancements are designed to mitigate risk.

Financial/Budget Implications:

The new Policies in relation to recognising Volunteers and Community/Sporting Groups will have financial consequences. The extent of these consequences will be dependent on the number of groups reaching certain milestones and the nature of the functions held.

Policy Implications:

As identified in this report.

Regional Significance:

Not Applicable.

Sustainability Implications:

Supporting Volunteers and Community/Sporting Groups, in particular, will assist the social sustainability of the City.

Consultation:

The Policies relating to Recognising Volunteers and Groups, Elected Member Allowances and the Code amendment in relation to Gifts are all internally focused and can be adopted by Council.

The Policy in relation Short Stay Accommodation affects the public. It is recommended that this be advertised for 28 days.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1	Unconfirmed minutes of the Policy Committee meeting of 6 February 2007
Attachment 2	Draft Local Planning Policy – Short Stay Accommodation
Attachment 3	Proposed Policy relating to the Recognition of Community/Sporting Groups
Attachment 4	Proposed Policy relating to the Recognition of Volunteers
Attachment 5	Amended Policy 8-2: Elected Members – Allowances
Attachment 6	Revised Code of Conduct: Gifts and Acts of Hospitality

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1** **NOTES** the unconfirmed minutes of the Policy Committee Meeting dated 6 February 2007 forming Attachment 1 to Report CJ007-02/07;
- 2** **AGREES** to:
 - (a) **RELEASE** the draft Local Planning Policy – Short Stay Accommodation, forming Attachment 2 to Report CJ007-02/07 for a public comment period of 28 days;
 - (b) **ADOPT** the new Policy recognising Community/Sporting Groups shown as Attachment 3 to Report CJ007-02/07;
 - (c) **ADOPT** the new Policy relating to the Recognition of Volunteers shown at Attachment 4 to Report CJ007-02/07;
 - (d) **ADOPT** the amendments to Policy 8-2 relating to Elected Member allowances shown as Attachment 5 to Report CJ007-02/07;
 - (e) **REPEAL** the current wording in the Code of Conduct in relation to Gifts and Acts of Hospitality and **ADOPT** the wording contained in Attachment 6 to Report CJ007-02/07 as a replacement;
- 3** **REQUESTS** the Chief Executive Officer to prepare a report:
 - (a) to be submitted to the Policy Committee **REVIEWING** the entire Code of Conduct;
 - (b) on the feasibility of increasing the penalty for abandonment of shopping trolleys;
 - (c) on the development of a policy to provide free use of the City's facilities to organisations such as Lions Club, Rotary and Apex.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agn200207.pdf](#)

CJ008 - 02/07 NEW CITY POLICY - RECOVERY OF COSTS FROM PROSECUTIONS OF THE CITY - [18058]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To provide a report on community feedback with respect to a draft City Policy – Recovery of Costs from Prosecutions of the City.

EXECUTIVE SUMMARY

This report provides information on the consultation process undertaken with respect to the draft City Policy – Recovery of Costs from Prosecutions of the City and the feedback received.

It is recommended that Council formally adopts the draft Policy in its present form.

BACKGROUND

In December 2005, Council requested the Chief Executive Officer draft a Policy for consideration by Council relating to the recovery of costs awarded to the City following legal proceedings (CJ266-12/05 refers). A draft Policy was presented at Council on 10 October 2006 (CJ171 – 10/06 refers) and it was determined that the Policy would be advertised for a period of at least 28 days, after which Council would consider endorsing the Policy having reviewed any submissions received during the public comment period.

DETAILS

Advertisements were placed in the community newspapers, hard copies of the draft Policy were made available at the public libraries and the City's public administration centre, and soft copies were made available online. By the closing date, one submission had been received (Attachment 1 refers) which may be summarised as follows:

"The draft policy:

- *Contradicts the Council decision*
- *Does not make clear against whom action may be taken, since there is no distinction between persons belonging to an organisation that is at some time involved in legal action against the City and those persons who join or leave that organisation after that legal action has been concluded*
- *Does not outline any recovery processes*
- *Is not compliant with the provisions of the Trade Practices Act"*

Each of these dot points is addressed in the Comment section of this report.

Issues and options considered:

Council may consider the following options:

1. Formally adopt the draft Policy in its present form
2. Make further changes to the draft Policy having consideration for the feedback received.

Link to Strategic Plan:

Key Focus Area: Organisational Development

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

Strategy 4.3.1: Provide effective and clear community consultation

Strategy 4.3.2: Provide accessible community information

Strategy 4.3.3: Provide fair and transparent decision-making processes

Legislation – Statutory Provisions:

Section 1.3(2) states that the Act is intended to result in:

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

The degree to which this is achieved is dependant on the transparency and comprehensiveness of the processes and practices for policy development.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The financial implications will be influenced by the number of times prosecutions are brought against the City and the Policy is used.

Policy Implications:

A new policy is established.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

As referred to above.

COMMENT

Concerning dot point one, it is unclear in what matter the draft Policy contracts the decision of Council, namely: *to draft a policy for consideration of the Council in relation to recovering costs awarded to the City in legal proceedings.*

Concerning dot points two and three, it should be noted that the draft Policy was written as a broad statement of intent, rather than as a procedure, and these dot points raise procedural matters.

With respect to the Trade Practices Act (1974), section 2BA states that Part IV binds local government authorities only to the extent that they are carrying on a business. Whilst this may apply, for example, to provision of services from recreational centres owned and run by the City, recovery of costs on behalf of ratepayers from a prosecution brought by another body is unlikely to be construed as a business activity. In these circumstances, rewording the draft policy is considered to be unnecessary.

ATTACHMENTS

Attachment 1	Draft Policy
Attachment 2	Community member submission

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1** **NOTES** the feedback received from the one community submission following the consultation process;
- 2** **ADOPTS** the advertised Policy – Recovery of Costs Awarded to the City, forming Attachment 1 to Report CJ008-02/07, without further amendment.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf200207.pdf](#)

CJ009 - 02/07 MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 12 SEPTEMBER 2006 - [51567]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To submit the unconfirmed minutes of the Strategic Financial Management Committee to Council for information.

EXECUTIVE SUMMARY

A meeting of the Strategic Financial Management Committee was held on 12 September 2006.

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Strategic Financial Management Committee meeting held on 12 September 2006, forming Attachment 1 to Report CJ009-02/07;*
- 2 *ENDORSES the proposition submitted to the Committee for the development within the CBD of the City of Joondalup;*
- 3 *APPROVES the holding of a workshop be organised to engage all Elected Members in the opportunities for development within the CBD;*
- 4 *INVITES external parties, experts and those with interests in this particular field to attend the workshop.*
- 5 *NOTES the confidential report Item 3 - Member Council Guarantees for the Resource Recovery Facility provided for Committee members information.*

BACKGROUND

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

- 1 Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;
- 2 In particular advise Council on:
 - (a) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;
 - (b) Levels of service delivery – determine:

- (i) which services to be provided;
 - (ii) Standards of service. Such standard will be determined with reference to:
 - best industry practice standards where applicable;
 - internally agreed standards which will be determined with reference to local community expectations;
 - (c) Preparation of the Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;
 - (d) Alignment of the Plan for the Future to the Council's Strategic Plan;
 - (e) Consideration of public submissions to the Plan for the Future;
 - (f) Final acceptance of the Plan for the Future'
- 3 Policy development and review of policies with financial implications for the City.

DETAILS

A meeting of the Strategic Financial Management Committee was held on 12 September 2006 to consider the following:

- Options and Potential Role of the City in the Development of the Joondalup Central Business District;
- Framework and Work Plan for Examining Committee Issues;
- Member Council Guarantees for the Resource Recovery Facility.

The minutes of the meeting of 12 September 2006 form Attachment 1 to this Report.

The meeting considered a confidential report in relation to the Resource Recovery Facility, which had been expected to be made public before now and hence the delay in putting these minutes to Council. The report is still not able to be made public and is therefore referenced in the recommendation to be noted as such.

Issues and options considered:

As detailed in the minutes of the meeting held on 12 September 2006.

Link to Strategic Plan:

Key Focus Area 4 - Organisational Development

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

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

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

Policy Implications:

Not Applicable.

Sustainability Implications:

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

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed Minutes of the Strategic Financial Management Committee meeting held on 12 September 2006 are submitted to Council for information.

ATTACHMENTS

Attachment 1	Minutes of the Strategic Financial Management Committee meeting held on 12 September 2006
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VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed Minutes of the Strategic Financial Management Committee meeting held on 12 September 2006, forming Attachment 1 to Report CJ009-02/07;**
- 2 ENDORSES the proposition submitted to the Committee for the development within the CBD of the City of Joondalup;**
- 3 APPROVES the holding of a workshop be organised to engage all Elected Members in the opportunities for development within the CBD;**
- 4 INVITES external parties, experts and those with interests in this particular field to attend the workshop;**
- 5 NOTES the confidential report Item 3 - Member Council Guarantees for the Resource Recovery Facility provided for Committee members information.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf200207.pdf](#)

CJ010 - 02/07 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2006 - [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2006, totalling \$12,002,592.77.

It is recommended that Council NOTES the CEO's list of accounts for November 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ010-02/07, totalling \$12,002,592.77.

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 77115 - 77357 EFT 8535 - 8938 net of cancelled payments	\$9,798,207.54
	Vouchers 211A - 214A & 218A - 221A	\$2,179,729.23
Trust Account	Cheques 201059 - 201125 Net of cancelled payments	\$24,656.00
Total		\$12,002,592.77

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

The Council has delegated to the CEO the exercise of its power to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2006/7 Annual Budget as adopted by Council at its meeting of 25 July 2006, or approved in advance by Council.

Policy Implications:

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

Sustainability Implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 May 2006 with an invitation for submissions in relation to the plan.

COMMENT

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

ATTACHMENTS

Attachment A	CEOs Delegated Municipal Payment List for the month of November 2006
Attachment B	CEOs Delegated Trust Payment List for the month of November 2006
Attachment C	Municipal and Trust Fund Vouchers for the month of November 2006

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the CEO's list of accounts for November 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ010-02/07, totalling \$12,002,592.77.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf200207.pdf](#)

CJ011 - 02/07 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2006 - [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2006, totalling \$6,774,900.53.

It is recommended that Council NOTES the CEO's list of accounts for December 2006 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ011-02/07, totalling \$6,774,900.53.

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 77358 - 77689 EFT 8939 - 9239 net of cancelled payments	\$4,620,854.60
	Vouchers 222A – 224A & 226A- 227A	\$2,119,148.44
	Cheques 201126 – 201191 Net of cancelled payments	\$34,897.49
Trust Account		
Total		\$6,774,900.53

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

The Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2006/7 Annual Budget as adopted by Council at its meeting of 25 July 2006, or approved in advance by Council.

Policy Implications:

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

Sustainability Implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 May 2006 with an invitation for submissions in relation to the plan.

COMMENT

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

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the CEO's list of accounts for December 2006 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ011-02/07, totalling \$6,774,900.53.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf200207.pdf](#)

CJ012 - 02/07 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2006 - [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Director Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

The November 2006 year to date report shows an overall variance (under spend) of \$11m when compared to the year to date budget approved by Council at its meeting of 25 July 2006 (JSC25-07/06 refers).

This variance can be analysed as follows:

- The **Operating Surplus** is \$45.1m compared to a budgeted surplus of \$36.7m at the end of November 2006. The \$8.4m variance is primarily due to additional interest income, fees and charges, contributions, reimbursements and donations, profit on asset disposal and lower than budgeted expenditure in employee costs, materials and contracts and utilities.
- **Capital Expenditure** is \$7m against the year to date budget of \$9.6m. The \$2.6m under spend is due to purchasing of light vehicles, heavy vehicles and furniture and equipment.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2006 forming Attachment A to Report CJ012-02/07.

BACKGROUND

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

DETAILS

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

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

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

COMMENT

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

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 November 2006 forming Attachment A to Report CJ012-02/07.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf200207.pdf](#)

CJ013 - 02/07 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2006 - [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Director Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

The December 2006 year to date report shows an overall variance (under spend) of \$12.5m when compared to the year to date budget approved by Council at its meeting of 25 July 2006 (JSC25-07/06 refers).

Details of the variance are provided in the attached notes and can be summarised as follows:

- The **Operating Surplus** is \$39.2m compared to a budgeted surplus of \$31.5m at the end of December 2006. The \$7.7m variance is primarily due to additional interest income, fees and charges, contributions, reimbursements and donations, profit on asset disposal and lower than budgeted expenditure in employee costs, materials and contracts and utilities. This is partially offset by lower than budgeted government grants received.
- **Capital Expenditure** is \$8.1m against the year to date budget of \$12.9m. The \$4.8m under spend is due to delays in purchasing of light vehicles, heavy vehicles, mobile plant, recycling bins, buildings and in the construction of infrastructure assets.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2006 forming Attachment A to Report CJ013-02/07.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 31 December 2006 is appended as Attachment A.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

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

COMMENT

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

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 December 2006.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 December 2006 forming Attachment A to Report CJ013-02/07.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf200207.pdf](#)

CJ014 - 02/07 COLLECTIVE AGREEMENT FOR BUILDING MAINTENANCE SERVICES - [59025]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To advise Council on the outcome and finalisation of negotiations between the City of Joondalup and employees covered by the Building Maintenance Services (Outside Employees) Collective Agreement 2006 (the Agreement).

EXECUTIVE SUMMARY

For approximately the last 18 months the City of Joondalup has been engaged in negotiation with its Building Maintenance Employees for the development of a Collective agreement to replace the Certified Agreement that expired in 2005. Although the Agreement affects only three (3) employees, a number of complications affected the speed and course of negotiations. The introduction of the new Federal Legislation (known as "Work Choices"), and the employees appointing the Construction, Forestry, Mining and Energy Workers Union (CFMEU) as bargaining agents midway through negotiations effectively meant starting negotiations twice over.

Negotiations were finally concluded in December 2006, with the three (3) employees voting to approve the Agreement in January 2007.

The Agreement is the first for the City of Joondalup under the new federal workplace laws and has been registered with the Office of the Employment Advocate.

It is recommended that Council NOTES the final Building Maintenance Services (Outside Employees) Collective Agreement 2006 forming Attachment 1 to Report CJ014-02/07, including the registration of this Agreement with the Office of the Employment Advocate by the City of Joondalup in compliance with provisions of the Workplace Relations Act 1996, and endorses the actions taken to formalise the outcome.

BACKGROUND

Not Applicable.

DETAILS

Issues and options considered:

The three (3) Building Maintenance Employees were until the registration of this Agreement the only employees not covered by a current Agreement (either Certified or Individual). These employees are classified as Carpenters, and undertake a variety of maintenance work across all City of Joondalup sites.

The Agreement as registered is a “stand alone’ document, and covers all employment conditions for the employees i.e. it completely replaces the applicable Award.

The Agreement provides for identical annual increases (4%) as that applying to all other employees of the City of Joondalup covered by Certified Agreements. The increases also apply from the same dates, so a retrospective payment has been made for those increases that date back prior to 2006. The employees concerned have also undertaken the work practice changes the City of Joondalup sought under the Agreement in good faith.

In essence the Agreement provides for:

- A 4% annual increase effective 1 July each year to employees which is completely consistent with that applicable to employees under all other Agreements. The final instalment of 4% is due 1 July 2007.
- Increases that are to be applied retrospectively to align with the timing of increases under other Agreements.
- An Agreement termination date that is the same as that of the outside Workforce Certified Agreement (September 2008).
- The total employment conditions to apply to the Carpenters to whom it covers (it completely replaces the applicable Award)
- A range of conditions of employment that are consistent with those applicable to other outside employees covered by the Outside Workers Certified Agreement.
- The parties to the Agreement to have representation at formal hearings or resolution conferences under the Dispute Settlement Procedure (in other Agreements this right is not explicit).
- The following enterprise improvements:

Urgent Work

Initial instructions will be given over the phone to make good any damage, where appropriate. Attendance on site within 90 minutes, subject to urgency.

Breakdown Calls

Initial analysis of breakdown by Building Coordinator.

Routine Work

As scheduled.

Planned Preventative

As scheduled and signed off by the client and Maintenance Building Coordinator.

All completed work to be signed off by the client and the Building Coordinator.

- While the employee is on site, if the client requests additional works to be carried out and these works can be carried out within a 30-minute timeframe, then the employee can carry out these works without seeking further approval. Details for the additional works must be entered onto the existing worksheet and signed off by the client on completion.
- Whilst on site, the employee will make a note of obvious maintenance items and report back to the Building Coordinator for programming.
- In order to provide a value-added service to the Leisure Facilities Managers, services maybe arranged to be carried out prior to opening and after close of business. As this work will normally be carried out outside the normal spread of hours, employees rostered for this work will adjust their hours to suit the circumstances in consultation with the Building Coordinator.
- Where practicable and in consultation with the Building Coordinator and employees concerned, site starts and/or finishes may be implemented. In order for this to occur, the Building Coordinator will need to compile next day work orders by the close of business on the night before work is required to be carried out.
- Three (3) vehicles will be available for commuting use, subject to the continuation of the on-call system.
- All facilities will be grouped into zones and allocated to an employee, who will be responsible for all preventative and breakdown maintenance, as authorised by the Building Coordinator.
- From time to time, the employer is faced with the additional cost of returning to a job for a minimal amount of time because of knock-off arrangements. In future, employees who believe that a project can be completed within an additional hour of work may, after consultation with the Building Coordinator, elect to finish the project with self-authorised overtime. On occasions, when this does not suit all the members, transport may be arranged for employees to return to the depot provided that Occupational Health and Safety requirements are not diminished.
- Rostered Days Off will be alternated so that each zone has representation from an employee who is familiar with the building, the area and the requirements of the Building Coordinator.
- Mandatory use of visibility clothing.

The Agreement has been vetted by the Office of the Employment Advocate for non-allowable matters and has been given formal clearance that no non- allowable matters exist.

Link to Strategic Plan:

Key Focus Area 4 – Organisational Development, Item 4.5 – To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

Workplace Relations Act 1996 – Part 8 Workplace Agreements, Divisions 2 – 7 inclusive have application for the Agreement.

Risk Management considerations:

The risk of any Industrial action by employees covered by the agreement although minimal to begin with is now nil.

By referring the Agreement to the Office of the Employment Advocate prior to formal registration, any risk of non-compliance with the new legislation was removed.

Financial/Budget Implications:

Wage increases were budgeted in the 2006/2007 budget as adopted.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Lengthy and detailed negotiations have been conducted with both the employees affected, the CFMEU as their bargaining agents and City of Joondalup management representatives. Advice and assistance in the drafting of the Agreement has been obtained from the Chamber of Commerce and Industry.

The Office of the Employment Advocate has been consulted with regard to compliance with the relevant legislation and has formally advised the City of Joondalup that the Agreement is fully compliant with the revised Workplace Relations Act.

COMMENT

The Agreement is the culmination of 18 months of negotiation. It provides the three (3) employees affected with the same salary increases as all other employees who are covered by Certified Agreements, and formalises a range of operational benefits for the City.

ATTACHMENTS

Attachment 1	Building Maintenance Services (Outside Employees) Collective Agreement 2006
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VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the final Building Maintenance Services (Outside Employees) Collective Agreement 2006 forming Attachment 1 to Report CJ014-02/07, including the registration of this Agreement with the Office of the Employment Advocate by the City of Joondalup in compliance with provisions of the Workplace Relations Act 1996, and endorses the actions taken to formalise the outcome.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf200207.pdf](#)

CJ015 - 02/07 PROPOSED PARKING PROHIBITIONS - KINROSS DRIVE AND GILBANK CRESCENT, KINROSS - [00135] [70584]

WARD: North

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

To amend the City of Joondalup Parking Scheme by the introduction of a "NO STOPPING" parking prohibition at the intersection of Kinross Drive and Gilbank Crescent adjacent to Kinross College.

EXECUTIVE SUMMARY

Residents of Kinross are seeking to restrict parking at the intersection of Kinross Drive and Gilbank Crescent adjacent to the Kinross College to alleviate parking congestion problems associated with parent parking.

As such it is recommended that Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a "NO STOPPING" parking prohibition at the intersection of Kinross Drive and Gilbank Crescent, Kinross as shown on Attachment 1 to Report CJ015-02/07.

BACKGROUND

A meeting was held with a resident of Kinross and City representatives. On behalf of some residents of Kinross, the resident expressed concerns with parking congestion and pedestrian safety problems in Kinross Drive and Gilbank Crescent, Kinross.

It was requested that a parking prohibition be implemented at the intersection of Kinross Drive and Gilbank Crescent.

DETAILS

Issues and options considered:

Kinross College is bounded by Kinross Drive, Gilbank Crescent and Falkland Way. Falkland Way provides a carpark access to the school. Vehicle speed is restricted to 40km/h during school peak times, 7:30am-9am and 2:30pm-4pm on school days. During these times the corner of Kinross Drive and Gilbank Crescent is used for parent parking, resulting in this intersection becoming congested, restricting normal traffic flow and reducing the level of pedestrian safety.

The local community is concerned that parent parking at this location on Kinross Drive restricts the normal traffic flow, making it hazardous for students and other pedestrians crossing Gilbank Crescent due to restricted sight distance. The nature of parent parking on

Kinross Drive is normally non-uniform and therefore can create obstructions from time to time. While this creates a desirable low speed environment it invariably leads to driver and parent frustration and reduced level of pedestrian safety. Kinross Drive and Gilbank Crescent is a Transperth bus route and it has been noted that on occasions, due to vehicles parking at this intersection, the bus is unable to negotiate the corner. The shared path runs along the back of the kerb and statutory "NO STOPPING" applies to part of the corner.

The proposed area of prohibition is along a footpath, the City of Joondalup Parking Local Law (1998) states:

A person shall not stop or park a vehicle so that any portion of the vehicle is:

(b) on or over a footpath, cycleway or place of refuge for pedestrians.

In view of this, to prevent parking on the corner of Kinross Drive and Gilbank Crescent and to reinforce the existing local law relating to parking on footpaths it is proposed to implement a "NO STOPPING" prohibition. The "NO STOPPING" prohibition will be delineated by a continuous yellow edge line in conjunction with "NO STOPPING" signage. This type of prohibition has been used effectively at other schools and colleges within the City.

The proposed parking prohibition is shown on Attachment 1.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 1.4 to work with the community to enhance safety and security in a healthy environment.

Strategy: 1.4.2 contribute to the protection of human health.

Legislation – Statutory Provisions:

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

33 The local government may by resolution constitute, determine, vary and indicate by signs:

- (a) Prohibitions;
- (b) Regulations; and
- (c) Restrictions,

on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all time or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$150 each, and sufficient funds exist in the maintenance operational budget for this work to occur. The cost to install the necessary linemarking is \$210.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The residents directly opposite the proposed prohibition, as outlined in Attachment 1, were consulted. All residents supported the proposed prohibition.

In addition, Kinross College has been consulted in relation to this issue and supported the proposed prohibition.

COMMENT

The proposal to prohibit stopping at the intersection of Kinross Drive and Gilbank Crescent adjacent to the college as per Attachment 1, will maintain the general traffic flow at all times and therefore increase the level of safety and access during school peak times for all road users.

On-street parking is provided on the school side of Kinross Drive, Gilbank Crescent and Falkland Way for drop off and pick up area for parents. An off-street carpark is also provided for parent motorists to drop-off and pick-up students.

On this basis, it is recommended that the proposed parking prohibition be supported.

ATTACHMENTS

Attachment 1 Parking Prohibition – Kinross Drive and Gilbank Crescent, Kinross

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a "NO STOPPING" parking prohibition at the intersection of Kinross Drive and Gilbank Crescent, Kinross as shown on Attachment 1 to Report CJ015-02/07.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf200207.pdf](#)

CJ016 - 02/07 PROPOSED PARKING PROHIBITIONS – JUNIPER WAY, DUNCRAIG - [04432] [03356]

WARD: South

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

To amend the City of Joondalup Parking Scheme by the introduction of a “NO PARKING” prohibition in Juniper Way adjacent to Davallia Primary School.

EXECUTIVE SUMMARY

Davallia Primary School is seeking to prohibit parking in the Kiss and Drive embayments to assist in regulating and controlling moving traffic and parked vehicles. The main aim of the parking prohibition is to allow the picking up and dropping off of children, therefore sharing the available parking bays with as many vehicles as possible and maximising the vehicle turnover and bay use, and reducing the impact of vehicle parking in the residential streets.

As such it is recommended that Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City’s Parking Local Law (1998) by the installation of a “NO PARKING” prohibition covering seven (7) parking bays along the north side of Juniper Way, Duncraig. The proposed hours of prohibition will be from 7:30am – 9:00am and 2:30pm – 4:00pm on school days as shown in Attachment 1 to Report CJ016-02/07.

BACKGROUND

City of Joondalup representatives have been working with Davallia Primary Schools’ Road Safety Committee since the start of 2006 to help solve parking and traffic congestion issues on Juniper Way. To address the congestion issue it was decided that the school utilise the “Kiss and Drive” bays on Juniper Way.

“Kiss and Drive” is a RoadWise program that is run by volunteers from the school whereby vehicles are not permitted to park in the designated bays. Essentially parents drive in to the bays, drop their children off and then drive away. This ensures that the maximum number of vehicles can use the embayments available resulting in minimal parking congestion.

It was requested that a parking prohibition be implemented in Juniper Way to prohibit vehicles parking in the “Kiss and Drive” bays during school pick up and drop off times.

DETAILS

Issues and options considered:

Davallia Primary School is bounded by Juniper Way and Trenton Way. Trenton Way provides a carpark access to the school. Vehicle speed is restricted to 40km/h during school peak times, 7:30am-9am and 2:30pm-4pm on school days. During these times, the "Kiss and Drive" embayments are occasionally used for parent parking, resulting in this facility becoming congested, restricting normal traffic flow and reducing the level of safety.

The primary school is concerned that parent parking at this location on Juniper Way restricts the normal traffic flow, making it hazardous for students and other pedestrians accessing the school.

In view of this, to prevent parking on Juniper Way in the "Kiss and Drive" embayments, it is proposed to implement a "NO PARKING" prohibition.

The proposed parking prohibition is shown on Attachment 1.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 1.4 to work with the community to enhance safety and security in a healthy environment.

Strategy: 1.4.2 contribute to the protection of human health.

Legislation – Statutory Provisions:

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

34 The local government may by resolution constitute, determine, vary and indicate by signs:

- (a) Prohibitions;
- (b) Regulations; and
- (c) Restrictions,

on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all time or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Davallia Primary School and the Davallia Primary School P&C were consulted on this proposed prohibition, as outlined in Attachment 1. The school and P&C gave full support to the proposed prohibition.

The bays were originally built under the 50:50 school parking scheme cost share for the purpose of a Kiss and Drive. The parking will not affect residents opposite the school, and will improve the situation for them as it will streamline traffic on school days, and the bays will be available for parking to anyone outside those school pick up and drop off times and non-school days.

COMMENT

The proposal to prohibit parking along the “Kiss and Drive” embayments on Juniper Way adjacent to the Davallia Primary School as per Attachment 1, will maintain the general traffic flow at all times and therefore increase the level of safety and access during school peak times for all road users.

It is noted that the “NO PARKING” prohibition allows for stopping for up to 2 minutes at a time which is considered sufficient for a “Kiss and Drive” facility.

On this basis, it is recommended that the proposed parking prohibition be supported.

ATTACHMENTS

Attachment 1 Parking Prohibition – Juniper Way, Duncraig

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council **AMENDS** the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a "NO PARKING" prohibition covering seven (7) parking bays along the north side of Juniper Way, Duncraig. The proposed hours of prohibition will be from 7:30am – 9:00am and 2:30pm – 4:00pm on school days as shown in Attachment 1 to Report CJ016-02/07.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf200207.pdf](#)

CJ017 - 02/07 PROPOSED PARKING RESTRICTIONS - DOVERIDGE DRIVE, DUNCRAIG - [09708]

WARD: South

**RESPONSIBLE
DIRECTOR:** Mr Dave Djulbic
Infrastructure Services

PURPOSE

To amend the City of Joondalup Parking Scheme by the introduction of a timed parking restriction along a section of Doveridge Drive adjacent to St Stephens School.

EXECUTIVE SUMMARY

St Stephens School is seeking to restrict parking along Doveridge Drive adjacent to the school to alleviate parking congestion problems associated with commuter parking overflow from the Greenwood Train Station.

As such it is recommended that Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a two (2) hour parking restriction covering the carriageway or verge along the southern boundary of St Stephens School on Doveridge Drive, Duncraig. The proposed hours of restriction will be from 7:00am to 6:00pm on school days as shown in Attachment 1 to Report CJ017-02/07.

BACKGROUND

Road safety and parking at St Stephens School has been a concern to the school and the local community for some time. The school has recently expressed its concerns at parking congestion problems on the road adjacent to the school.

City representatives have been concurrently working with the school's Road Safety Committee to implement a comprehensive road safety and parking strategy at the school.

It was requested that parking restrictions be implemented in Doveridge Drive as part of the overall strategy.

DETAILS

Issues and options considered:

St Stephens School is concerned that commuters from Greenwood Train Station are parking at the front of the school, restricting normal traffic flow and making it hazardous for pedestrians and other road users during school peak times.

In view of this, the school's Road Safety Committee has requested that consideration be given to restrict parking along a section of Doveridge Drive. Generally, a two (2) hour parking restriction would be the most appropriate to reduce the congestion caused by parked vehicles, restrict commuter parking and maintain the general traffic flow at all times and therefore increase the level of safety during school peak times.

The proposed parking restriction is shown on Attachment 1.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 1.4 to work with the community to enhance safety and security in a healthy environment.

Strategy: 1.4.2 contribute to the protection of human health.

Legislation – Statutory Provisions:

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

35 The local government may by resolution constitute, determine, vary and indicate by signs:

- (a) Prohibitions;
- (b) Regulations; and
- (c) Restrictions,

on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all time or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

St Stephens School and the St Stephens Road Safety Committee were consulted on this proposed restriction, as outlined in Attachment 1. The school and Road Safety Committee gave full support to the proposed restriction.

Residents along Doveridge Drive were also consulted, the majority of residents supported the proposed restriction, as it applies to the school side and should not affect residential parking.

COMMENT

The proposal to restrict parking along Doveridge Drive adjacent to the school as per Attachment 1, will maintain the general traffic flow at all times and therefore increase the level of safety and access during school peak times for all road users.

An area further south of the school is free of parking restrictions enabling commuters to still park on Doveridge Drive but away from the school.

On this basis, it is recommended that the proposed parking restriction be supported.

ATTACHMENTS

Attachment 1 Parking Restrictions – Doveridge Drive, Duncraig

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of a two (2) hour parking restriction covering the carriageway or verge along the southern boundary of St Stephens School on Doveridge Drive, Duncraig. The proposed hours of restriction will be from 7:00am to 6:00pm Monday to Friday as shown in Attachment 1 to Report CJ017-02/07.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16agn270207.pdf](#)

CJ018 - 02/07 PROPOSED LEASE FOR A PORTION OF SHENTON AVENUE UNDERPASS, CONNOLLY/CURRAMBINE TO JOONDALUP COUNTRY CLUB - [07076]

WARD: North

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic
Infrastructure Services

PURPOSE

To seek Council approval for a lease with peppercorn rental between the City and the Joondalup Country Club (JCC) for the JCC's exclusive use of part of an underpass under Shenton Avenue, Currambine/Connolly adjacent to the JCC.

EXECUTIVE SUMMARY

The JCC's golf course is predominantly in Connolly but its northern greens are linked, via an underpass at Shenton Avenue, to the southern greens in Currambine. JCC members access either side of the golf course at this location via the underpass which has a low fence dividing the public access from the private JCC access. The JCC has also encroached with fencing onto Shenton Avenue road reserve at two locations, north and south of Shenton Avenue, and west of the underpass (Attachment 1 refers). To condition the JCC's use of this encroached area and to formalise its exclusive use of part of the Shenton Avenue underpass for its access purposes, a lease agreement is necessary.

The City has care, control and management of Shenton Avenue underpass, which is part of Reserve 48559, and this reserve also includes two other areas of pedestrian access. The management order details the reserve's purpose as "Underpass and Pedestrian Access," with power to lease. The main terms and conditions of the lease agreement for the JCC's use of the underpass have been agreed to in principle by the JCC and State Land Services on behalf of the Minister for Lands.

It is recommended that Council approves the City entering into a lease agreement with the JCC for the area of Shenton Avenue underpass that it uses exclusively under the following main terms and conditions:

- A twenty-one year term
- Peppercorn Rental
- Right to public access through the underpass will be in perpetuity
- JCC and the City to share maintenance of the underpass, road reserve and PAW as shown on Attachments 1 and 2 to Report CJ018-02/07;
- JCC's maintenance to be to the City's satisfaction which will not be unreasonable
- JCC to pay all solicitors fees for the preparation of the proposed lease agreement
- The Minister for Lands approval of the lease agreement

BACKGROUND

Suburb/Location: Connolly and Currambine
Applicant: City of Joondalup
Owner: Crown
Zoning: **DPS:** Other Regional Roads
MRS: Other Regional Roads
Strategic Plan: Relates to Outcome 3 - *The City has well-maintained assets and built environment* and Objective 1.2 - *To continue to provide services that meet changing needs of a diverse and growing community.*

The underpass was created as part of the subdivision of the area which was approved by the Western Australian Planning Commission in 1991. Approximately one-third of the underpass is for public access under Shenton Avenue, with the remaining two-thirds being used by the JCC's patrons for accessing either side of the golf course by foot and with their golf buggies.

The JCC and the City have for some time been examining the need to enter into a lease agreement with regard to the JCC's exclusive use of part of the underpass. The original intention was for a head lease to be prepared between the City and the former Department of Land Administration (DOLA), (now State Land Services), for the entire underpass and the City sub-leasing the subject section of the underpass to the JCC. Discussions between the City and DOLA, culminated in the decision that the formal road closure of Shenton Avenue underpass under the Land Administration Act 1995 (LAA) would be the best course of action. The underpass could then be created as a reserve to be managed by the City with power to lease, allowing the City to establish a lease agreement with the JCC.

The closure of Shenton Avenue underpass was agreed to at Council's meeting of 21 October 2003. (Report CJ242 - 10/03 refers). Council's approval was provided on the basis that public access will be in perpetuity and any future leasing arrangements will not limit general public access. State Land Services advised the City on 29 March 2006, that Reserve 48559 (part of which is the underpass) had been created, and its purpose was "Underpass and Pedestrian Access," with power to lease for periods of up to 21-years with the Minister for Lands approval. Reserve 48559 comprises Lots 3000, 3001 and 3002 covering the underpass (Lot 3001) and two linear strips of what was formerly Shenton Avenue road reserve (Attachment 2 refers) There was a 35-day public notice period as part of the road closure procedure at which time there was no submissions.

DETAILS

Issues and options considered:

The JCC encroaches onto road reserve at two points along Shenton Avenue in the area of the underpass, now identified as Lots 3000 and 3002 and part of Reserve 48559 and the JCC is aware of this and as part of the lease negotiations, the JCC will be required to maintain the areas of encroached land.

Due to the JCC experiencing on-going anti-social behaviour in the vicinity of the golf course, it requested an increase in fence height to improve the separation of the public and private use sections at the underpass and surrounds. A formal application for any new fence will be required, however, as part of the lease negotiations the City has, given its conditional approval to the installation of 1800mm high fencing in the underpass and along the boundary of Shenton Avenue, Connolly/Currambine as shown on the Attachment 1. The City's approval is subject to the JCC agreeing that in the event of valid public complaints regarding the height of the fence in the underpass, the JCC will at its cost, reduce the fence height to 1500mm whilst maintaining the required City fencing standard. In addition the maintenance of any new fence will be the responsibility of the JCC.

Notwithstanding the above, the main conditions of the lease are proposed to be:

- *A twenty-one year term*
- *Peppercorn rental*
- *Right to public access through the underpass will be in perpetuity*
- *JCC and the City to share maintenance of the underpass, road reserve and PAW as shown on Attachments 1 and 2 to this Report;*
- *JCC's maintenance to be to the City's satisfaction which will not be unreasonable*
- *JCC to pay all solicitors fees for the preparation of the proposed lease agreement*
- *The Minister for Lands approval of the lease agreement*

With regard to the encroachments on Lots 3000 and 3002, the JCC has agreed to maintain the fence on the encroached areas of the former Shenton Avenue road reserve. The JCC will also remove the fences, at its cost, should the City or the service authorities require the use of the encroached land for infrastructure at any point in the future and reinstate if necessary to a time scale to meet any proposed construction.

The JCC provided its written agreement of the above conditions to the City and the State Land Services, on behalf of the Minister, has also given in principle approval.

Link to Strategic Plan:

Objective 1.2 - To continue to provide services that meet changing needs of a diverse and growing community and Outcome 3 - The City has well-maintained assets and built environment.

The City is working in partnership with the JCC to accommodate its needs for exclusive access via the underpass to the golf course on either side of Shenton Avenue, but also preserving the public's right of access at that location. An agreement being put in place formalises the arrangement that the JCC has with the City and will ensure the relevant maintenance of the infrastructure is undertaken.

Legislation – Statutory Provisions:

Under Section 3.58 of the Local Government Act 1995 (LGA), unless a disposition of land, which includes leasing of property, is an 'exempt disposition,' it can only be disposed of to the highest bidder at public auction, via the public tender process or by private treaty providing public notice is served in the first instance. The proposed subject lease qualifies as an exempt disposition under Regulation 30(2)(a)(i) and (ii) of the *Local Government (Functions and General) Regulations 1996* as land can be disposed of to an adjoining landowner (the transferee) if, "(i) its market value is less than \$5,000 and (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee."

The proposed rental is peppercorn therefore the market 'rental' value of the disposition is less than \$5,000 and the City considers that the subject land would not be of benefit to any other organisation other than the JCC. Accordingly, the proposal to lease this area of land to the JCC is excluded from the provisions of Section 3.58 of the Local Government Act 1995 (LGA), as it is defined as an exempt disposition under the *Local Government (Functions and General) Regulations 1996* and therefore public notice does not have to be served. Should amendments to the negotiated proposal occur, whereby the proceeds associated with the disposition exceed \$5,000, then public advertising of the disposition will need to take place.

The exemption refers to not having to undertake the tender/auction/public notice process, however, Council approval is required to dispose of the property via leasing arrangements.

The Minister for Lands under Section 41 of the LAA, has given the City care, control and management of Reserve 48559 for the purpose of "Underpass and Pedestrian Access," with power to lease, subject to the Minister's approval, for periods of up to 21 years. This is conditional upon the Minister giving prior approval to any lease proposed.

Risk Management considerations:

There is a possibility of residents' being concerned with the fence height increasing to 1800mm in the underpass, however, the City has conditioned its in principal approval to examine any concerns should they arise and if necessary will request the JCC to reduce the fence height to 1500mm. Regular property inspections will ensure that the JCC maintenance of the leased area is to the City's satisfaction.

Financial/Budget Implications:

The fact that the lease agreement will involve shared maintenance of the underpass between the City and the JCC will reduce maintenance costs previously funded by the City.

Policy Implications:

There is not a policy that is relevant to this matter.

Regional Significance:

This is a local matter.

Sustainability Implications:

The underpass is necessary to provide safe access for the JCC and its patrons between the southern and northern parts of the golf course. The proposed lease term of 21-years reflects the high probability that the City and the JCC will be involved in a long-standing shared arrangement for the upkeep of the underpass. The sharing of maintenance costs will assist the City in the long-term management of this Asset.

There was a request from the Infrastructure Maintenance Activity Unit for the lease to include contributions from the JCC to future replacement via a reserve account. However, this request came after the majority of negotiations had taken place and the City's policy is silent in relation to this matter. In addition to this, it is considered that the majority of wear and tear will be as a result of traffic above, rather than pedestrians (and golf carts) below. As such, this request has not been included.

Consultation:

There is no requirement for the City to serve public notice of the proposed lease arrangement as it is defined as an exempt disposition under the LGA.

COMMENT

The purpose of this report is to put in place an agreement that formalises the JCC's current use of the underpass. As part of the lease agreement negotiations, the JCC has acknowledged its encroachment onto Shenton Avenue road reserve at two locations and the City has, with the approval of State Land Services, conditioned the JCC's continued use of this land.

The lease agreement will ensure that the public will have access through the Shenton Avenue underpass in perpetuity as per Council's resolution at its meeting of 21 October 2003. The agreement will also include the JCC's cleaning and maintenance obligations and cover such matters as the maintenance of the fence and the footpath within the leased area, in addition to graffiti removal.

ATTACHMENTS

Attachment 1	Plan showing the location of the underpass and encroached areas
Attachment 2	Plan showing the components of Reserve 48559

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the City entering into a lease agreement with the Joondalup Country Club under the main terms and conditions as follows:

- **A twenty-one year term**
- **Peppercorn Rental**
- **Right to public access through the underpass will be in perpetuity**
- **Joondalup Country Club (JCC) and the City to share maintenance of the underpass, road reserve and pedestrian accessway way forming Attachments 1 and 2 to Report CJ018-02/07;**
- **JCC's maintenance to be to the City's satisfaction which will not be unreasonable**
- **JCC to pay all solicitors fees for the preparation of the proposed lease agreement**
- **The Minister for Lands approval of the lease agreement**

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf200207.pdf](#)

CJ019 - 02/07 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD 29 NOVEMBER 2006 - [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

PURPOSE

To submit the unconfirmed Minutes of the Conservation Advisory Committee meeting held on 29 November 2006 for endorsement by Council.

EXECUTIVE SUMMARY

The intention of this report is to inform Council of the proceedings of the Conservation Advisory Committee meeting held on 29 November 2006.

Two items were listed on the meeting agenda, which were Review of Advisory Committees of Council and Strategic Plan Key Performance Indicators. Both these reports had been referred from Council to the Conservation Advisory Committee for the members' information and the Committee's comment.

The Conservation Advisory Committee made a range of comments in relation to the Review of Advisory Committees, including:

- 1 *The optimum number of members of each Advisory Committee should be 15, including a maximum of 5 Councillors.*
- 2 *The Conservation Advisory Committee to continue with its current format with the addition of quarterly onsite meetings.*
- 3 *The City to provide adequate resources to run the Conservation Advisory Committee.*

Item 2 on the Agenda, Strategic Plan Key Performance Indicators, was deferred to the February 2007 meeting of the Conservation Advisory Committee.

It is recommended that Council:

- 1 *NOTES the Minutes of the Conservation Advisory Committee meeting held on 29 November 2006 forming Attachment 1 to Report CJ019-02/07;*
- 2 *NOTES the Committee's comments on the report titled Review of Advisory Committees of Council and requests the Chief Executive Officer to give consideration to these matters when reviewing the report for further consideration by Council.*

BACKGROUND

The Conservation Advisory Committee is a Council Committee that advises Council on issues relating to biodiversity and the management of natural areas within the City of Joondalup. The Conservation Advisory Committee meets on a monthly basis.

The Committee membership comprises of five Councillors, a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues.

DETAILS

At the 29 November 2006 meeting of the Conservation Advisory Committee two items were on the agenda, which were Review of Advisory Committees of Council and Strategic Plan Key Performance Indicators. Both these reports had been referred from Council to the Conservation Advisory Committee for the members' information and comment.

The Committee made eleven comments on the report titled Review of Advisory Committees of Council in the form of a recommendation. It should be noted that the Conservation Advisory Committee has no authority to make comments on the operations of other advisory committees as its terms of reference do not allow this. Consequently:

- Recommendations 1 and 2 should be considered in relation to the Conservation Advisory Committee alone;
- Recommendations 3, 4 and 11 accord with the Terms of Reference, and;
- Recommendations 5 to 10 are operations matters that are appropriate for the CEO to address.

The second item on the agenda, Strategic Plan Key Performance Indicators, was deferred by the Conservation Advisory Committee until the meeting scheduled to take place in February 2007. The Committee Presiding Person requested staff to provide additional information on the KPI system used to manage the City's bushland reserves.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

To plan and manage the City's natural resources to ensure environmental sustainability.

Strategies

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

Legislation – Statutory Provisions:

The Local Government Act 1995 allows a council to establish committees to assist a council to exercise the powers and discharge duties that can be delegated to a committee.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Environmental

Conservation Advisory Committee objective - “To make recommendations to Council for the Conservation of the City’s natural biodiversity”.

Social

To promote partnerships between Council and the Community to protect the City’s natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

Consultation:

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of 29 November 2006 Meeting of the Conservation Advisory Committee.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the Minutes of the Conservation Advisory Committee meeting held on 29 November 2006 forming Attachment 1 to Report CJ019-02/07;**
- 2 NOTES the Committee's comments on the report titled Review of Advisory Committees of Council and requests the Chief Executive Officer to give consideration to these matters when reviewing the report for further consideration by Council.**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf200207.pdf](#)

CJ020 - 02/07 TENDER 008-06/07 - GENERAL MAINTENANCE OF STORMWATER SUMPS WITHIN THE CITY OF JOONDALUP - [58593]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by Conquest Earthworks for the General Maintenance of Stormwater Sumps within the City of Joondalup (Tender 008-06/07).

EXECUTIVE SUMMARY

Tenders were advertised on 18 November 2006 through statewide public notice for the General Maintenance of Stormwater Sumps within the City of Joondalup. Tenders closed on 5 December 2006. Two submissions were received from:

- Conquest Earthworks
- Curnow Earthmoving and Civil Contractors

This particular tender is for the removal of vegetation and built up silt via mechanical means, reshaping sump batters, fence repairs and headwall/spillway general maintenance as required as part of the overall general sump maintenance program.

It is noted that this tender does not incorporate the weed spraying of sump areas as this is undertaken by another contractor as part of a separate contract.

It is recommended that Council ACCEPTS the tender submitted by Conquest Earthworks for the General Maintenance of Stormwater Sumps within the City of Joondalup in accordance with the requirements as stated in Tender 008-06/07 and the Schedule of Rates for a three (3) year period.

BACKGROUND

The scope of work includes but is not limited to labour, plant, equipment, mobilisation, demobilisation and transport requirements necessary to carry out the general maintenance of stormwater sumps.

Tenderers were invited to submit their Offers and include a Schedule of Rates for labour and day works, plant hire and various tasks for the general maintenance of stormwater sumps to fully cover all the obligations of the Contractor under the Contract, including all labour, materials, tools, equipment, apparatus and any other items that may be needed in order to meet the specified requirements.

Hourly rates were requested from Tenderers for labour and day works and for the hire of all types of equipment used on the Site for clearing, earthworks, excavation, compaction, laying of pipes, construction of manholes, grading of surfaces and watering. The rates were required to include allowance for an experienced operator, fuel consumable stores, maintenance, overheads and profit and are for the plant specified or equivalent, based on the Contractors standard working week. Tenderers were required to submit rates (per unit) for all tasks itemised in the Request for the general maintenance of stormwater sumps.

DETAILS

Tenders were advertised on 18 November 2006 through statewide public notice for the General Maintenance of Stormwater Sumps within the City of Joondalup. Tenders closed on 5 December 2006. Two submissions were received from:

Tenderer	Average Hourly Rate Labour and Day Works (GST Exclusive)	Average Hourly Rate Plant Hire (GST Exclusive)	Average Rate (Per Unit) Various Tasks (GST Exclusive)
Conquest Earthworks	\$29.00	\$79.60	\$37.37
Curnow Earthmoving and Civil Contractors	\$51.25	\$83.00	\$92.31

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

The tenders submitted by Conquest Earthworks and Curnow Earthmoving and Civil Contractors met all the essential requirements and were carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Panel members assessed each of the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments in order to ensure that the tenderers had the capability and resources to provide the Services and to make a recommendation.

Under the City's Contract Management Framework, the tender was assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4) of the Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 008-06/07 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company and the structure of the business
- Specialised equipment that will be used
- Local Infrastructure
- Safety Management Policy

Social and Economic Effects on the Local Community

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

Demonstrated Experience in Completing Similar Projects

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

The evaluation panel carried out the evaluation of the above submissions in accordance with the Qualitative Criteria and concluded that the offer submitted by Conquest Earthworks represented value for money to the City.

Issues and options considered:

Council may accept a tender or reject both tenders. If both tenders are rejected an alternative proposal for maintaining stormwater sumps would need to be determined quickly as not maintaining stormwater sumps will have a safety impact on the community. Sumps are cleaned of materials in accordance with health requirements and to ensure water filtration is maximised.

Link to Strategic Plan:

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

3 City Development.

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

Strategy 3.1.3 Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that awarding the contract to the recommended respondent will represent a low risk to the City on the basis that it is an established company with extensive experience in completing similar projects for various Western Australian local governments including the City of Joondalup.

Financial/Budget Implications:

The City has sufficient allocated funds in its annual maintenance and Capital Works budget, as adopted by Council, for this Contract to proceed. During the last financial year 05/06, the City incurred \$235,998 for the general maintenance of stormwater sumps within the City of Joondalup and is expected to incur in excess of \$710,000 over the three (3) year period of Contract.

The City of Joondalup is a registered business entity for GST purposes and is able to claim input tax credit for the amount of GST payable.

Policy Implications:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria.

The successful Tenderer, Conquest Earthworks, is a small Western Australian business located in East Cannington, WA. It will endeavour to utilise local suppliers within the City of Joondalup for goods and services required to undertake the projects, in particular, fuel for the machines and vehicles and hire of small plant.

Regional Significance:

Not Applicable.

Sustainability Implications:

This Contract will ensure the City is able to develop and maintain the City of Joondalup's assets and built environment; and to create, upgrade and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

Consultation:

Not Applicable.

COMMENT

The recommended tenderer, Conquest Earthworks, has demonstrated a clear understanding and appreciation of the requirements as its Manager (owner) has 23 years industry experience and is a current supplier of similar services for the City of Joondalup.

Conquest Earthworks was established in 2000 and is an owner-operated business. All services undertaken will be either completed solely by the primary contractor or in conjunction with casual and/or subcontractors. The company is fully equipped, however, depending on the scope of the work and if required, will dry hire machinery or sub-contract varying plant and their operators.

The offer from Conquest Earthworks represents value for money to the City as the tenderer achieved the highest qualitative score of 89% and is the lowest priced offer received for all services listed.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the tender submitted by Conquest Earthworks for the General Maintenance of Stormwater Sumps within the City of Joondalup in accordance with the requirements as stated in Tender 008-06/07 and the Schedule of Rates for a three (3) year period.

CJ021 - 02/07 TENDER 016-06/07 - DESIGN, SUPPLY AND DELIVERY INCLUDING INSTALLATION OF PLAYGROUND EQUIPMENT AND COMPONENTS FOR PARKS WITHIN THE CITY OF JOONDALUP - [31594]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the tenders submitted by Playground Solutions, Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment for the Design, Supply and Delivery including Installation of Playground Equipment and Components for Parks within the City of Joondalup on a panel and 'as and when required' basis (Tender 016-06/07).

EXECUTIVE SUMMARY

Tenders were advertised on 4 November 2006 through statewide public notice for the Design, Supply and Delivery including Installation of Playground Equipment and Components for Parks within the City of Joondalup. Tenders closed on 21 November 2006. Six submissions were received from:

- Forpark Australia
- Miracle Recreation Equipment
- Omnitech Services Pty Ltd
- Playground Solutions
- Playmaster Pty Ltd
- Playspace Playground Pty Ltd

It is recommended, in relation to Tender Number 016-06/07 that Council ACCEPTS the tenders submitted by Playground Solutions, Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment and appoint the tenderers for a three (3) year period to a panel of Contractors for the Design, Supply and Installation of Playground Equipment and its Components within the City of Joondalup in accordance with the requirements and the conditions stated in Tender 016-06/07.

BACKGROUND

The scope of work is for the design, supply, delivery and installation of playground equipment including picnic shelters for parks within the City of Joondalup.

The provision of all equipment and items for swings, combination units, spring items and the like, including those for any repairs shall be in accordance with the latest version of AS 4685 Parts 1-6 and any amendments thereof.

The new Australian Standard was enacted in October 2004, and the City has subsequently undertaken an audit for the majority of the City's play equipment to ascertain compliance to new standards. This work was completed late last year.

The City is currently preparing an implementation program in line with the audit findings and this will be listed for Council consideration as part of the 2007/2008 budget deliberations.

Tenderers were invited to submit their Offers and include a Schedule of Rates for Labour and Day Works and Plant Hire to fully cover all the obligations of the Contractor under the conditions of this Request, including all labour, materials, tools, equipment, apparatus and any other items that may be needed in order to meet the specified requirements.

DETAILS

Tenders were advertised on 4 November 2006 through statewide public notice for the Design, Supply and Delivery including Installation of Playground Equipment and Components for Parks within the City of Joondalup. Tenders closed on 21 November 2006. Six submissions were received from:

Tenderer	Average Hourly Rate Labour and Day Works (GST Exclusive)	Average Hourly Rate Plant Hire (GST Exclusive)
Playground Solutions	\$67.50	-
Playmaster Pty Ltd	\$68.33	\$70.00
Forpark Australia	\$61.67	\$110.00
Miracle Recreation Equipment	\$66.67	\$140.00
Omnitech Services Pty Ltd	Total Fee (project based) on application as and when goods/services are required.	
Playspace Playground Pty Ltd	Total Fee (project based) on application as and when goods/services are required.	

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

Omnitech Services Pty Ltd and Playspace Playground Pty Ltd provided incomplete tender submissions as they did not include a schedule of hourly rates for labour and day works and plant hire as requested. In addition, Omnitech did not address any of the qualitative criteria or provide sufficient information for the panel to facilitate assessment.

It is noted that Omnitech and Playspace proposed alternative lump sum fees (project based) to be provided on application as and when goods/services are required. As the alternative offers submitted by Omnitech and Playspace were not accompanied by conforming offers in accordance with clause 1.7 ALTERNATIVE OFFERS of the Request, these Offers were deemed to be non-conforming and were not considered further.

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

Under the City's Contract Management Framework, the tender was assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 016-06/07 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company and the structure of the business
- Suitability of proposed goods and services
- Specialised equipment that will be used
- Local Infrastructure
- Safety Management Policy

Social and Economic Effects on the Local Community

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

Demonstrated Experience in Completing Similar Projects

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

The evaluation panel carried out the evaluation of the above submissions in accordance with the Qualitative Criteria and concluded that the offers submitted by Playground Solutions, Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment represented value for money to the City.

Issues and options considered:

Should the Contract not proceed, the risk to the City will be medium as lack of provision of playground equipment will have some impact on the community needs.

Any defective material supplied or installed during this contract shall be replaced under warranty within the time period directed by the City and in accordance with the Request, Clause 2.16 defective products, faulty workmanship and design.

The products and materials supplied under the Contract have a minimum of 10 years on all platforms, uprights and other steel components, 5 years on all plastic, reinforced polyester resin, polyethylene items and 1 year on all moving parts and 6 months for workmanship from the date of installation.

Link to Strategic Plan:

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

3. City Development.

Objective 3.1	To develop and maintain the City of Joondalup's assets and built environment.
Strategy 3.1.2	Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup
Strategy 3.1.3	Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondents will represent a low risk to the City based on all being Western Australian companies with extensive experience in completing similar projects for various WA local government agencies and schools.

Financial/Budget Implications:

The City has sufficient allocated funds in its annual maintenance and Capital Works budget, as adopted by Council, for this appointment to proceed. During the last financial year 05/06, the City incurred \$242,979.28 for the design, supply, delivery and installation of playground equipment including picnic shelters for parks within the City of Joondalup and is expected to incur in excess of \$700,000 over the three (3) year period.

The City of Joondalup is a registered business entity for GST purposes and is able to claim input tax credit for the amount of GST payable.

Policy Implications:

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria.

The successful Tenderers, Playground Solutions, Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment, are all Western Australian companies located in Kingsley, Kewdale, Welshpool and Wangara, respectively. Most of these companies have employees residing in the Cities of Wanneroo and Joondalup.

Regional Significance:

Not Applicable.

Sustainability Implications:

This Contract will ensure the City is able to create, upgrade and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

Consultation:

Not Applicable.

COMMENT

The evaluation panel concluded that all compliant Respondents represented value for money to the City for the design, supply and delivery including installation of playground equipment and components for parks within the City of Joondalup and recommend that all compliant Respondents are established as service providers on a Panel Contract to be used for a range of playground requirements on an 'as and when required' basis at the submitted hourly rates.

By nominating all compliant Respondents as preferred service providers having experience in dealing with Local Governments, will provide the City with flexible and reliable services to cater for all the requirements of the City as stated in the Request.

The protocols that apply to this requirement will be that the City will ensure that the service provider with the lowest project costing with acceptable range of products proposed and number of hours required to complete each project, will be contacted to provide its services. If that service provider is not able to meet the required service timeframes due to other activities being undertaken for the City, the City will seek those required services from the next cheapest service provider.

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

Each project cost will be based on the hourly rates (GST Exclusive) tendered by the service providers.

All preferred service providers are Western Australian companies with extensive experience in completing similar projects for various WA local government agencies and schools. These suppliers design and manufacture their own products, with the exception of Playground Solutions. Playground Solutions offered products manufactured by Megatoy Play Systems, a Queensland based company which is a third party accredited company to ISO9001.

All preferred Respondents scored highly from 71% to 88% and the rates offered for labour and day works were competitive.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That in relation to Tender 016-06/07, Council **ACCEPTS** the tenders submitted by Playground Solutions, Playmaster Pty Ltd, Forpark Australia and Miracle Recreation Equipment and appoint the tenderers for a three (3) year period to a panel of Contractors for the Design, Supply and Installation of Playground Equipment and its Components within the City of Joondalup in accordance with the requirements and the conditions stated in Tender 016-06/07.

CJ022 - 02/07 RECONSIDERATION OF COUNCIL'S DETERMINATION ON CURRAMBINE VILLAGE STRUCTURE PLAN - [60560]

WARD: North

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

PURPOSE

The purpose of this report is for Council to consider a request to revoke Part 4 of its resolution dated 21 November 2006 (CJ224-11/06 refers) in relation to the revocation of the Currambine Village Structure Plan.

EXECUTIVE SUMMARY

The Currambine Village Structure Plan (CVSP) was adopted by Council in December 2004. The CVSP relates to Lots 9018 and 9019 Burns Beach Road, Currambine, bounded by Burns Beach Road, Connolly Drive, Currambine Boulevard, Sunlander Drive and Mistral Meander. The structure plan provides a road and lot layout to facilitate a medium density residential subdivision on the site.

The current landowner requested that the CVSP be revoked in order to facilitate an alternative form of development on the site, being a retirement village/aged persons' development. Under clause 9.7 of the City's District Planning Scheme No 2 (DPS2), a Structure Plan may be revoked by Council, subject to public advertising and the approval of the WAPC. In the event of the CVSP being revoked, the provisions of DPS2 would apply to the site.

Council considered the intention to revoke the CVSP at its meeting on 8 August 2006 and resolved to advertise the proposal for a period of 35 days. Following advertising, Council considered the submissions at its meeting on 21 November 2006 (CJ224-11/06 refers). At this meeting, Council resolved to support the revocation of the Structure Plan and advise the applicant that an alternative Structure Plan for the future development of the site will need to be prepared and adopted prior to development approval for any development on the site (Part 4 of the resolution).

The applicant, on behalf of the landowner, has now submitted that the imposition of a requirement to provide an alternative Structure Plan threatens the viability of an aged persons' facility, would cause process duplication and delays, and will result in a substantial devaluation of the subject land. The revocation of Part 4 of the resolution is therefore being requested.

Given that the existing provisions of DPS2 would enable adequate assessment, public advertising and consideration by the City of a proposed aged persons' facility and associated land uses, it is recommended that Council revokes Part 4 of Resolution CJ224-11/06 and advises the WAPC, the applicant and submitters accordingly.

BACKGROUND

Suburb/Location:	Lots 9018 & 9018 Burns Beach Road, Currambine
Applicant:	Masterplan
Owner:	Southern Cross Care (WA)
Zoning:	DPS: Residential/ Mixed Use R80
	MRS: Urban
Site Area:	5.2 hectares
Structure Plan:	Currambine Village Structure Plan

The subject site comprises Lots 9018 and 9019 Burns Beach Road, Currambine and is bounded by Burns Beach Road, Connolly Drive, Currambine Boulevard, Sunlander Drive and Mistral Meander (Attachment 1 refers). The Currambine Railway Station is located to the east of the site. The majority of the site is zoned 'Residential' under DPS2 with a small portion of the site fronting Sunlander Boulevard zoned 'Mixed Use'.

On 14 December 2004, the Council adopted the CVSP, with minor modifications, for the purpose of guiding residential development on the site (Item CJ337-12/04 refers). The WAPC adopted and certified the structure plan on 18 May 2005. An application to create 38 residential lots was approved by the WAPC in May 2005, however has not been acted on, and the site remains vacant.

Southern Cross Care became the current landowner on 21 March 2006. The landowner since advised of the intention to develop a predominantly aged persons' facility with associated land uses (Attachment 2 refers). The retirement village would be transferred to an independent operator when completed.

The development is likely to include the following:

- Aged or dependant persons' dwellings
- Nursing home accommodation
- Development of the Mixed Use zoned portion of the site with complementary land uses.

As the intended development is inconsistent with the CVSP and a future development application could be considered under the provisions of DPS2, the applicant sought revocation of the CVSP.

Council Resolution

At its meeting on 21 November 2006 (CJ224-11/06 refers), Council considered a request to revoke the CVSP and resolved the following:

- 1 *NOTES the submissions received;*
- 2 *AGREES to REVOKE the Currambine Village Structure Plan and forwards the decision to the Western Australian Planning Commission for its approval; and*
- 3 *ADVISES submitters of its decision;*
- 4 *ADVISES the landowner of Lots 9018 & 9019 Burns Beach Road, Currambine, that future development of the site will require the preparation and adoption of an alternative structure plan prior to development approval being issued by the City.*

The WAPC has yet to approve the proposed revocation of the CVSP.

DETAILS

Applicant's Revocation Request

The applicant states that the requirement for a new Structure Plan (Part 4 of the Resolution) has created major issues, as follows (italicised):

- *“Duplication in the approval process is created. The matters which will be dealt with under a Structure Plan are also addressed under the Development Application at a much greater level of detail and with an equivalent level of control. The Structure Plan is therefore unnecessary.*
- *The requirement for an alternative Structure Plan prior to development approval has introduced uncertainty in the process that did not previously exist.*
- *The requirement for an alternative Structure Plan will add a minimum of eight to twelve months to the approval process substantially impacting upon the timing imperatives and overall programme of the future operator. In this regard the operator is now reviewing its involvement in this project as the time frame to achieve certainty for the operator to commit does not now conform to its wider programme and future commitments.*
- *The revocation was only initiated and is only warranted to enable the Retirement Village proposal to be dealt with as a Development Application under the Scheme. Requiring an alternative Structure Plan contradicts this approach. If an alternative Structure Plan was proposed, revocation of the existing Structure Plan would not proceed until the current Structure Plan is available for concurrent consideration.*
- *Currently the existing Structure Plan provides for a residential development. Revocation proceeded because it does not recognise the proposed retirement village use. The effect of Point 4 is to place in jeopardy the proposed retirement village and concurrently because of the revocation of the existing Structure Plan remove an existing approved development form at the site. That is the proponents are likely to end up with the retirement village not proceeding, and the existing development right having been removed. Valuation advice received subsequent to Council resolution of 21 November 2006 has confirmed under this scenario a substantial devaluation of the subject land.”*

Plans of the proposed future aged persons' facility and associated land uses have now been submitted to provide an indication of the likely building form and layout. (Attachment 2 refers).

Issues and options considered:

The options available to Council are:

- Agree to revoke Part 4 of the Resolution.
- Not agree to revoke Part 4 of the Resolution.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The potential development of an aged persons' facility would provide a range of housing that is currently underprovided in the area. The site is also located close to the Currambine railway station, which allows opportunities to maximise use of public transport. The applicant contends that the requirement for an alternative structure plan places the viability of the development in doubt due to the extended time frame. Should the development not proceed, there would be implications for housing sustainability, in terms of potentially forfeiting an opportunity for a diversity of housing in the area.

Consultation:

Under the Local Government Act, reconsideration of a Council resolution for the purpose of revocation does not require public consultation.

COMMENT

When Council considered the revocation of the CVSP in November 2006, a concept plan outlined the general intentions for development of the site. The applicant has now provided detailed plans indicating the overall mix and layout of land uses, types of accommodation and elevations for the intended future development of the site (Attachment 2 refers).

With respect to the applicant's submission, it is not the case that revocation of the CVSP could not proceed until such time as an alternative Structure Plan was in place. Rather, Part 4 of the Council's resolution requires an alternative Structure Plan be prepared and adopted prior to the issuing a development approval for the development of a possible retirement village on the site.

The applicant states that a Structure Plan is duplicating the approval process. It is noted that given the site is intended to be developed as a contiguous development under the one ownership, it is unlikely that the detail within a Structure Plan will differ significantly from that of a development application. Notwithstanding, Council can, and has requested that a Structure Plan be prepared for the site.

With regard to the applicant's comments about the viability of the proposed future development of the land are noted, however, these factors should not influence the proper and orderly planning for the site. Similarly, the applicant's comments on the potential devaluation of the site in the event that the current Structure Plan is revoked and the aged persons' development does not proceed are noted, however, it is not considered appropriate to base planning decisions on these comments.

Conclusion

It is considered that DPS2 contains sufficient provisions to enable the future development of the site for aged care purposes.

As there are adequate development provisions currently within DPS2 and the R-Codes, the option of providing a replacement Structure Plan would not necessarily provide a significantly different or a better outcome for development of the site.

It is therefore considered that Part 4 of Council's resolution could be revoked and still enable the proposed future development of the site for an aged persons' facility and associated land uses to be considered by Council, and incorporating public consultation.

ATTACHMENTS

Attachment 1	Aerial/Location Plan
Attachment 2	Indicative Plans - Proposed Building Form and Layout

VOTING REQUIREMENTS

Absolute Majority

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

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

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

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

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

RECOMMENDATION**That Council:**

- 1 BY AN ABSOLUTE MAJORITY, REVOKES Part 4 of Resolution CJ224-11/06 dated 21 November 2006 in relation to the close of advertising of the proposed revocation of the Currambine Village Structure Plan, which reads as follows**

“4 ADVISES the landowner of Lots 9018 & 9019 Burns Beach Road, Currambine, that future development of the site will require the preparation and adoption of an alternative structure plan prior to development approval being issued by the City.”
- 2 FORWARDS the decision to the Western Australian Planning Commission, the applicant and submitters.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf200207.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Kerry Hollywood
Item No/Subject	Item CJ023-02/07 – Proposed Amendment to the Burns Beach Structure Plan – Northern Residential Precinct and other Minor Changes
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood lives on the border of the Burns Beach Redevelopment.

**CJ023 - 02/07 PROPOSED AMENDMENT TO THE BURNS BEACH
STRUCTURE PLAN - NORTHERN RESIDENTIAL
PRECINCT AND OTHER MINOR CHANGES -
[29557]**

WARD: North

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

PURPOSE

The purpose of this report is for Council to consider submissions received during advertising of proposed amendment to the Burns Beach Structure Plan (BBSP) and to consider adopting the amendments.

EXECUTIVE SUMMARY

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

Proposed amendments to Part 1 (Statutory Planning) include renaming the Special Design Precinct to the Northern Residential Precinct and adding several medium density areas with associated development provisions. A change to the definition of ground lot level for all lots in the structure plan area is proposed, along with minor amendments to existing provisions requested by the developer as well as the City to provide greater clarity.

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

At its meeting on 31 October 2006 (CJ197-10/06 refers), Council considered the proposed amendment and resolved to initiate public advertising, following modifications to the definition of “ground lot level” and building heights for medium density development in the Northern Residential Precinct.

A total of two (2) submissions were received during the advertising period. Both submissions however raised concerns relating to the existing residential development in Burns Beach, building guidelines, social issues, parking and costs to existing landowners.

In view of the proposed increase in size of the Local Shop Precinct from 1 to 4 lots, amendments relating to on-site car parking in this Precinct need to be included. This involves minor amendments to 7.1 Objective and 7.3 General Provisions, and the inclusion of specific car parking provisions for non-residential (commercial) land uses.

It is noted that Council will consider submissions on the Proposed Standard Amendments to Structure Plans (Item CJ024-02/07 refers) at the 27 February 2007 meeting of Council. Standard amendments to the BBSP are currently included in Item 24 of this agenda, as well as within the proposed amendments to the BBSP. Should Council resolve to adopt the proposed standard amendments, reference to the BBSP as part of that suite of amendments can be removed from that report to avoid duplication.

Given that the relevant concerns raised by submitters have been addressed, it is recommended that Council adopts the proposed modified amendment to the structure plan, and submits the amendment to the Western Australian Planning Commission (WAPC) for adoption and certification.

BACKGROUND

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

The BBSP covers 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue that is zoned 'Urban Development' under District Planning Scheme No 2 (DPS2). Through its objectives, permissible land uses and development provisions, the BBSP will facilitate the future development of approximately 1600 dwellings.

The following seven development precincts are identified in the current BBSP:

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

The BBSP was adopted by the Council on 15 March 2005 and certified by the WAPC on 3 May 2005. Staged subdivision of the subject land (for predominantly residential use) is currently underway.

Council Resolution

At its meeting on 31 October 2006, Council considered the proposed amendment to the BBSP in order to decide whether or not to initiate public advertising, and resolved as follows (CJ196-10/06 refers):

- 1 *Pursuant to clause 9.7 of the City of Joondalup's District Planning Scheme No 2, INITIATES public advertising of the proposed amendments to the Burns Beach Structure Plan, including additional provisions for the Northern Residential Precinct and minor changes to existing provisions, as per Attachment 3 to this report, for a period of 35 days, once the following changes have been undertaken:*
 - (a) *MODIFY Section 3.0 Definitions, by deleting the existing definition of Ground Lot Level and inserting a new definition as follows:*
 - (i) *"Ground lot level" shall mean the finished level of the lot relative to the midpoint of the verge that it fronts (existing or established at subdivision stage) and immediately adjacent to the lot.*
 - (b) *MODIFY Clause 5.0 Residential R20 Precinct by inserting new provision 5.2 VI as follows:*

"The ground lot level of each lot in this precinct shall be +/-0.5 metres from the level of the verge at the front of the lot, measured from the mid point of the frontage of the lots. Lots with rear lane access that are required to be accessed from the rear lane may be permitted to substitute + / - 1.5 metres in lieu of + / -0.5 metres."
 - (c) *MODIFY Clause 6.0 Residential R40 And R60 Precinct by inserting new provision 6.2 XVI as follows:*

"The ground lot level of each lot in this precinct shall be +/-0.5 metres from the level of the verge at the front of the lot, measured from the mid point of the frontage of the lots. Lots with rear lane access that are required to be accessed from the rear lane may be permitted to substitute +/- 1.5 metres in lieu of + / -0.5 metres."
 - (d) *MODIFY Clause 9.0 Northern Residential Precinct by inserting new provision 9.2 V as follows:*

"The ground lot level of each lot in this precinct shall be +1 / -0.5 metres from the level of the verge at the front of the lot, measured from the mid point of the frontage of the lots. Lots with rear lane access that are required to be accessed from the rear lane may be permitted to substitute + /- 2 metres in lieu of +1 / -0.5 metres."
 - (e) *MODIFY Clause 9.2 Land Use And General Provisions as follows:*
 - (i) *Dwellings shall be constructed to a maximum height of 2 storeys with loft areas within the roof space permitted;*

(ii) *The maximum building height measured from natural ground level shall be:*

- A Maximum wall height (with pitched roof) – 6.5 metres*
- B Maximum total building height to roof ridge – 9.5 metres*
- C Maximum wall and total height (parapet wall with concealed roof) – 7.5 metres*

2 *NOTES that land use permissibility provisions are proposed to be included in the Burns Beach Structure Plan through the Proposed Standard Amendments to Structure Plans report to be considered by Council at its meeting of 31 October 2006 (Item CJ197-10/06 refers).*

In relation to Resolution 2 above, Council will consider any submissions on the Proposed Standard Amendments to Structure Plans (Item CJ024-02/07 on this agenda) at the 27 February 2007 meeting of Council. Standard amendments to the BBSP are currently included in report Item 23 of this agenda as well as with in the proposed amendments to the BBSP. Should Council resolve to adopt the proposed standard amendments, reference to the BBSP as part of that suite of amendments can be removed from that report to avoid duplication.

DETAILS

The advertised version of the proposed amendment to the BBSP involves the following amendments to the Part 1 (Statutory Planning) and Part 2 (Explanatory Report) sections. The proposal includes the following amendments:

Part 1:

- Renaming of Special Design Precinct to Northern Residential Precinct;
- Inclusion of additional development provisions for the Northern Residential Precinct, including maximum wall and height provisions in the R40 and R60 density areas, and the provision for up to 4m high retaining walls;
- Clarification of existing provisions in the Residential R20, Residential R40 and R60 and Local Shop precincts;
- Inclusion of provisions relating to permissible land uses;
- Deletion of “Shop” use from the Beach Shop/Lunch Bar and Restaurant Precinct and appropriately modify the naming of the Precinct;
- Modifications to the building and wall height provisions in R40 and R60 density areas;
- Modification to the definition of Ground Lot Level in relation to the different Precincts.

Part 2:

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

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

Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment to the BBSP and forward to the WAPC for final adoption and certification;
- Adopt the proposed amendment to the BBSP, with modifications, and forward to the WAPC for final adoption and certification;
- Refuse to adopt the proposed amendment to the BBSP.

Link to Strategic Plan:

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

Objective 3.3 To continue to meet changing demographic needs.

Strategy 3.3.1 To provide residential living choices

Legislation – Statutory Provisions:

Clause 9.7 of DPS2 enables Council to amend an Agreed Structure Plan subject to the approval of the WAPC. Should Council determine that the amendment to the structure plan is satisfactory, advertising of the proposal is required in accordance with Clause 9.5 of DPS 2.

Under Clause 9.6, upon the completion of the public advertising period, Council is required to consider all submissions within sixty (60) days to either adopt or refuse to adopt the amended structure plan, with or without modifications. Attachment 5 sets out the structure plan process.

Risk Management considerations:

Not Applicable.

Policy Implications:

The following Council policies are of relevance to this proposal:

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

The proposed amendment to the BBSP seeks to establish building height limits within the structure plan in substitution for Policy 3-4, as well as establishing high retaining walls in substitution for Policy 7-8.

Regional Significance:

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

Sustainability Implications:

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

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

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

Consultation:

Clause 9.5 of DPS2 requires Structure Plans to be advertised in accordance with the provisions of Clause 6.7, prior to further consideration by Council. Clause 6.7 requires a minimum advertising period of 21 days. In view of the significance of the site and the extent of amendments proposed, an advertising period of 35 was recommended and undertaken.

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

Two (2) submissions were received. Concerns were raised in relation to the existing residential development in Burns Beach, building guidelines, social issues, parking and costs to existing landowners. The issues raised together with responding comments follow while Attachment 6 sets out each submission.

COMMENT**Public Submissions**

The issues raised as a result of the public advertising with responding comments are provided below:

Public Open Space

One submitter objected to the location of stormwater sumps and swales within POS areas on the basis that it was considered that the recreational area was reduced.

Comment

Drainage within POS areas is not directly related to the proposed modifications to the BBSP. The location and extent of POS areas is, nevertheless, considered in the overall layout of structure plans.

Under the provisions of Liveable Neighbourhoods (LN), stormwater drainage for a site can be partially accommodated in POS areas as part of the design at the subdivision stage. The approved and proposed POS areas in the Northern Residential Precinct have been assessed in accordance with the LN criteria and are therefore considered acceptable.

Dust Control

One submitter is objecting to future stages of subdivision progressing until the dust levels currently being experienced are reduced.

Comment

Dust control is not related to the proposed modifications to the BBSP. It is dealt with when site works are undertaken, once subdivision approval has been granted. Notwithstanding, the City monitors works on the site, including dust control, during subdivision works and liaises with the developer. It is considered that every effort is being taken by the developer to prevent dust nuisance.

Flow Design of New and Existing Burns Beach Residential Areas

One submitter is concerned that the character and density of the Burns Beach residential area may be influenced by high density development in the new estate, contrary to commitments made by the developers, Peet Ltd and the City of Joondalup. Land values may therefore be affected.

Comment

The City of Joondalup is not a developer of the land and is therefore unable to comment on any commitments that may have been made by the developer, Peet Ltd. It is noted that the majority of the residential land to be developed in the new Burns Beach estate area is R20, similar to that in the existing Burns Beach residential area. Small pockets of R40 and R60 are to be developed to provide a variety of housing in the area. Given the high value of land, it is likely that any development at the R40 and R60 density will be of a high standard.

Building Guidelines

One of the submissions agrees that the building guidelines should be transparent and free of any individual discrimination. Discrepancies relating to total height of the roof ridge as 9.5m, differences in levels at the verge and retaining walls 4m in height are referred to.

Comment

It is noted that the proposed amendment and associated development provisions have been made publicly available for comment in accordance with the requirements of DPS2. As with the current structure plan provisions, when the amendment is adopted and certified, the structure plan documents will remain available for public viewing on the City's website and in hard copy in the Joondalup Library and the City's Customer Service section. The proposed building heights are the same as those already established in the BBSP. The proposal to allow up to 4m high retaining walls, largely on the rear boundaries of lots, is necessary to address the steep topography of the land within the northern precinct, and subsequent road and lot arrangements.

Social Issues

One submitter considers that high density developments will reduce privacy of each household, especially by raising heights of retaining walls. Concern is also raised that the perceived resulting lack of privacy will result in increased levels of social aggression and possible domestic disturbance.

Comment

Under the R-Codes, the proposed densities in the Burns Beach estate are termed 'low' and 'medium' densities (R20, R40 and R60). Two areas of R60 (medium) density are proposed adjacent to POS 2 (Attachment 3 refers). The inclusion of these areas is in line with the WAPC's previous requirement in relation to the initial structure plan to include an area of R60 adjacent to POS 6. Inclusion of this area adjacent to the coast and POS 6 was based on the principles of LN, encouraging higher density around POS areas to maximise access to and the use of these spaces, as well as to improve their surveillance.

The Residential Design Codes contain provisions that require the assessment of residential privacy and overlooking. Compliance with these provisions are assessed at the development approval stage. The submission has not provided any evidence of a correlation between residential privacy and levels of social aggression or domestic disturbance.

Effects on the New Landowners

The concern expressed in one submission enquires as to mechanisms in place to inform the existing new landowners about the changes to the structure plan provisions from when they purchased land.

Comment

As part of this amendment process, all current landowners in the new Burns Beach estate were consulted during the advertising period, by way of a letter. All landowners in the new Burns Beach estate are required to comply with the development provisions of the adopted BBSP. It is understood that purchasers through caveats placed on Certificates of Titles by the developer, also need to comply with the developer's design guidelines, which encompass all the structure plan provisions with some additional provisions relating to aspects such as fencing. These processes would seem to be wholly transparent.

Parking

One submission includes enquiry as to what proposed mechanisms are in place to supply the increased parking needs of residents if R60 density development is approved.

Comment

Future development of the R60 sites will be required to provide on-site car parking in accordance with the provisions of the R-Codes.

Costs Incurred

One submission included enquiries about proposed parking and public access to the future proposed swimming beach, at what cost and who will bear these costs. The location, number of parking bays and timeframe for the provision of parking near areas of POS is also requested.

Comment

A "possible future northern swimming beach" is noted on the current BBSP, north of the developable area of the Burns Beach estate and adjacent to the 144 hectares of land reserved as Parks and Recreation. This land is not under the City's care and management and therefore any costs are not known at this time.

The maximisation of car parking embayments adjacent to POS areas will be sought when the respective stages of subdivision is carried out. The number of bays able to be provided depends on a range of factors such as road reserve widths, accessibility, stormwater drainage, services and verge landscaping requirements.

Modifications to Proposed Amendment

Local Shop Precinct

The advertised proposal included an increase in the size of the Local Shop Precinct from 1 to 4 lots to provide for a small commercial node, mixed with residential. The applicant submits that the additional lots could provide a community focus and therefore better facilitate the active use of the adjoining POS areas. These are sound planning reasons to positively consider the inclusion of additional lots in the Precinct. It has been assessed, however, that two modifications to the provisions of the structure plan are needed to accommodate the increase in the Local Shop Precinct, as follows:

Permissible Land Uses

The current wording Clause 7.3 in relation to permissible land uses states:

“Wholly residential or office development is not permitted to occupy the entire precinct”

The current provision, however, relates to the Precinct comprising only one lot. With the proposed increase in the number of lots (from 1 to 4), it is considered appropriate to ensure that no one *lot* is developed for wholly residential or office, as follows:

“Wholly residential or office development is not permitted to occupy any one lot within the precinct”.

Car Parking

Currently, the proposed provision of car parking for the one local shop site within the Local Shop Precinct requires two (2) on-site car bays per dwelling, with the total number of on-site car parking bays required on site to be determined by the merits of the specific case as part of a development application.

While this was satisfactory for a 1 lot development, it is appropriate that the car parking provisions be reviewed in light of the increase in the size of the precinct. In order to accommodate the possibility that any or all of the proposed 4 lots within the Precinct being amalgamated and the car parking provision therefore being inadequate, it is proposed that a minimum of eight (8) on-site bays should be provided for commercial land uses over the whole Precinct as follows:

A minimum of eight (8) on-site car parking bays shall be provided over the entire Precinct for future commercial development and shall be accessed from the rear laneway. The number of car parking bays shall be provided proportionate to the number of lots approved within the Precinct at the subdivision stage, to the satisfaction of the City of Joondalup.

In addition, removal of the sentence in 7.1 Objectives relating to car parking for future development on the lots being assessed on merit is required for clarity and consistency. This sentence currently reads as follows:

“The number of car parking bays required on site will be determined by Council and assessed against the merits of the specific case as part of a development application.”

Land Use Permissibility

It was noted in the previous report to Council on the proposed amendment to the BBSP that proposed land use permissibility provisions included as part of the amendment were also included in the Proposed Standard Amendments to Structure Plans report. This report aims to standardise various provisions in the City Structure Plans for consistency and clarity, and is listed as Item CJ024-02/07 on this agenda.

Should Council resolve to adopt the Burns Beach amendment, inclusion of land use permissibility provisions will not be required to be included as a standard amendment to the structure plans.

CONCLUSION

The current BBSP includes few development provisions for the northern portion of the site (the Northern Residential Precinct) due to the unknown constraints of this land with its undulating topography at the time of adopting the structure plan. Detailed landscaping and urban design assessment of the land have now been completed for this Precinct, allowing engineering design details to be finalised. This process has now advanced to the point that additional provisions to the BBSP are proposed to facilitate the future development of the land.

The proposed amendments provide for a range of dwelling types to be developed on a difficult part of the BBSP site at the northern aspect, as well as providing clarity for existing provisions.

Enlargement of the Local Shop Precinct proposed as part of this amendment could provide for a small node of select retail and commercial activities and a community focus to better facilitate the active use of the adjoining POS areas and is, therefore, supported.

During advertising it was noted that car parking provisions for Local Shop Precinct required review. Modifications to the Objectives and General Provisions of this Precinct are proposed as outlined in this report.

In view of any concerns raised during advertising having been addressed, it is recommended that Council adopts the proposed amendment and forwards the amending documents to the WAPC for final adoption and certification, once the relevant modifications relating to car parking provisions for commercial land uses have been undertaken.

ATTACHMENTS

Attachment 1	Location Plan & Aerial
Attachment 2	Table of all proposed amendments (modified), with comments
Attachment 3a	Proposed Modifications to Burns Beach Structure Plan (tracked) - Part 1 and Plan 1 (as advertised)
Attachment 3b	Proposed Modifications to Burns Beach Structure Plan (tracked) - Part 2 (as advertised)
Attachment 4	Table 1 - The Zoning Table
Attachment 5	Structure plan process flowchart
Attachment 6	Schedule of submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **ADOPTS** the proposed amendment to the Burns Beach Structure Plan as per Attachments (3a) and (3b) of Report CJ023-02/07 and submits the amended structure plan to the Western Australian Planning Commission for final adoption and certification, once the following modifications have been undertaken:
 - (a) **MODIFY** section 7.0 Local Shop Precinct by amending the title and clause 7.1 Objective, and Plan 1, to remove all references to a beach shop;
 - (b) **MODIFY** section 7.0 Local Shop Precinct by amending clause 7.1 Objective, to remove the following sentence:

“The number of car parking bays required on site will be determined by Council and assessed against the merits of the specific case as part of a development application.”
 - (c) **MODIFY** section 7.0 Local Shop Precinct by amending the second sentence of clause 7.3 General Provisions to read:

“Wholly residential or office development is not permitted to occupy any one lot within the precinct.”
 - (d) **MODIFY** section 7.0 Local Shop Precinct by amending clause 7.3 General Provisions to include additional car parking provisions for non-residential land uses, as follows:
 - X. A minimum of eight (8) on-site car parking bays shall be provided over the entire Precinct for future commercial development and shall be accessed from the rear laneway. The number of car parking bays shall be provided proportionate to the number of lots approved within the Precinct at the subdivision stage, to the satisfaction of the City of Joondalup.
- 2 Subject to certification by the Western Australian Planning Commission, **AUTHORISES** the affixation of the Common Seal to, and signing of, the modified amended Structure Plan;
- 3 **NOTES** the submissions received and **ADVISES** the submitters of the Council’s decision.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20agn200207.pdf](#)

CJ024 - 02/07 CLOSE OF ADVERTISING - PROPOSED STANDARD AMENDMENTS TO STRUCTURE PLANS - [26549, 11160, 20514, 16047, 06878, 48934 29557]

WARD: North, North-Central and South-West

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to seek Council's consideration on submissions received during the advertising of proposed standard amendments to the wording of several Structure Plans and also, to consider adopting the amendments.

EXECUTIVE SUMMARY

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

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

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

At the Council meeting of 31 October 2006, it was resolved that advertising of proposed amendments should incorporate revised wording and new provisions to address the inconsistencies in wording for the following structure plans (CJ197-10/06 refers):

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

Advertising closed on 7 December 2006 and one submission (non-objection) was received, from the Western Australian Planning Commission (WAPC).

It is noted that a separate amendment in relation to the Burns Beach Structure Plan was considered at the 31 October 2006 Council meeting (CJ196-10/06 refers) that included the same provisions to clarify land use permissibility, as is included in this report on standard wording. Council will consider any submissions on both proposed amendments at the 27 February 2007 meeting of Council. Should Council resolve to adopt the proposed Burns Beach amendment, reference to the Burns Beach Structure Plan in this report would be unnecessary and therefore would need to be removed to avoid duplication.

In addition, the Council resolved at the 21 November 2006 meeting to revoke the Currambine Village Structure Plan (CVSP) (CJ224-11/06 refers), therefore, reference to the CVSP in this report is no longer required.

Due to no objections being received, it is recommended that Council adopts the proposed amendments to the structure plans and submits the amendments to the WAPC for adoption and certification.

BACKGROUND

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

Unless specified in a Structure Plan, the provisions of the DPS2 apply to the development of land that is the subject of a structure plan. In addition, the provisions of the R-Codes apply to residential development, unless otherwise stated in a Structure Plan.

Provisions within structure plans are intended to supplement the requirements of DPS2 and the R-Codes. Due largely to changes to the R-Codes over time, and the fact that the current structure plans have been developed by different planning consultants, the wording and presentation of the City's adopted Structure Plans differ.

This inconsistency in wording of Structure Plans has created uncertainty in relation to the development and building approval processes, particularly for residential land.

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

Council Resolutions

At the 31 October 2006 meeting (CJ197-10/06 refers), Council considered initiating public advertising of the proposed standard amendments to Structure Plans and resolved as follows:

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

At the same Council meeting, a separate amendment on the Burns Beach Structure Plan including the clarification of land use permissibility (also referred to in this Report) was supported for advertising. Council will consider any submissions on this amendment at the 27 February 2007 Council meeting. Should Council resolve to adopt the proposed Burns Beach Structure Plan amendment, any reference to the Burns Beach Structure Plan as part of this Report would be unnecessary and therefore would need to be removed to avoid duplication.

In addition, the Council resolved at the 21 November 2006 meeting (CJ224-11/06 refers) to revoke the Currambine Village Structure Plan (CVSP), therefore, reference to the CVSP in this report is no longer required.

In relation to Resolution 2 above, a standard Structure Plan template is currently being prepared and will be presented to Council when the draft is finalised.

DETAILS

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

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

The City's adopted Structure Plans have been prepared by different planning consultants over time, resulting in varied content and presentation.

A review of the adopted Structure Plans identified that some require amendment in order to bring them into line with the current requirements of DPS2 and the R-Codes. The following structure plans require amending:

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

Issues and options considered:IssuesExceptions to amendments

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

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

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

Land Use Permissibility*Residential Areas*

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

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

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

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

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

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

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

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

Non-Residential Areas

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

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

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

It is proposed that existing provisions of these Structure Plans be amended, as follows:

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

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

Other minor amendment – Cook Avenue Structure Plan

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

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

1.5 Residential Design Codes

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

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

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

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

1.5 Residential Design Codes

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

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

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

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

Options

Council has the following options with regard to this proposal:

- Support adoption of the proposed amendments to the Structure Plans;
- Support adoption of the proposed amendments to the Structure Plans, with modifications.
- Not support the adoption of the proposed amendments to the Structure Plans.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Clause 9.7 of DPS2 enables Council to amend an Agreed Structure Plan subject to the approval of the WAPC. Public consultation is required in accordance with Clause 9.5 of DPS2.

In accordance with Clause 9.6, upon the completion of the public advertising period, Council is required to consider all submissions within sixty (60) days. Council shall then proceed to either adopt or refuse to adopt the amended Structure Plans, with or without modifications, and submit the amendments to the WAPC for adoption and certification.

Attachment 5 sets out the Structure Plan process.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of Clause 6.7, prior to further consideration by Council.

Advertising occurred for a period of 21 days by way of a notice being placed in the Joondalup community newspaper on 16 November 2006 and on the City's website.

Advertising closed on 7 December 2006 with one (1) submission of no objection being received from the WAPC. Attachment 6 provides a summary of the submission received.

COMMENT

The submission from the WAPC raised no objection in principle to the proposal and included comments with regard to the certification process. No objections have been identified through the advertising process.

It is recommended that the proposed amendments be adopted without modification and forwarded to the WAPC for final adoption and certification. Should, however, Council adopt the proposed amendment to the Burns Beach structure plan being considered at this same meeting of Council, the proposal would need to be amended to remove the current reference to the Burns Beach Structure Plan.

ATTACHMENTS

Attachment 1	Location plan of subject structure plans areas
Attachment 2	List of proposed amendments to structure plans (amended)
Attachment 3	Extracts of Cook Avenue, Currambine, Heathridge, Hillarys, Iluka and Kinross Neighbourhood Centre (tracked, showing proposed amendments)
Attachment 4	Table 1 The Zoning Table
Attachment 5	Structure plan process
Attachment 6	Schedule of submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 ADOPTS the proposed standard amendments to Structure Plans, as shown in Attachment 2 of Report CJ024-02/07, and submits the amended Structure Plans to the Western Australian Planning Commission for final adoption and certification;**
- 2 Subject to certification by the Western Australian Planning Commission, AUTHORISES the affixation of the Common Seal to, and signing of, the amended Structure Plans;**
- 3 In the event that Council resolves to adopt the proposed amendment to the Burns Beach Structure Plan subject of Item CJ023-02/07 on this agenda, AGREES to remove reference to the Burns Beach Structure Plan within the standard amendments proposal, prior to submitting the proposal the Western Australian Planning Commission for final adoption and certification.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf200207.pdf](#)

CJ025 - 02/07 CLOSURE OF ADVERTISING FOR PROPOSED ROAD CLOSURE OF SURPLUS ROAD RESERVE: MITCHELL FREEWAY, DUNCRAIG - [09384]

WARD: South

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider submissions received during the advertising period for the proposed road closure of a surplus portion of the Mitchell Freeway reserve, Duncraig.

EXECUTIVE SUMMARY

An application has been received to close a 302m² portion of the Mitchell Freeway Reserve, known as Pt Lot 150. The land is surplus to the requirements of Main Roads Western Australia (MRWA) and a 97m² portion of this land is proposed to be purchased by an adjoining landowner. The remainder of the closed portion of surplus road reserve land (approximately 205m²) is expected to be offered for purchase by three other adjoining landowners.

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

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

The road reserve land is not owned or managed by the City and therefore the City has no financial entitlement to the land in the event of the land being sold.

On 31 October 2006 (CJ200 – 10/06 refers), Council resolved to initiate the proposed road closure for the purposes of public advertising for a period of 35 days. During the advertising period, five neutral submissions were received from service and government authorities and one submission was received from an adjoining landowner supporting the proposal. No submissions of objection were received.

It is recommended that Council advises the Department for Planning and Infrastructure (DPI) that it supports the proposed road closure.

BACKGROUND

Suburb/Location:	Pt Lot 150 Mitchell Freeway, Corner Warwick Road, Duncraig
Applicant:	Keith Davie
Owner:	Crown (Main Roads Western Australia)
Zoning:	DPS: Primary Regional Road & Residential R20
	MRS: Primary Regional Road & Urban
Site Area:	302m ²
Structure Plan:	Not Applicable

The subject land is known as Pt Lot 150 Mitchell Freeway and is located immediately south-west of the intersection of Warwick Road and Mitchell Freeway, Duncraig (Refer location plan shown in Attachment 1).

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

The Council is currently proposing to rezone portion of Pt Lot 150 from 'Primary Regional Road' to 'Residential R20' through the current omnibus Amendment No. 31 to District Planning Scheme No. 2 (DPS2) (CJ152 – 08/06 refers). This rezoning will ensure the zoning of the land under DPS2 aligns with the zoning of the land under the MRS. Zoning alignment is also necessary should the closed portion of the surplus road reserve be eventually amalgamated into adjoining residentially zoned lots.

Council Resolution

At its meeting on 31 October 2006, Council resolved to initiate the permanent closure of the surplus portion of Mitchell Freeway reserve for the purposes of public advertising for a period of 35 Days, as shown in Attachment 1 to Report CJ200 – 10/06.

DETAILS

A 302m² portion of Pt Lot 150 Mitchell Freeway, Duncraig is surplus to MRWA requirements. A 97m² portion of this land is to be disposed of by MRWA to the applicant, who is the adjoining landowner of Lot 214 (No. 29) Sycamore Drive. This 97m² portion of the closed portion of road reserve is to be amalgamated into the residential lot and will require a future subdivision application to be submitted to, and approved, by the Department for Planning and Infrastructure (DPI).

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

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

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

Council has the option to:

- (a) Resolve to support the road closure, or
- (b) Resolve to not support the road closure.

Link to Strategic Plan:

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

Strategy 4.2.1 Provide efficient and effective service delivery.

Legislation – Statutory Provisions:

The road closure is required to be undertaken in accordance with Section 58 of the Land Administration Act (LAA). This section of the Act outlines that the proposed road closure must be advertised for 35 days with a notice to be placed in a newspaper. Advertising has been undertaken and Council is to consider any submissions lodged, resolve whether to close the road, and forward its recommendation to the Minister for Planning & Infrastructure via the DPI for determination.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

There are no cost implications for Council in regard to this resolution.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal was advertised for public comment for 35 days by way of a sign on site, an advert in the Joondalup Times, information on the City's website and letters to local residents and service authorities. The advertising period closed on 21 December 2006 and a total of six (6) submissions were received. Refer Attachment 2 for a summary of the submissions received.

Five of the submissions were from service and government authorities and one submission was received from an adjoining landowner supporting the proposal. Water Corporation, Main Roads, Alinta, Western Power and Telstra advised that they have no objection to the proposed road closure.

COMMENT

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

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

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

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

The road closure proposal has no impact upon the City or service authorities and should be supported.

ATTACHMENTS

Attachment 1	Road Closure Plan
Attachment 2	Schedule of submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 SUPPORTS closure of the portion of Mitchell Freeway reserve, Duncraig as shown on Attachment 1 to Report CJ025-02/07 in accordance with Section 58 of the Land Administration Act;**
- 2 FORWARDS the proposed road closure to the Department for Planning & Infrastructure and REQUESTS the Minister for Planning & Infrastructure to close the road reserve as detailed in Resolution 1 above.**

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf200207.pdf](#)

CJ026 - 02/07 MODIFICATION TO POLICY 3-2 - HEIGHT AND SCALE OF BUILDINGS WITHIN RESIDENTIAL AREAS – [21341]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider a modification to Policy 3-2 (Height and Scale of Buildings within Residential Areas).

EXECUTIVE SUMMARY

The policy provides guidelines for the assessment of building height for planning and building proposals in residential areas. The policy was initially prepared in response to community concern regarding the impact of large dwellings on surrounding properties.

A review of the policy has revealed that its wording could be clarified in order to improve its alignment with the provisions of Council's Town Planning delegations. The intention of the amendment is not to extend or alter the delegation powers.

It is recommended that the proposed modification to the policy be adopted for the purposes of public advertising.

BACKGROUND

Council at its meeting held on 12 December 2006 (CJ250-12/06 refers) considered this item and resolved:

"That the following motion be DEFERRED to the next ordinary meeting of Council pending further investigation and information:

"MOVED Cr Jacob SECONDED Cr Hollywood that Council:

- 1 in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES a proposed modification to Policy 3-2 Height and Scale of Buildings within Residential Areas, forming Attachment 1 to Report CJ250-12/06 for public comment for a period of twenty one (21) days, to commence from 11 January 2007."*
- 2 NOTES that on completion of advertising the matter will be the subject of additional consideration by the Council."*

The item is referred back to Council for consideration.

Council first adopted the policy in March 1998 (DP78-03/98 refers) and it was referred to at that time as Policy G3-17. The policy was further amended in April 2000 (CJ086-04/00 refers).

A review of the City's Corporate Policy Manual was undertaken in June 1999 (CJ213-06/99 refers) and again in October 2005 (CJ206-10/05 refers) which renumbered the policy to 3.1.9 and 3-2 respectively.

The Height and Scale of Buildings Within Residential Areas Policy presently applies to all development in residential zones within the City, with the exception of areas in which building height and scale are otherwise addressed in structure plans, prepared in accordance with Part 9 of the City's District Planning Scheme No.2 (DPS2).

Town Planning delegations have been reviewed on various occasions, with the assistance of a number of internal and external sources, most recently in December 2005. As a result there is an identified need to add clarity to the relationship between the delegations and the Policy.

DETAILS

Issues

Statement No. 4 of the policy is not easily comparable with Council's current Town Planning delegations. Statement No. 4 (b) currently reads as follows:

Applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council's development approval is required. Non-complying applications shall be processed as follows:

(a) In cases in which notified landowners have raised no concerns or objections AND the application is supported by the Manager Approvals, Planning and Environmental Services, the application shall be processed under delegated authority;

(b) *In cases in which notified landowners have raised concerns or objections OR the application is not supported by the Manager Approvals, Planning and Environmental Services, the application is to be presented to Council for determination.*

Council's Town Planning delegations (issued under Part 8.6 of the DPS2) delegates the determination of applications for planning approval for a single house and up to ten grouped or multiple dwellings to officers.

Based on legal advice and the current Town Planning delegations, in practice, there is no difference in how (a) and (b) above are implemented.

In considering this issue, Council can:

- Adopt the draft amendment and advertise it for the purposes of public comment,
- Refuse to adopt the amendment,
- Defer consideration of the amendment. This is not recommended as this will not resolve the current confusion in regard to the policy wording and the town planning delegations.

Link to Strategic Plan:

The following objective and strategy in the City's Strategic Plan 2003-2008 is applicable to this report.

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

Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation or amendment of local planning policies.

Once the draft amendment to a policy is prepared, it is required to be advertised in accordance with Clause 8.11.3 by way of a notice published once a week for two consecutive weeks in a local newspaper giving notice where the draft policy may be inspected. The draft amendment to the policy would also be advertised on Council's website. The specified period for advertising should not be less than twenty one (21) days.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

None. There is no change proposed to the application of the policy, or the associated approval processes.

Sustainability Implications:

Not Applicable.

Consultation:

In the event that Council adopts the draft amendment to the policy for advertising, it is recommended that the proposal be advertised for a minimum period of twenty one (21) days, with a notice placed in the local newspaper for two (2) consecutive weeks as required under Clause 8.11.3 of DPS2.

Upon completion of advertising, Council is required to consider all submissions and proceed to either adopt or refuse the amendment to the policy.

COMMENT

The policy (first drafted in 1998) contains terminology that does not easily align with that of Council's 2005 Town Planning delegations.

It is proposed that Statement 4 of the Policy be modified to reflect the powers delegated under the DPS2, as follows:

- "4 Applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council's development approval is required. Non-complying applications shall be processed in accordance with the relevant Town Planning delegations, issued under Part 8.6 of the City's District Planning Scheme No.2."*

Sections 4(a) and 4(b) are proposed to be deleted from the Policy.

The modified wording of Statement 4 will simply reflect the City's current delegated operations when dealing with residential planning and building applications. The modified wording will also provide sufficient flexibility, should Council resolve, at a future stage, to modify the Town Planning delegations.

The proposed modification will not alter the intent or provisions of the Policy. The proposal will remove ambiguity that currently exists in relation to the process of determining development proposals that are considered under the policy.

It is recommended that the proposed amendment be advertised for 21 days for public comment.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Tracked changes - Policy 3-2 Height and Scale of Buildings within Residential Areas. |
| Attachment 2 | Town Planning delegations |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADVERTISES a proposed modification to Policy 3-2 Height and Scale of Buildings within Residential Areas, forming Attachment 1 to Report CJ026-02/07 for public comment for a period of twenty one (21) days;**
- 2 NOTES that on completion of advertising the matter will be the subject of additional consideration by the Council.**

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf200207.pdf](#)

CJ027 - 02/07 CONSIDERATION OF THE OUTCOME OF PUBLIC ADVERTISING FOR PROPOSED AMENDMENT NO 31 TO DISTRICT PLANNING SCHEME NO 2 - [50574]

WARD: All

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

PURPOSE

The purpose of this report is for Council to consider submissions received during advertising of proposed Amendment No 31 and to consider whether to support finalisation of the amendment.

EXECUTIVE SUMMARY

DPS2 controls how land may be utilised within the City of Joondalup. DPS2 commenced operation on 28 November 2000. As a result of a technical review, Amendment No 31 to DPS2 has now been prepared.

The proposed scheme amendment seeks to introduce various refinements, address interpretation issues, reflect recent legislative changes, and to provide clarity to the DPS2 text and accompanying maps. The issues have been identified through the ongoing operation of the DPS2. It is not intended to review the strategic direction of DPS2 as part of this amendment or introduce any proposals of a strategic nature.

A total of 24 changes are listed under proposed Amendment No 31. The proposals collectively seek to alter the wording of clauses, to delete existing clauses, to include new clauses and to address legislative changes and to correct identified use class, definition and map zoning issues. Legal advice was obtained from the City's solicitors with respect to all the proposals, with the exception of map zoning changes (Proposal 24).

On 29 August 2006 Council resolved to commence advertising of the amendment for a period of 60 days. Advertising closed on 7 January 2007 and a total of 11 submissions were received, seven being objections, two in support and two no objection submissions from government and service authorities.

The assessment of the submissions is that the proposed Amendment No 31 should be implemented, with minor modification relating to Proposal 24 - Modification of Zonings on DPS2 Map. Overall, it is considered that proposed Amendment No 31 will improve the functioning of DPS2.

It is therefore recommended that Council adopts the proposed scheme amendment for final approval, with a minor modification to Proposal 24.

BACKGROUND

The City's DPS2 came into operation on 28 November 2000. The DPS2 is subject to continual testing on appeal to the State Administrative Tribunal (relating to decisions issued by the City for development applications) and in the application and interpretation of standards and provisions within DPS2 in assessing development applications. The City also receives continual feedback from the public on planning issues. This provides a starting point for a continual review process of the DPS2.

At its meeting of 29 August 2006 (Item CJ152 – 08/06 refers), Council resolved to initiate Amendment No 31 to DPS2 and commence advertising, as follows:

- 1 *REQUESTS the Minister for Planning and Infrastructure's consent for the advertising period for the proposed Scheme Amendment No 31 to District Planning Scheme No 2 to be extended from 42 days to 60 days;*
- 2 *Upon receiving the consent outline in 1 above, pursuant to Part 5 of the Planning and Development Act 2005, ADOPTS the amendments to the City of Joondalup District Planning Scheme No 2 as outlined within Attachment 1 to Report CJ152-08/06 for the purposes of advertising for a period of 60 days;*
- 3 *Prior to the advertising period commencing FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required.*

In accordance with resolution 3 above, the proposal was referred to the Environmental Protection Authority, which advised that an environmental review was not required. Proposed Amendment No 31 was subsequently advertised for 60 days, as required by resolutions 1 and 2 above.

DETAILS

Issues and options considered:

The proposed modifications to DPS2 clauses and an explanation of the proposals are listed and explained below. The proposals below can be read in conjunction with Attachment 3 which shows the proposed text amendments tracked within the current DPS2.

Proposal 1 – Remove the Special Use Zone from DPS2 text and Scheme Map.

Deleting the 'Special Use' zone from clause 3.1.1

Deleting the 'Special Use' zone from the legend on the Scheme Map (clause 3.1.2)

Deleting the reference to 'Special Use' zone from clause 3.2.2

Deleting clause 3.17 and Schedule 2 – Section 3 (clause 3.17) Special Use Zones

Intent of Modifications

No land is zoned 'Special Use' within the City of Joondalup. The zone, clauses, scheme map legend and schedule relating to the 'Special Use' zone can be removed in its entirety.

Proposal 2 – New clause relating to multiple land uses in buildings

Inserting the following clause after clause 3.2.3;

- 3.2.4 Where a building or land is used, or a proposed building is designed, for more than one use, it shall be regarded for the purposes of the Scheme as being used or designed partially for each of those uses.

Intent of Modification

This clause would be helpful in clarifying that all land uses which may operate from a building specifically designed for more than one land use can be determined from the list of permissible land uses within Table 1.

Proposal 3 – Modification of building setback requirements and to address issue relating to retail activity in the Business and Mixed Use Zones

- (i) Modifying clause 3.6.2(a) by replacing the words 'no more than' with 'a minimum of',

- (ii) Inserting the following clauses after clause 3.5.2 and 3.6.3 respectively;

- 3.5.3 The conditions specified in clause 3.5.2 are not standards or requirements for the purposes of clause 4.5.1.

- 3.6.4 The conditions specified in clause 3.6.3 are not standards or requirements for the purpose of clause 4.5.1.

Intent of Modifications

- (i) Modification of clause 3.6.2(a) would provide increased clarification to the reader.

The Clause would read:

"Buildings shall be set back a minimum of 6m from the street boundary. A lesser setback may be encouraged where location and design issues would make this appropriate."

- (ii) Clause 3.5.3 and 3.6.3 allows to Council to exercise discretion to allow shopping floorspace up to 200m² in a site in the Mixed Use or Business zones. A request for review (appeal) was previously considered by the State Administrative Tribunal (SAT) against the provision of clause 3.6.3(a) of the DPS2. The applicant successfully argued that this clause is subject to clause 4.5.1 of the DPS2, which allows Council to vary a standard or requirement.

As the SAT has determined that the provisions contained within these clauses can be the subject of discretion (that is, discretion can be exercised to allow shopping floorspace above 200m² in those zones), this may have implications in relation to Council's Commercial Centres Policy which seeks to direct the location of shopping floorspace to Commercial zones.

Clause 3.5.3 and 3.6.4 are therefore proposed to ensure that the conditions cannot be varied by clause 4.5.1.

Proposal 4 – Modification to the Commercial Zone to include both existing and proposed shopping and business areas

Modifying clause 3.7.1 by inserting the words ‘or proposed’ following the words ‘is intended to accommodate existing’, and;

Modifying clause 3.7.1(a) by inserting the words ‘or proposed’ following the words ‘make provision for existing’.

Intent of Modifications

The modification sought is to capture both existing and proposed shopping and business areas.

Proposal 5 – Relocating clause 3.18 to Part 1 of the Scheme.

Modifying clause 1.6(l) by deleting the full stop at the end of the clause and replacing it with ‘and’.

Deleting clause 3.18 and inserting the following words after clause 1.6(l);

New Development Around (m) Existing Railway Stations	In order to promote public transport usage, Council shall encourage appropriate transit-related development to take place around existing railway stations. This relates to both private property, and government owned land and air rights above that land where achievable.
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Intent of Modifications

Clause 3.18 relates to promoting transit-orientated development around existing railway stations. This clause is currently within Part 3 – Zones, however, is not a zone within itself. It is therefore proposed to relocate this clause to Part 1 of DPS2 by renumbering it to 1.6(m). It is noted that the term ‘air rights’ means the ability to use or develop the air space (to a specified height) above the lot.

Proposal 6 – Residential Design Codes

Modifying clauses 1.9.1, 1.9.2, 1.9.3, 3.4, 4.1, 4.2, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3, 4.3.1, 4.3.2, 4.4.3.2, 4.5.1 and Table 2 by replacing the word ‘Planning’ before the word ‘Codes’ with the word ‘Design’.

Intent of Modifications

The Residential Planning Codes (1991) was superseded with the Residential Design Codes of Western Australia in October 2002. This proposal seeks to ensure all references to the Residential Planning Codes in DPS2 are removed and replaced with the Residential Design Codes.

Proposal 7 – Planning and Development Act 2005

Modifying clause 2.2.1 by deleting the words ‘Metropolitan Region Town Planning Scheme Act, 1959, as amended’ and inserting the words ‘Act’.

Modifying clause 2.3.3 by deleting the words ‘Section 32 of’.

Modifying clause 4.6.1 by deleting ‘Section 7A4’ and inserting ‘section 50’ and deleting ‘Environmental Protect Act’ and inserting ‘Environmental Protection Act 1986’.

Modifying clause 5.2.3.4 by deleting the words ‘Town Planning and Development Act (as amended)’ and inserting the words ‘Act’.

Modifying clause 6.1.4 by deleting the words ‘Metropolitan Region Town Planning Scheme Act 1959’ and inserting the words ‘Act’.

Modifying clause 6.3.2 by deleting the words ‘section 20 of the Western Australian Planning Commission Act 1985’ and inserting the words ‘the Act’.

Modifying clause 6.3.2 (i) by deleting the words ‘Metropolitan Region Town Planning Scheme Act 1959’ and inserting the words ‘the Act’.

Modifying clause 6.3.4 by deleting the words ‘Metropolitan Region Town Planning Scheme Act 1959’ and inserting the words ‘Act’.

Modifying clause 8.1.2 by deleting the words ‘the Land Acquisition and Public Works Act 1902 subject to the modification referred to in Section 13 of the Town Planning and Development Act 1928 (as amended)’ and inserting the words ‘the Act and the Land Administration Act 1997’.

Modifying clause 8.2.4 by deleting the words ‘Part V of the Act’ and inserting the words ‘the Act’.

Modifying clause 8.4 by deleting the words ‘Part V of the Act and the rules and regulations made pursuant to the Act’ and inserting the words ‘the Act’.

Modifying clause 8.5.1 by deleting the words ‘Section 11 of the Town Planning Act’ and inserting the words ‘the Act’.

Modifying clause 8.5.2 by deleting the words ‘Section 11(1) of’.

Deleting clause 8.9.

Modifying clause 8.10.2 by deleting the words ‘Section 10 of’.

Modifying clause 9.12.3 by deleting the words ‘Part V of’.

Modifying clause 9.12.4 by deleting the words ‘Section 8a of’.

Intent of Modifications

The Planning and Development Act 2005 came into effect on 9 April 2006. One of the purposes of the Act was to consolidate the provisions of several separate town planning related Acts into one Act. These were the Metropolitan Region Town Planning Scheme Act 1959, the Town Planning and Development Act 1928 and the Western Australian Planning Commission Act 1985.

This proposal seeks to ensure all DPS2 references to previous town planning related Acts are deleted and replaced with references, where required, to the current Planning and Development Act 2005.

Clause 8.9 is redundant as the necessary powers are contained within the Planning and Development Act 2005 under Part 13 - Enforcement and legal proceedings.

Proposal 8 – New clause relating to the removal of restrictive covenants relating to dwelling density

Inserting the following new clauses;

4.17 RESTRICTIVE COVENANTS

4.17.1 Subject to clause 4.17.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

4.17.2 Where clause 4.17.1 operates to extinguish or vary a restrictive covenant Council will not grant planning approval to the development of the land which would, but for the operation of clause 4.17.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 6.7.

Intent of Modifications

A restrictive covenant is a legal agreement between two or more parties that places restrictions on the development of a particular parcel of land. The purpose of the above clauses is to allow the extinguishment or variation of restrictive covenants upon land that relate to the number of residential dwellings permissible on a lot. These covenants are not enforced through the planning application and approval process and covenants are essentially a civil matter.

It is intended that residential density is controlled via the density code applied to the land under DPS2 and the Residential Design Codes of Western Australia. However, on occasion, covenants have been imposed by land developers in regard to the number of permissible dwellings on a lot, and these are often in conflict with the provisions of DPS2. The proposed clause would allow the extinguishment or variation of the covenant to avoid any conflict between the covenant and DPS2.

It is not intended that these DPS2 clauses be used to require removal of covenants for marketing reasons (as are sometimes introduced by developers).

Proposal 9 – Rescission of Home Business – Category 1 approval

Deleting clause 4.4.1.2, which reads:

“If in the opinion of the Council the activity is no longer consistent with the limits of a Home Business – Category 1, or is otherwise causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, Council may serve notice on the person requiring the person to cease using the dwelling for the occupation.”

Intent of Modifications

Clause 4.4.1.2 allows the Council to serve notice on a person to cease using the dwelling for a Category 1 Home Business where the Council considers the activity is no longer consistent with the requirements set out in DPS2. Legal advice was obtained and suggested deletion of this clause from DPS2 as Part 13 of the Planning and Development Act 2005 adequately covers this enforcement issue.

Proposal 10 – Incorrect reference to Environmental Protection Act

Modifying clause 4.6.1 by deleting the words ‘Environmental Protect Act’ and replacing them with the words ‘Environmental Protection Act 1986’.

Intent of Modifications

This modification is required as the current reference to the ‘Environmental Protect Act’ is incorrect, where it should read ‘Environmental Protection Act 1986’.

Proposal 11 – Control of Advertisements

Modifying clause 5.1.4 (Consideration of Applications) by adding the words ‘and the provisions of any Local Planning Policy relating to signs or advertisements’ after the words ‘objectives of the Scheme’.

Modifying clause 5.1.8.3 by deleting the words ‘Minister or the Town Planning Appeal Tribunal in accordance with Part V of the Act’ and inserting the words ‘State Administrative Tribunal’.

Intent of Modifications

The proposed modification seeks to ensure that the provisions of any Local Planning Policy adopted by the Council relating to signs and advertisements are taken into account in considering applications for signage.

Legislation to introduce a new planning appeals system was promulgated on 18 April 2003. The new legislation abolished the right to appeal to the Minister for Planning and Infrastructure and introduced a revised process associated with appeals to the Town Planning Appeals Tribunal.

On 1 January 2005 the Town Planning Appeals Tribunal ceased to operate and was replaced by the State Administrative Tribunal. All planning appeals are now made to the State Administrative Tribunal. The proposed modifications will ensure the terms and references in DPS2 reflect current legislation.

Proposal 12 – Application for Planning Approval

Deleting clause 6.1.3(e) and replacing it with the following;

- (e) the carrying out of any building or works that affect only the interior of a building (excluding an increase in floorspace) and which do not materially affect the external appearance of the building except where the building is:
 - (i) located in a place that has been registered in the Register of Places under the Heritage of Western Australia Act 1990;
 - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
 - (iii) included on the Heritage List under clause 5.2.2.

Inserting the following clauses after clause 6.1.3(g);

- (h) the demolition of any building or structure except where the building or structure is:
 - (i) located in a place that has been entered into the Register of Places under the Heritage of Western Australia Act 1990;
 - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
 - (iii) included on the Heritage List under clause 5.2.2;
 - (iv) located in an area that will in the opinion of Council affect a place included on the Heritage List pursuant to clause 5.2.2.
- (i) any works that are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (j) any of the exempted classes of advertisements listed in Schedule 4 of the Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place; and
- (k) one commercial vehicle, in accordance with clause 4.15
- (l) one recreational vehicle, in accordance with clause 4.16
- (m) A satellite dish, aerial or radio equipment, in accordance with the City's Local Planning Policy and as defined and listed in both Table 1 as 'Communications Antenna – Domestic' and Schedule 1 as 'Communications Antenna' within the Scheme.

Intent of Modifications

The changes and additions to the above clause are proposed in order to clearly outline under what circumstances an application for planning approval is required for various forms of development, demolition and use of land.

Clauses 4.15 and 4.16 specify the requirements for the parking of commercial and recreational vehicles in residential areas. It is considered appropriate that the parking of one commercial and recreational vehicle that is compliant with Clause 4.15 and 4.16 respectively do not require an application for planning approval. It is also considered appropriate that the erection of a single satellite dish, aerial or radio equipment that is compliant with the City's proposed Local Planning Policy does not require planning approval.

Proposal 13 – Deemed Refusal

Deleting clause 6.5.1 and replacing it as follows;

6.5.1 Notwithstanding the provisions of clause 6.9.1 (d):

- (a) Subject to clause 6.5.1 (b), an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.
- (b) An application for planning approval which is the subject of a notice under clause 6.7 or referred to other authorities under clause 6.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

Inserting the following clauses after clause 6.5.1 (b)'

- 6.5.2 Notwithstanding that the application for planning approval may be deemed to have been refused, the Council may issue a decision in respect of the application at any time after the expiry of the periods specified in those clauses 6.5.1 (a) and 6.5.1 (b) respectively, and that decision shall be valid and effective as from the date of determination.
- 6.5.3 An application for planning approval shall, for the purpose of calculating time limits, be deemed not to have been received by the Council until such time as all the plans, information and details as may be reasonably required by the Council has been received by the Council.

Intent of Modifications

Currently, clause 6.5.1 reads:

“Notwithstanding the provisions of item (d) of subclause 6.9.1 an application which by the terms of the Scheme is required to be determined by the Council may be deemed by the applicant or proponent to have been refused where a decision determining the application has not been conveyed to the applicant or proponent by the Council within 60 days of the Council’s receipt of the application or within such further time as may be agreed in writing between the applicant or proponent and the Council.”

This clause allows an applicant to appeal to SAT where an application has not been determined within 60 days. The proposed changes are sought to clarify under what circumstances applications for planning approval are deemed refused. The modification will also specify from when the 60 day time period commences.

Proposal 14 – Public Notice

Modifying clause 6.7.1(a) by deleting the word ‘and’ after the word ‘notice;’ which appears at the end of the clause and replacing it with the words ‘and/or’.

Modifying clause 6.7.2 by inserting the words '(a), or (b), or (c), or a combination of these methods.' after 'clause 6.7.1'.

Intent of Modifications

The modification proposed seeks to ensure that a range of public advertising methods is available.

The City ensures that the extent of public notification is suitable for the type of application being considered, and there is a tendency for the City to be conservative (ie favours a wider coverage) with respect to the extent of public notification. Plain English is used in the wording of advertising advertisements and signs.

Proposal 15 – Compliance with Conditions and Approvals on Appeal

Modifying clause 6.10.1 by deleting the words ', or the Minister or the Town Planning Appeal Tribunal' and inserting the words 'or the State Administrative Tribunal'.

Modifying clause 6.11 by deleting the words 'the Minister or the Town Planning Appeal Tribunal' after the words 'given by' and 'imposed by' and inserting the words 'the State Administrative Tribunal'.

Intent of Modifications

Legislation to introduce a new planning appeals system was promulgated on 18 April 2003. The new legislation abolished the right to appeal to the Minister for Planning and Infrastructure and introduced a revised process associated with appeals to the Town Planning Appeals Tribunal.

On 1 January 2005 the Town Planning Appeals Tribunal ceased to operate and was replaced by the State Administrative Tribunal (SAT). All planning appeals are now made to the SAT. The proposed modifications will ensure the terms and references in DPS2 reflect current legislation.

Proposal 16 – Delegation of Development Control Powers and Powers and Duties in Relation to other Planning Functions

Deleting clause 8.6 and inserting the following clauses;

8.6 Delegation of Development Control Powers and Powers and Duties in Relation to other Planning Functions

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

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

Intent of Modifications

No additional delegation of authority is proposed.

Clause 8.6 currently reads:

“The Council may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of Council, delegate to all or any of the persons or committees referred to in Schedule 6 any power conferred or duly imposed on the Council under this Scheme.

Any delegation made under sub-cause 8.6.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

A committee, member or officer exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power of the Council, insofar as such provisions are reasonably applicable.

A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.”

The above proposed clauses are based on clause 11.3 of the Model Scheme Text (MST), which appears as a schedule to the Town Planning Regulations 1967. Minor rewording of the Town Planning Delegation will be required in the event that this amendment is approved, however, there will be no change to the level of delegated authority that currently exists as a result of the above proposed amendment. Legal advice was obtained in drafting these clauses.

Proposal 17 – Submission of Structure Plan to Council

Modifying clause 9.4.2 by deleting the word ‘sixty’ and the number ‘(60)’ and inserting the word ‘ninety’ and the number ‘(90)’.

Intent of Modifications

This proposal seeks to increase the timeframe for Council to consider a Structure Plan application for the purposes of public advertising. In some instances, particularly with respect to complex structure plan applications, additional time is required to assess and make modifications to the submitted document prior to it being presented to the Council for consent to advertise.

Proposal 18 – Reconsideration and Appeal

Modifying clause 9.12.1 by inserting the words ‘or Commission’ after the phrase ‘determination of the Council’ and replacing the word ‘Council’ after the phrase ‘delivered to the’ with the words ‘appropriate body’.

Modifying clause 9.12.2 by deleting the number and word ‘35 days’ and replacing it with the number and word ‘60 days’.

Modifying clause 9.12.3 by deleting the words ‘the Minister or the Town Planning Appeal Tribunal’ and replacing it with ‘the State Administrative Tribunal’.

Intent of Modifications

Clause 9.12.1 is proposed to be modified to reflect that the applicant can make a reconsideration request to the Western Australian Planning Commission (WAPC) on requirements or decisions of the WAPC.

The proposal also seeks to increase timelines relating to the reconsideration of Structure Plans (from 60 days to 90 days) and seeks to include reference to the new State Administrative Tribunal.

Proposal 19 – Table 1 (clause 3.2) – The Zoning Table

Inserting the use classes ‘Land Sales Office (Temporary)’ and ‘Display Home’ to Table 1 and allocate a ‘P’ use to both use classes within the Residential, Mixed Use, Business, Commercial and Service Industrial zones and a ‘D’ use in all remaining zones.

Inserting the use class ‘Public Utility’ to Table 1 and allocate a ‘P’ use in all zones.

Inserting the use class ‘Resort’ to Table 1 and allocate a ‘D’ use within the “Private Clubs/Recreation” Zone and a ‘X’ use within all remaining zones.

Inserting the use class ‘Winery’ to Table 1 and allocate a ‘D’ use in the ‘Rural Zone’ and an ‘X’ use within all remaining zones.

Inserting the use class ‘Vehicle Panel Beating/Spray painting’ to Table 1 and allocate a ‘D’ use in the ‘Service Industrial’ zone and ‘X’ use in all remaining zones.

Modifying the use class ‘Amusement Facility/Parlour’ by deleting the word ‘Facility’ and allocating a ‘D’ use in the ‘Mixed Use’ zone.

Modifying the ‘Caretaker’s Flat/House’ use class in Table 1 by deleting the words ‘Flat/House’ and inserting the word ‘Dwelling’.

Modifying the ‘Market (Retail)’ use class in Table 1 by deleting the word ‘Market’ and inserting the word ‘Markets’.

Modifying the use class ‘Vehicle Repairs’ in Table 1 by substituting ‘X’ with ‘D’ under the ‘Business’ zone and substituting ‘D’ with ‘P’ under the ‘Service Industrial’ zone.

Modifying the use class ‘Education Establishment’ in Table 1 by deleting the word ‘Education’ and inserting the word ‘Educational’.

Modifying the use class 'Holiday Village/Resort' in Table 1 by deleting the word 'Resort'.

Deleting the use class 'Supermarket' from Table 1.

Intent of Modifications

The above changes to the zoning table primarily seek to rectify existing anomalies that have been identified when assessing development applications. It is noted that a 'P' use is a use that is permitted, a 'D' use is a use that is not permitted, but which the Council may grant its approval, and an 'X' use is a use that is not permitted.

Currently all temporary land sales offices and display home applications are required to be dealt with as an 'unlisted use' under DPS2 as there is no use class for this form of development. It is therefore proposed to include both use classes within Table 1. It is considered appropriate to allow both these land uses to be considered within all DPS2 zones.

A definition of 'public utility' is provided within Schedule 1 of DPS2, however no use class is allocated in Table 1. It is considered appropriate to include the use class 'public utility' within Table 1 and allocate a 'P' use in all zones.

The use class 'Caretaker's Flat/House' is proposed to be changed to 'Caretaker's Dwelling' as the use of the term 'dwelling' is more consistently used within DPS2 and the R-Codes.

The removal of the use class 'Market' and replacement with 'Markets' will align with the current DPS2 definition of 'Markets (Retail)' in Schedule 1 of DPS2.

The use class 'Resort' is defined in Schedule 1 of DPS2, however is not clearly listed in Table 1 of DPS2 as it is listed as 'holiday village/resort'. It is therefore proposed to add the use class 'Resort' and allocate a 'D' use to this use class within the "Private Clubs/Recreation" Zones and a 'X' use within all remaining zones. This will align with the 'Holiday Village' use class.

The use class 'Winery' is defined in Schedule 1 of DPS2, however is not listed in Table 1 of DPS2. It is therefore proposed to add the use class 'Winery' and it is considered appropriate to allocate a 'D' use in the 'Rural Zone' and an 'X' use within all remaining zones.

A new use class 'Vehicle Panel Beating/Spray painting' is proposed to be added to Table 1. It is considered appropriate to allocate a 'D' use for this land use in the 'Service Industrial' zone and 'X' use in all remaining zones.

As a result of the above use class addition, it is proposed to amend the use class 'Vehicle Repairs'. It is considered appropriate to replace 'X' with 'D' under the 'Business' zone and replace 'D' with 'P' under the 'Service Industrial' zone.

The use class 'Supermarket' is proposed to be deleted from Table 1 of DPS2 as this land use is considered and defined as a 'shop', which is already listed within Table 1 and Schedule 1 of DPS2 respectively.

The proposed minor amendment the use class 'Education Establishment' to read 'Educational Establishment' will ensure alignment to the definition in Schedule 1 of DPS2.

Proposal 20 – Table 2 (clause 4.8) – Car Parking Standards

Inserting 'Display Home' under the use class 'Corner Store' in the use class column and allocating '5 per Display home' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Land Sales Office' under the use class 'Industrial' in the use class column and Inserting '5 per Land Sales Office' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Recreation Centre' under the use class 'Public Worship' in the use class column and Inserting '1 per 2.5 persons based on facility capacity' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'High School' under the use class 'Health Centre' in the use class column and Inserting '2 per classroom and a minimum of 10 bays' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'Open Air Display' under the use class 'Office' in the use class column and inserting '1 per 200m² Display Area' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'Place of Assembly' under the use class 'Open Air Display' in the use class column and inserting '1 per 4 seats' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'Special Place of Assembly & Sports Grounds' under the use class 'Single house' in the use class column and inserting '1 per 2.5 persons based on facility capacity' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'Vehicle Sales/Hire Premises' under the use class 'Tertiary College' in the use class column and inserting '1 per 200m² display area and 1 bay per employee' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'and in accordance with Local Planning Policy 3-1 Child Care Centres' under the Number of On-site Car Parking Bays column in Table 2 for the use class 'Child Care Centre'.

Deleting 'Minimum of 5' and replacing it with '5 bays per practitioner' under the Number of On-site Car Parking Bays column for the 'Consulting Rooms' use class in Table 2.

Deleting '1 per dwelling' and replacing it with 'As per the Residential Design Codes' under the Number of On-site Car Parking Bays column for the 'Aged or dependant persons dwellings' use class in Table 2.

Intent of Modifications

The proposed modifications seek to resolve issues that were identified where some types of development had no corresponding car parking standards. Car parking standards for land sales offices, display homes, open air display and vehicle sales/hire premises were obtained from previous Council decisions that set car parking standards for those forms of development.

The proposed car parking standards for Recreation Centres and Special Place of Assembly & Sports grounds have been derived from analysis of the parking demands for existing centres within the City.

Proposal 21 – Schedule 1 (clause 1.9) – InterpretationsInserting the following new definitions into Schedule 1

Costume Hire: means premises used for the purpose of the hire of fancy dress garments and accessories.

Floor area of a building: means –

- (a) for any building (or part of a building) that is subject to the Residential Design Codes, the gross total of the areas of all floors of the building being the areas specified in the definition of Plot Ratio contained in the Residential Design Codes.
- (b) for any other building (or part of a building), the gross total area of all floors of the building, including the area of any walls, however excluding the area of:
 - lift shafts, stairs or stair landings common to two or more tenancies;
 - machinery, air conditioning and equipment rooms;
 - non habitable space that is wholly below natural ground level
 - areas used exclusively for the parking of wheeled vehicles at or below ground level
 - lobbies or amenities areas common to more than one tenancy;
 - balconies or verandahs open on at least two sides.

Hardware Store: means a shop in which tools, building materials, paint, garden improvement products and plants are for sale.

Health Centre: Shall have the same meaning as Medical Centre.

Industry – Service: means -

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

Kindergarten: means premises used for the purpose of the care and education of pre-school children.

Land Sales Office (Temporary): means a temporary building used solely for the purpose of land and/or development transactions associated with the site/locality upon which the building is located.

Laundrette: means premises in which machines for the washing and drying of clothes and fabrics are available for use by the public for reward.

Laundry: means premises, generally not open to the public, used for the purposes of washing, ironing or dry cleaning of clothes or fabrics.

Plot Ratio: means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located.

Public Amusement: means premises used for the purpose of the amusement or entertainment of the public with or without charge.

Vehicle Panel Beating/Spray painting: means land and buildings used for, or in conjunction with, vehicle body repairs including panel beating, spray painting, chassis reshaping, application and sanding down of vehicle body filler.

Deleting the following definitions from Schedule 1 of DPS2

Amusement Facility: means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

Piggery: shall have the same meaning given to the term in and for the purposes of the Health Act 1911.

Modifying the following definitions in Schedule 1 of DPS2

Modifying the 'Act' definition in Schedule 1 by deleting the words 'Town Planning and Development Act, 1928 (as amended)' and replacing it with 'Planning and Development Act 2005'.

Modifying the 'Amusement Facility/Parlour' definition by deleting the definition and inserting the following:

Amusement Parlour: means premises, in which 2 or more amusement machines or computers are available for use by the public for amusement.

Modifying the 'Medical Centre' definition in Schedule 1 by deleting the definition and inserting the Model Scheme Text definition as follows;

Medical Centre: means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

Modifying the 'Set back' definition in Schedule 1 by deleting the word 'Set back' and replacing it with 'Setback'.

Modifying the 'Vehicle Repairs' definition in Schedule 1 by deleting the definition and inserting the following:

Vehicle Repairs: means the use of land and buildings for the purposes of conducting mechanical and electrical repairs and overhauls to vehicles and machinery including tyre recapping and retreading.

Intent of Modifications

The proposed modifications seek to resolve issues that were identified where some land use classifications, whilst appearing in Table 1, had no corresponding land use definition in Schedule 1. Where possible, definitions were obtained from the Model Scheme Text (MST) and where such landuse classifications were not listed in the MST, definitions were drafted with the assistance of legal advice.

Definitions for Plot Ratio and Floor space area have also been included.

Proposal 22 – Schedule 4 (clause 5.1.5) – Exempted Advertisements

Deleting the text forming the first paragraph under the heading 'SCHEDULE 4 (CLAUSE 5.1.5) – EXEMPTED ADVERTISEMENTS'.

Intent of Modifications

Removal of the first paragraph is considered appropriate as Schedule 4 should only list the advertisements (signs) that are exempt from planning approval, and the current wording is confusing.

Proposal 23 – Schedule 6 (clause 8.6) – Delegation of Development Control Powers

Deleting the heading and text contained within Schedule 6.

Intent of Modifications

Given rewording of clause 8.6 based upon MST provisions under proposal 16, the contents of schedule 6 are proposed to be deleted, however renumbering of schedule numbers is not required and schedule 6 will therefore be left blank. Legal advice was obtained in formulating this proposal.

The contents of Schedule 6 also refer to a Municipal Town Planner's Certificate that is an outdated qualification.

Proposal 24 – Modification of zonings on DPS2 map

Attachment 1 to this report contains the Scheme Amendment report and lists all proposed mapping modifications relating to each of those proposed modifications.

Intent of Modifications

The majority of the zoning changes outlined within Attachment 1 seek to rectify anomalies identified as a result of a recent audit relating to reserves. Other changes seek to accurately portray correct zonings of land that have been identified through continual monitoring and review of DPS2.

The proposed mapping changes relating to portion of Lot 150 corner Warwick Road and Mitchell Freeway, Warwick, Portions of Lots 201 and 202 The Gateway and Lot 621 Eddystone Avenue, Edgewater are as a result of the gazettal of MRS Amendment No 188/33A – North West Omnibus No 6.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

- | | |
|----------------|---|
| Objective 3.1 | To develop and maintain the City of Joondalup's assets and built environment. |
| Strategy 3.1.2 | Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup. |

Options:

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

- Determine that the proposed scheme amendment is satisfactory, without modification.
- Determine that the proposed scheme amendment is satisfactory, with minor modification.
- Determine that the proposed scheme amendment is not satisfactory.

Legislation – Statutory Provisions:

Attachment 2 details the scheme amendment process. In accordance with the Town Planning Regulations, the scheme amendment was advertised for an increased period of 60 days, in lieu of the normal 42 day period, as required by Council.

In accordance with the Planning and Development Act 2005, the proposal was referred to the Environmental Protection Authority, which advised that an environmental review was not required.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable.

Policy Implications:

This proposal does not have any policy implications.

Regional Significance:

The various proposals that collectively form proposed Amendment No 31 may be considered to be regionally significant as they seek to modify various clauses of DPS2 and zonings of land within the City of Joondalup that affect the use and development standards for land throughout the municipality.

Sustainability Implications:

Not Applicable.

Consultation:

In accordance with the Council resolution, the scheme amendment was advertised for a period of 60 days, with a notice being placed in the Joondalup Times on 9 November 2006, the West Australian on 8 November 2006, on the City's website and letters sent to service authorities and, where possible, affected landowners.

Eleven submissions were received, being two no objection submissions from service authorities, two support submissions and seven submissions objecting to various aspects of the amendment proposal. Attachment 4 is a summary of the submissions received. Full copies of all submissions have been placed in the Elected Members' Reading Room for information.

In regard to the scheme amendment, the issues raised in the public consultation relate primarily to proposal 13, particularly proposed clause 6.5.3. The concern is that the addition of Clause 6.5.3 will give Council unlimited time to ask for more information and this will adversely impact on development application assessment and approval timeframes. In addition, one submission raised concerns with respect to:

Proposal 1	Removal of Special Use Zone;
Proposal 4	Modification to the Commercial Zone;
Proposal 5	Relocating Clause 3.18 to Part 1 of DPS2;
Proposal 7	Planning and Development Act 2005;
Proposal 9	Rescission of Home Business Approval;
Proposal 14	Public Notice;
Proposal 19	Table 1 (The Zoning Table);
Proposal 21	Schedule 1 (Interpretations); and,
Proposal 24	Modification of zonings on DPS2 map.

The issues are considered in the Comment section of the report and also within Attachment 4.

COMMENT

A range of issues were raised by the community during the public consultation period. The issues raised by proposal number, together with responding comments, are as follows:

Proposal 13 – Deemed Refusal

In five of the submissions received, objection is raised to proposed clause 6.5.3 which states:

Clause 6.5.3 An application for planning approval shall, for the purpose of calculating time limits, be deemed not to have been received by the Council until such time as all the plans, information and details as may be reasonably required by the Council has been received by the Council.

The concern is that the addition of Clause 6.5.3 will give Council unlimited time to ask for more information which will adversely impact on development application assessment and approval timeframes.

Comment

Council is required to make a decision on a development application and communicate that decision to the applicant. The onus is placed upon the applicant to provide the City with all the information it requires to properly assess and determine their development application.

No change to current practice will occur as a result of this amendment proposal. It is noted that a significant number of delays experienced by applicants during the development assessment process are due to the lodgement of incomplete applications. Until such time as the required further information and details is received, officers are unable to progress the applications. It is noted too that, should the initial application be deficient in essential information/details (such as lots details, signatures and scaled plans accurately depicting the application), the City now returns these applications to the applicant through the Gateway

Process. This process, therefore, only recognises valid applications whilst also relieving time previously spent by the City's planning officers to seek this information.

Proposed clause 6.5.3 seeks to clarify the current protocol (under the City's recently introduced Gateway Development Application process) whereby the assessment timeframe for development applications does not commence until all the necessary information/ details is submitted in order to undertake proper assessment of the application.

Proposal 1 (Removal of Special Use Zone); Proposal 4 (Modification to the Commercial Zone)

Proposal 5 (Relocating Clause 3.18 of DPS2); Proposal 7 (Planning and Development Act 2005); Proposal 9 (Rescission of Home Business Approval); Proposal 14 (Public Notice); Proposal 19 (Table 1-The Zoning Table); Proposal 21 (Schedule 1 -Interpretations); Proposal 24 Modification of Zonings on DPS2 Map

One submission raised concerns with all the above proposals. Given the large number of issues raised in this submission it is considered pertinent to refer to Attachment 4 for a more complete explanation of the issues raised, and responding comments.

A summary of the issues raised follows:

- Does not support Proposal 1 relating to the removal of the Special Use Zone because it was determined to be necessary when DPS2 was introduced.
- Does not support Proposal 4 relating to the Commercial Zone because Structure Plans should be provided for commercial areas.
- Does not support Proposal 5 to relocate Clause 3.18 to Part 1 of DPS2 as it incorporates a new zone that will introduce Network City/Precinct Planning.
- Does not support Proposal 7 relating to the Planning and Development Act unless an alternative Clause 8.9 being provided.
- Does not support Proposal 9 relating to the rescission of Home Business Approval because DPS2 does not state where the enforcement issue is covered.
- Does not support Proposal 14 relating to public notice because it reduces advertising requirements for planning proposals.
- Does not support Proposal 19 relating to changes to Table 1 (The Zoning Table) unless 'Short Stay Accommodation' is included.
- Does not support Proposal 21 relating to Schedule 1 (Interpretations) changes because short stay accommodation has not been defined.
- Does not support Proposal 24 relating to proposed modifications to zonings on the DPS2 map because it is poorly written and contains inaccuracies and ambiguities.
- The submitter believes many of the proposals are strategic in nature.

Comment

The above issues raised by the submitter have been reviewed and detailed planning responses are provided in Attachment 4.

However, with respect to the issues raised relating to Proposal 24, it is agreed that a minor modification to the proposal would add clarity. The modification seeks to remove any reference to density coding (R-Code) of land as no changes to density are proposed, with the exception of lots forming the Currumbine Structure Plan No 14 area, which are proposed to be recoded from 'R20' to 'Uncoded'. Attachment 1 includes tracked changes relating to Proposal 24 where all references to the density coding of land has been removed, with the latter exception.

Finally, the submitter contests that Proposals 1, 2, 5 and 14 are strategic in nature, however the proposals forming Amendment No 31 do not seek to review or modify the strategic direction of DPS2 but, rather, seek to improve its functionality.

Conclusion

In summary, the concerns raised by submitters have largely either been addressed or are not directly relevant for the purposes of the proposed scheme amendment. From the planning perspective, therefore, it is considered that proposals 1, 5, 7, 9, 14, 19 and 21 should remain unchanged. A minor modification to proposal 24 to remove density code references, except in relation to land within the Currambine Structure Plan No 14 area, is nevertheless supported.

Overall, it is considered that proposed Amendment No 31 would improve the functionality of DPS2 and ensure that it remains accurate and current by addressing existing issues identified in its technical review. It is therefore recommended that proposed Amendment No 31 be adopted for final approval with minor modification to proposal 24, as noted in Attachment 1.

ATTACHMENTS

Attachment 1	Proposed Amendment No 31, including tracked changes to the zoning modification table (Proposal 24)
Attachment 2	Town Planning Scheme Amendment process flowchart
Attachment 3	Tracked version of DPS2 text pages that relate to DPS2 text modification proposals 1 to 23
Attachment 4	Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ADOPTS Amendment No 31 to the City of Joondalup District Planning Scheme No 2 with modification, as outlined within Attachment 1 to Report CJ027-02/07, and forwards the proposal to the Western Australian Planning Commission for final approval;**
- 2 NOTES the submissions received and ADVISES the submitters of the Council's decision.**

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24agn200207.pdf](#)

CJ028 - 02/07 PROPOSED AMENDMENT NO 37 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE AND RECODE LOT 600 (243) TIMBERLANE DRIVE, CNR TRAPPERS DRIVE, WOODVALE FROM 'COMMERCIAL' R 20 TO 'RESIDENTIAL' R 40 - [22597]

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to seek Council's consent to initiate proposed Amendment No 37 to District Planning Scheme No 2 (DPS2) for the purpose of public advertising.

EXECUTIVE SUMMARY

The proposed amendment to DPS2 relates to Lot 600 (243) Timberlane Drive, corner Trappers Drive, Woodvale, that contains a disused service station building. It seeks to rezone the site from 'Commercial' to 'Residential' and to increase the residential density code applicable to the land from R20 to R40. The proposed indicative development plan submitted with the amendment application shows how the proposal seeks to facilitate the redevelopment of the site for nine (9) single storey aged or dependant persons dwellings.

The intent of the proposed scheme amendment is to facilitate future subdivision and redevelopment of the land in a co-ordinated and integrated manner to create a medium density residential development. The proposed amendment would add to the variety in choice of housing in the locality.

Should the proposed scheme amendment be considered satisfactory, it is required to be advertised for public comment prior to further consideration by the Council.

The proposal is suitable in terms of residential land use and increased density in terms of the nearby residential dwellings and adjoining Woodvale Shopping Centre. It meets the community's changing demographic needs and provides residential living choices to residents within the vicinity. In addition, it is considered to be in a form suitable to gauge public opinion of the proposal.

It is recommended that Council consents to initiate the proposed amendment for the purposes of public advertising.

BACKGROUND

Suburb/Location: Lot 600 (243) Timberlane Avenue, Woodvale
Applicant: Sergio Famiano
Owner: Isodor Pty Ltd
Zoning: **DPS:** Commercial
MRS: Urban
Structure Plan: Not Applicable

Lot 600 Timberlane Drive, Woodvale is 1554m² in area and is located adjacent to the Woodvale Shopping Centre and opposite residential and commercial development (Attachment 1 refers). The site was previously used as a service station until operations ceased in 2003, with the site remaining vacant since that time.

DETAILS

Issues and options considered:

The amendment proposes to rezone Lot 600 (243) Timberlane Drive, Woodvale from 'Commercial' R20 to 'Residential' R40 (Attachment 2 refers). The R40 density would allow the development of a maximum of ten (10) aged or dependant persons dwellings or seven (7) grouped dwellings. In comparison, the current R20 density would allow the development of three (3) grouped dwellings only.

The indicative development plan submitted by the applicant shows nine (9) single storey aged or dependant persons dwellings (Attachment 3 refers). The proposed future development would front both Timberlane and Trappers Drives with a common driveway from Timberlane Drive servicing four (4) dwellings. Five separate driveways would service the other five residential dwellings (two on Timberlane Drive and the remaining three on Trappers Drive). While the plan is indicative only, it demonstrates the applicant's future development intentions for the site.

Applicant's Submission

In their submission, the applicant has provided the following comments to support the amendment (italicised):

- *"The existing Woodvale Shopping Centre currently has four (4) long-term vacant tenancies, which indicate that there is a greater supply than demand of retail floor space in the immediate area. This evidence would suggest that it would be difficult to attract any type of retail or commercial uses to the subject site;*
- *The landowner has made repeated attempts to re-use the site as a Service Station to no avail. It has now been vacant for over two (2) years and is a blight to the centre and surrounding residential area;*
- *The subject site is ideally suited for 'aged persons' dwellings given its close proximity to a Shopping Centre, medical facilities, parks and public transport;*
- *The subject site has access to two separate street frontages making re-subdivision ideal with each lot having the potential for separate street frontage;*
- *It is rare for a large development site to exist near a shopping centre site and it provides a development opportunity to sustain R40 development;*
- *The accommodation of residential housing at a density of R40, nearby Woodvale Shopping Centre is an objective of Liveable Neighbourhoods and an essential element in the creation of good community formation;*

- *The proposed development that would result from the re-subdivision of the subject site, would serve the change in demographics in the area, with the ageing population requiring moderately sized homes on smaller lots.*
- *Increasing the current development potential of the site would only support the Woodvale Shopping Centre by providing more patrons to its 'front doorstep'.*
- *The design of the 'aged persons' dwellings as proposed under the Indicative Development Plan aims to maintain and reflect the current residential character and streetscape enjoyed in the immediate area;*
- *The developer is willing to address any design matters in the Indicative Development plan to ensure the design meets Council requirements; and*
- *The proposed redevelopment of the site for residential housing, would not compromise the level of amenity enjoyed in the area".*

Options

The issues associated with the proposed amendment on the subject lot include:

- Suitability of proposed residential land use and residential density code increase.
- Suitability of envisaged residential development to create appropriate built form that integrates with the adjoining shopping centre and surrounding residential dwellings.
- The loss of Commercial zoned land in the locality.

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

- Not support the initiation of the proposed amendment to the DPS2 for the purpose of public advertising, or
- Support the adoption of the proposed amendment for the purpose of public advertising.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003-2008:

Objective 3.3 – To continue to meet changing demographic needs.

Strategy 3.3.1 – Provide residential living choices.

Legislation – Statutory Provisions:

Part 5 of the Planning and Development Act 2005 enable local authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 4 refers).

Should the 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 Agency (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 will advertise the proposed amendment for 42 days.

Upon closure of the advertising period, the Council considers all submissions received during the advertising period and would resolve to either grant final approval to the amendment with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC), who makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Risk Management considerations:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

The proposal has significance to the local neighbourhood as it is intended to facilitate the redevelopment of a site that immediately adjoins the Woodvale Shopping Centre. The proposal is unlikely to have any regional significance.

Sustainability Implications:

The proposed scheme amendment would enable the City to consider future subdivision and development on the site that will provide residential dwellings at a medium density, thereby promoting both economic and social sustainability.

The development of medium density housing is considered appropriate given the location of the subject site to a number of services that includes bus services on both Timberlane and Trappers Drive, a nearby local park, a primary school and local neighbourhood centre. This accords with Strategy 3.3.1 'Provide Residential Living Choices' of the City's Strategic Plan 2003-2008 and the State Government Policy document, Liveable Neighbourhoods Community Design Guide Code.

Consultation:

The Planning and Development Act 2005 requires that should Council adopt the amendment, it would be advertised for a period of forty two (42) days. All adjoining landowners would be notified in writing, a notice placed in the Joondalup Community Newspaper and West Australian Newspaper and a sign placed on the site. The proposed amendment would also be displayed on the notice board at the Council administration building and on the City's website.

COMMENT

Suitability of Proposed Zoning, Density and Future Development

Proper and orderly planning principles dictate that the zoning applied to the land should align with the use of the land, and the rezoning of the site is considered necessary in this context. The proposed rezoning from Commercial R20 to Residential R40 is more consistent with the future built form and land use intentions for the site.

As other surrounding land is zoned R20, the proposal represents a 'transitional' zone between existing Residential R20 areas and the adjoining shopping centre and it is unlikely that there would be any impact on streetscape amenity. It is expected that the proposed rezoning will not generate any traffic related issues in terms of additional vehicle movements beyond that of the previous service station. A traffic survey/study has not been deemed necessary for this aspect. The indicative design concept for the site shows three (3) dwellings obtaining vehicle access to Trappers Drive, and six (6) dwellings obtaining access from Timberlane Drive. Given the nearby location of a roundabout, detailed assessment of the location of the proposed driveways will be required at the development application stage to ensure appropriate and safe design.

The proposed R40 density is higher than adjoining residential lots, which have been developed to R20 with predominately single and two storey detached single residential dwellings. However, the indicative development of the future development shows the scale of the buildings proposed for the site is identical to existing development prevailing on adjacent residential lots.

The potential development of a maximum of seven (7) grouped dwellings or a maximum of ten (10) aged or dependant persons dwellings upon the site could take advantage of public transport, community services and retail facilities available in close proximity to the subject site, which promotes environmental and economic sustainability. Grouped or aged or dependent persons' dwellings is considered compatible with adjoining and surrounding land uses and could improve the amenity and visual amenity of the area. The rezoning and recoding of the site, therefore, could be supported.

Loss of Commercial zoned land in the locality

Under Schedule 3 of DPS2, the adjoining Woodvale Shopping Centre is listed as having a maximum retail Net Leaseable Area (NLA) limit of 4000m². Under the WAPC's 2001/02 Land Use and Employment Survey, the Woodvale Shopping Centre is listed as having 2904m² of retail/shop NLA. The total floorspace of the centre, including both retail and non retail land uses listed is 3830m².

On this basis of the maximum permissible retail NLA figure of 4000m² under DPS2, the Woodvale centre has a retail (Shop) NLA surplus of 1096m².

It should be noted that the applicant states that four tenancies are currently vacant. The WAPC's 2001/02 Land Use and Employment Survey states that there were three vacant tenancies when the survey was conducted. A recent site inspection of the centre revealed only one vacant tenancy.

The loss of Commercial zoned land arising from the proposed amendment is not considered to be detrimental to the locality as there is scope for the Woodvale Shopping Centre to accommodate future retail/shop NLA increases.

Conclusion

The proposed rezoning is considered a suitable option for the future development of a currently disused and unattractive site located within a predominantly Residential area. The proposed increased density would result in a form of development that complements nearby residential dwellings. The proposal meets the City Strategic Plan 2003 – 2008 by meeting the demographic needs of the population by way of providing residential living choices to residents.

Therefore, it is recommended that the Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

ATTACHMENTS

Attachment 1	Location and Aerial site Plans
Attachment 2	Proposed Amendment No 37 to District Planning Scheme No 2 Zoning and R Code Maps
Attachment 3	Indicative Plan
Attachment 4	Scheme Amendment process flowchart

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1** pursuant to Part 5 of the Planning and Development Act 2005, **CONSENTS** to initiate Amendment No 37 to the City of Joondalup District Planning Scheme No. 2 to rezone and recode Lot 600 (243) Timberlane Drive, Woodvale from 'Commercial' R20 to 'Residential' R40, for the purposes of public advertising for a period of 42 days;
- 2** prior to the advertising period commencing, **FORWARDS** the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required.

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf200207.pdf](#)

CJ029 - 02/07 PROPOSED PATIO ADDITION TO EDGEWATER SHOPPING CENTRE: LOT 100 (1) WISTERIA DRIVE, EDGEWATER - [79539]

WARD: North Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for a patio addition at Edgewater Shopping Centre.

EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed patio addition to Edgewater Shopping Centre.

The proposed addition will provide coverage for an existing raised alfresco dining area that adjoins a restaurant area within the shopping centre.

The determination of this application by Council is necessary as the proposed structure has setback variations that exceed the maximum that can be approved under Delegated Authority.

It is recommended that the application be supported because the proposed setback variations would not adversely affect the amenity of the area.

BACKGROUND

Suburb/Location: Lot 100 (1) Wisteria Drive, Edgewater
Applicant: Marilyn Watts
Owner: Kalison Enterprises
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 0.5726 ha

The Edgewater Shopping Centre is located at the corner of Edgewater Drive and Wisteria Drive, Edgewater and was constructed during the mid 1980s.

The proposed patio will adjoin a tenancy that was previously used as a Chinese restaurant (operation ceased in the late 1990s). The tenancy received a building fit-out approval for conversion to an Italian restaurant in August 2006.

Development approval was issued in November 2006 for a 60sqm external area adjoining the tenancy to be used for alfresco dining. The proposed patio addition is to provide coverage for a section of the alfresco area.

DETAILS

The proposal is for a patio addition to the Edgewater Shopping Centre with an area of 32.4sqm and a height of 2.5 metres. The setbacks required under DPS2 for this type of development and those proposed are set out below:

Boundary	Setback Required	Setback Proposed
Front (Wisteria Drive)	9.0m	Approx. 70m
Side (Edgewater Drive)	3.0m	1.0m
Rear (Edgewater Park)	6.0m	0.0m

An approved alfresco dining area, which is raised by approximately 0.5 metres above the street verge, is located within the boundary of the proposed patio. The proposed structure is to have a gable roof and is to be attached to the roof of the shopping centre.

Link to Strategic Plan:

Strategy 1.3.1

“Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today’s environment.”

Legislation – Statutory Provisions:

A Restaurant is a ‘P’ use in a Commercial zone. A ‘P’ use means:

“A use class that is permitted but which may be subject to any conditions the Council may wish to impose in granting its approval;

In this instance, the land use has already been established and the development application is only for the patio addition on the site.

Council has the discretion under Clause 4.5 of the DPS to vary the development standards for non-residential building (clause 4.7 of the DPS) as follows:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

Unless otherwise provided for in Part 3 of DPS2, Clause 4.7 sets out the setback requirements for non-residential buildings. The site is located within the Residential Zone. Part 3.4 – The Residential Zone of the DPS2, does not establish setbacks for non-residential buildings in this Zone.

As such, the setback standards of Clause 4.7 apply:

4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

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

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

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

It is considered that the proposal will assist in providing a more vibrant and interactive environment in the functioning of the shopping centre and provide an enhanced facility for local residents.

Consultation:

The application for the patio was not advertised as it is considered to be a minor external addition to the shopping centre.

COMMENT

The proposed development is considered to be minor in nature and will provide coverage for an approved alfresco dining area. This will assist in contributing to the vibrancy of the Edgewater Shopping Centre and surrounding area.

The land to the south of the shopping centre is public open space. As such, the proposed reduced setback to the southern boundary will not adversely impact on any neighbouring properties. The reduced setback of the patio will also result in the development being in line with the rest of the shopping centre building.

The reduced setback to Edgewater Drive will assist in creating an active frontage from the shopping centre to the road. It is considered that the proposed development will enhance the streetscape and will not adversely affect any neighbouring properties. The patio will compliment the alfresco dining area by providing shade and cover, and will be required to be finished in colours and materials that are complimentary to the existing shopping centre building.

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

ATTACHMENTS

Attachment 1	Locality Plan, Aerial Photograph & Zoning
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 4.5 of District Planning Scheme No 2 and determines that:**
 - (a) A setback of nil in lieu of 6.0 metres to the rear (Edgewater Park) boundary;**
 - (b) A setback of 1.0 metre in lieu of 3.0 metres to the side (Edgewater Drive) boundary;****are appropriate in this instance;**
- 2 APPROVES the application for planning consent dated 8 September 2006 submitted by Marilyn Watts on behalf of the owners Kalison Enterprises P/L, for a patio addition at Edgewater Shopping Centre, Lot 100 (1) Wisteria Drive, Edgewater, subject to the following conditions:**
 - (a) All stormwater to be discharged to the satisfaction of the Manager Approvals Planning and Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**

- (b) The colours and materials of the proposed patio shall match the existing shopping centre building where practicable, to the satisfaction of the Manager Approvals, Planning & Environmental Services.**

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26brf200207.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Chris Terelinck, Manager Approvals Planning and Environmental Services
Item No/Subject	Item CJ030-02/07 – Proposed Three Storey Office Development and Basement Car Parking Area: Lot 510 (5) Davidson Terrace, Joondalup
Nature of interest	Interest that may affect impartiality
Extent of Interest	The applicant operates a local accounting firm from which Mr Terelinck obtains occasional services

CJ030 - 02/07 PROPOSED THREE STOREY OFFICE DEVELOPMENT AND BASEMENT CAR PARKING AREA: LOT 510 (5) DAVIDSON TERRACE, JOONDALUP - [13250]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for planning approval for a three-storey office development with a basement car parking area.

EXECUTIVE SUMMARY

The applicant proposes to construct a three-storey office development with a basement car parking area on the south-eastern corner of the Davidson Terrace and Shenton Avenue intersection within the Joondalup CBD.

A report on this proposal was originally presented to the Council Briefing Session on 11 July 2006. The report recommended that the proposal be refused, mainly due to an inadequate car parking provision on-site. The applicant requested that the item be withdrawn and subsequently submitted a revised design for the development in November 2006.

The revised design significantly increases the amount of car parking provided on site, however the applicant has requested that a cash-in-lieu payment for a shortfall of 10 parking bays be accepted by Council. Council's discretion is also sought, as the proposal does not meet the plot ratio and active frontage requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM).

The proposed variations and the provision of a cash-in-lieu payment for 10 car bays are considered to be acceptable and are supported. On this basis, it is recommended that the application be approved.

BACKGROUND

Suburb/Location:	Joondalup
Applicant:	Meyer Shircore and Associates
Owner:	Mr Nigel Bruce Plowman, Reef Property Holding Pty Ltd, Gibon Holding Pty Ltd
Zoning:	DPS: Centre
	MRS: Central City Area
Site Area:	1035m ²
Structure Plan:	Joondalup City Centre Development Plan and Manual

The subject site is located on the south-eastern corner of the intersection of Shenton Avenue and Davidson Terrace. The property is located within the Joondalup City Centre zone and is subject to the provisions of the JCCDPM.

Under the JCCDPM, the site is located within the Central Business District and is designated for 'General City Uses'. 'Office' is a preferred use under the "General City Uses" designation.

Council has previously approved three applications for planning approval for this site, however none of the approvals have been acted upon.

In 1996, the City conditionally approved a proposal for five commercial units on the subject land. The proposal included a shortfall of two (2) car bays. The City approved the provision of cash-in-lieu for the car parking deficit.

In 2003 development approval was granted for a two-storey hotel, consisting of 30 rooms with bathrooms, an office, reception area and laundry facilities. Later that year, a third storey addition to the hotel was approved with a shortfall of three (3) car parking bays for which a cash-in-lieu payment was required.

In 2004 development approval was granted for a four storey mixed use development comprising two commercial tenancies on the ground floor with 15 residential units above. The development was approved with a shortfall of five car parking bays with a cash-in-lieu payment to be made.

In September 2005, the subject application for planning approval was lodged for the development of a 3 storey office development on the site. The main features of the development were as follows:

- A total floor space of 1951sqm NLA, with offices ranging in size from 96m² to 272m²;
- A building height of 3 storeys;
- A car parking provision of 10 bays, including one disabled bay, in lieu of 65 bays;
- Service vehicle access and car parking accessible from Davidson Terrace;
- The ground and upper floors addressing the street frontages with nil setbacks to Shenton Avenue and Davidson Terrace;

Amended plans were lodged in November 2005, deleting the access from Davidson Terrace and instead, providing access from a rear laneway on the southern boundary of the site.

In December 2005, the City advised the applicant that a number of issues required further clarification and justification. These included the proposed car parking shortfall, plot ratio, access and egress, sightlines and glazing.

The applicant provided information addressing these matters in February 2006. Following a meeting with City officers in February 2006, the applicant proceeded to appoint a traffic consultant to prepare a parking report in support of the proposed car parking shortfall on site.

The parking report was provided to the City in May 2006, and a report on the development proposal was subsequently presented to the Council Briefing Session on 11 July 2006.

The report presented to the Briefing Session recommended that the development be refused, due to the 55 car parking bay shortfall on the site. It was considered that there was insufficient public parking within the immediate locality to support the proposed shortfall of 55 car parking bays, irrespective of an intended cash-in-lieu payment for these bays.

Prior to the matter being formally considered at the 18 July 2006 Council meeting, the applicant requested that the matter be withdrawn from the Agenda. This was to enable the applicant to amend their development proposal, with a view to increasing the overall car parking provision on site.

Amended plans were subsequently lodged with the City on 16 November 2006.

DETAILS

The amended plans for the proposed development include the following features:

- A total floorspace of 1534m² NLA, with offices ranging in size from 57m² (ground floor) to 683m² (first and second floors);
- A building height of 3 storeys plus a basement car parking area;
- A car parking provision of 41 bays, including 25 basement bays and a disabled bay which complies with the relevant Australian standards;
- Pedestrian shelter and maximised glazing along the Davidson Terrace and Shenton Avenue frontages;
- Nil setbacks to Davidson Terrace and Shenton Avenue;
- A central lift for access to the first and second floors;
- Bin storage and disabled bays on the ground floor car park, with servicing of the ground floor commercial units to be from Davidson Terrace; and
- Recreation deck and BBQ on the third storey rooftop.

As depicted in the table below, the proposal involves variations to the plot ratio and car parking standards of the JCCDPM.

Standard	Required	Proposed
Front Setback	0m	0m
Side Setbacks	As per BCA which can be 0m	0m
Rear Setbacks	As per BCA which can be 0m	0m
Plot Ratio	1.0	2.32
Height	13.5m at boundary	13.5m at boundary
Car Parking	51	41 with cash in lieu payment for 10 bays

The applicant has requested that Council support the proposed plot ratio variation due to the desire to create a building that will provide a strong corner statement on a prominent intersection within the Joondalup CBD. The applicant contends that by increasing the plot ratio of the site, the proposal will be more in keeping with adjacent developments, such as the Brookwood apartment complex and the recently approved Sentiens Health Care facility.

The applicant has also requested that a car parking shortfall on site of 10 bays be supported, with a condition being imposed requiring a cash-in-lieu payment for these bays. The applicant contends that 80% of the required parking will be provided on site, and the site is located in close proximity to public transport and public parking to support a cash in lieu payment for 10 bays.

A further variation to the JCCDPM relates to the requirement for active frontages for buildings. The JCCDPM requires that the ground floor of developments be provided with clear glazing to allow for interaction between the building interior and the street space. The subject development involves a portion of the ground floor, where the site fronts Shenton Avenue, being used for car parking, and is proposed to comprise obscured glazing.

The applicant has requested that this variation be supported, due to the existing levels creating difficulty for car parking levels across the site. The applicant contends that to achieve a reasonable level of car parking provision on site, two levels of parking is required and potential car parking areas need to be maximised. As this portion of the development will be glazed, the applicant states that this will achieve an active façade while 'hiding' the ground level parking.

The applicant further contends that the building, as viewed from the street, will appear to have a glass frontage at ground level, creating the desired effect.

Consultation

The proposal was advertised for a period of three weeks, by way of a letter to adjoining landowners. At the conclusion of advertising, two submissions had been received, being one neutral submission and one objection to the proposed car parking shortfall on site.

Policy Implications:

Not Applicable.

Risk Management considerations:

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

Legislation – Statutory Provisions:

Development within this area is controlled by the provisions of DPS2 and the JCCDPM. The development includes a proposed variation to the plot ratio and active frontage provisions of the JCCDPM. Clause 4.5 of DPS2 gives Council discretion to exercise such variations to plot ratio as follows:

4.5 *Variations to Site and Development Standards and Requirements.*

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

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

(a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and

(b) have regard to any expressed views prior to making its decision to grant the variation.

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

(a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and

(b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

In exercising discretion under Clause 4.5, the matters listed under Clause 6.8 require consideration:

6.8 *Matters to be Considered by Council*

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

(a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;

(b) any relevant submissions by the applicant;

(c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;

(d) any planning policy of the Council adopted under the provisions of clause 8.11;

(e) any other matter which under the provisions of the Scheme, the Council is required to have due regard;

(f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;

(g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;

- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and any other matter which in the opinion of the Council is relevant.*

Clause 4.8 allows the City to consider appropriate car parking standards for all types of development as follows:

4.8 Car Parking Standards

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

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

Pursuant to Clause 4.11, Council may permit the payment of cash-in-lieu of car parking, as follows:

4.11 Car Parking – Cash-in-lieu or Staging

4.11.1 The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.

4.11.2 Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.

4.11.3 The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.

4.11.4 Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by Council.

Council resolved to adopt the Joondalup City Centre Public Parking Strategy on 12 February 2002, which has several underlying principles, some which are summarised below:

- *provide up to fifty percent (50%) of parking in the Joondalup CBD strategy area in the long term as public parking under the control of the City of Joondalup;*
- *ensure that the provision of public parking is efficient and cost effective to the City.*
- *minimise financial risk to the City arising from the provision and management of parking in the Joondalup CBD.*
- *use monies received from cash-in-lieu of providing parking in the CBD only for the purchase of land for or the development of parking facilities for the Joondalup CBD.*

Where a developer decides to provide a lesser number of parking bays than is required in a development, the option is available under District Planning Scheme No 2 for a cash payment to be made for each parking bay that is not provided. Any cash-in-lieu payment must be quarantined for parking purposes. This provision should not be relaxed or varied for City Centre development because the funds are essential for the construction of future multi level parking facilities in the CBD.

At the same Council meeting, it was resolved that the cash payment in lieu of the provision of on-site parking within the City Centre would be \$8,100 per parking bay.

A reviewed cash-in-lieu policy was considered by Council at its meeting of 4 April 2006, where it was resolved that a revised cash-in-lieu payment of \$25,440 per bay should apply in the Joondalup City Centre. The increased rate is reflective of the increasing land values and construction costs within the City Centre. At this meeting, it was also resolved that Council:

DETERMINES that development applications received prior to the date from which the proposed fees in (2) above will be imposed being Monday 17 April 2006, shall be determined in accordance with the policy and cash-on-lieu figures applying at the date of lodgement, except where Council has specifically determined the cash-in-lieu figure applicable to a development application;

While the proposal has been with the City for some time, it is considered that the proposal is still a current application as no determination was made on the application.

Further, agreement was provided from the applicant to extend the period for consideration of the application, meaning that the development was not deemed refused, in accordance with Clause 6.5.1 of DPS2.

As the subject application was lodged as a complete application in September 2005, the previous figure of \$8,100 per bay has been applied to this particular development proposal.

Link to Strategic Plan:

The proposal is consistent with Clause 3.5.2 (*assist the facilitation of local employment opportunities*) of the City's Strategic Plan 2003-2008.

Financial/Budget Implications:

The applicant has requested a cash payment in lieu of 10 car parking bays. Based on the applicable rate of \$8100 per bay (when the proposal was lodged), this amounts to a cash-in-lieu requirement of \$81,000 for 10 car bays.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed office development could be considered beneficial to the economic development of the Joondalup CBD in the long term.

COMMENT

Variation is being sought to the plot ratio and active frontage provisions for the proposed development. The applicant has also requested that 41 car parking bays be provided, with a cash payment to be made in lieu of the shortfall of 10 bays on site. The other aspects of the proposal generally comply with the requirements of the JCCDPM.

Land Use

The proposed development is for an "Office", which is a preferred use in the Central Business District precinct of the JCCDPM.

Car Parking

The JCCDPM specifies that 1 car bay is to be provided per 30m² NLA. With a total NLA provision of 1534m², the proposed development requires the provision of 51 car parking bays. The applicant proposes to provide 41 car parking bays on site and make a cash payment in lieu of the remaining 10 bays.

Clause 4.11 of DPS2 states that Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied

"...that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development."

A traffic study submitted by the applicant in support of their original application stated that there are some *"47 to 78 parking bays unoccupied during various periods of the day which are available for use by the general public or staff and customers of the proposed development."*

The bays included in the applicant's traffic study include on-street parking on Shenton Avenue and Davidson Terrace, and public parking areas on Shenton Avenue and at the rear of the subject site. It should be noted that the on-street bays on Davidson Terrace are short term only, and restricted to a period of one hour.

It should be further noted that the traffic study does not address the fact that development within this precinct of the Joondalup CBD is still incomplete. Several landholdings within proximity of the subject site remain undeveloped, and are currently being used for informal parking by CBD workers, residents and visitors. The current situation acts to increase the number of public parking bays that are currently unused within this locality and this will change as these landholdings are developed.

However, cash-in-lieu arrangements are commonly implemented where minor shortfalls of parking are proposed within the CBD. A recent example is the Sentiens Hospital and Medical Centre, which was approved by Council at its meeting of 26 April 2006 (Item C21-04/06 refers) and is located directly opposite the subject site, at the south-western corner of Davidson Terrace and Shenton Avenue. The approved development included the provision of 254 bays, with a cash-in-lieu payment for a shortfall of 43 bays.

The cash-in-lieu component of the Sentiens development was approximately 17% of the overall parking provision. The current application proposes a cash-in-lieu component of approximately 20% of the parking requirement. This is considered to be acceptable, considering the relatively low intensity of the land use and the close proximity of the site to public transport and a public car park at the rear of the site.

The Joondalup City Centre Public Parking Strategy (JCCPPS) recognises that up to fifty percent of parking in the Joondalup CBD strategy area should be under the control of the City. This would take the form of on-street parking and large public parking areas, which could become multi-storey at a future stage, should such demand arise. The Strategy also identified that cash payments in lieu of private parking provision, where car parking shortfalls are proposed, would be used to fund City parking.

Consequently, it is considered that Clause 4.11 of DPS2 has been satisfied. There is adequate provision of public parking within close proximity of the development site and adequate service by public transport for the proposed cash payment in lieu of 10 bays to be supported.

Plot Ratio

The JCCDPM permits a maximum plot ratio of 1.0 for this site. The plot ratio is measured in terms of gross leasable area (GLA) for retail and commercial uses, as well as car parking areas above natural ground level. The proposal includes a gross leasable area (including car parking above natural ground level) of 2402m², which represents a plot ratio of 2.4.

Pursuant to Clause 4.5 of DPS2, Council may approve the plot ratio variation if it is considered that the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

The proposed plot ratio of 2.4 will result in the development addressing both street frontages and will not result in any overlooking or privacy impacts on adjoining residential properties. It is considered that the increased plot ratio will result in a suitable form and scale of development occurring at a prominent intersection within the Joondalup CBD.

In this regard, it is recommended that plot ratio variation be supported under Clause 4.5 of DPS2.

Glazing/Awnings and Active Frontages

The JCCDPM requires that a least 50% of the area on the ground level façade shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the total building frontage for uses other than residential. The provision of such 'active frontages' is to ensure that the built form is conducive to social activity and to optimise interaction between buildings and the streetscape.

The proposed development includes active frontages to the Davidson Terrace frontage and portion of the Shenton Avenue frontage, through the provision of office tenancies with clear glazing along these street frontages.

However, a section of the Shenton Avenue frontage is proposed to comprise of obscured glazing, to screen a ground floor car parking area behind the façade. Whilst this design element is contrary to the JCCDPM, it will assist in maximising the provision of car parking bays on site. The proposal will also ensure that ground floor commercial activity will not occur adjacent to established dwellings fronting onto Shenton Avenue.

While this portion of the development will not include an active frontage to Shenton Avenue, the design will ensure that the built form takes a similar appearance to that of other developments within the CBD. Further, the car parking area will not be visible from Shenton Avenue, which is consistent with the JCCDPM. The ground floor parking area could also potentially be converted to commercial floor space in the future and the design accommodates this possibility.

Pedestrian awnings are provided to both street frontages, in accordance with the JCCDPM. The glazed office fronts and pedestrian shelter will ensure that active frontages face the majority of the street space and will contribute to the use of the public spaces adjacent to the building.

Height

The proposed building height complies with the requirements of the JCCDPM, being a maximum of 13.5m at the property boundary.

Setbacks

The JCCDPM requires nil setbacks to the subject site frontages to Davidson Terrace and Shenton Avenue. The proposal meets these requirements.

The JCCDPM also requires that the side and rear setbacks meet the requirements of the Building Codes of Australia (BCA). The BCA permits nil setbacks to the side and rear boundaries. The proposal meets these requirements.

Conclusion

The proposed development complies with the majority of the requirements as outlined in the JCCDPM. The proposal is considered to be an appropriate form of development by virtue of its height, size and location.

The proposed shortfall of car parking bays on site is considered acceptable, as attempts have been made to maximise the parking provision within a development site that has major level and structural loading constraints. There is considered to be sufficient public parking and public transport within the immediate locality to support a cash-in-lieu payment for the 10 bay shortfall.

The proposed plot ratio variation will enhance the built form at this prominent entry point into the Joondalup CBD. The extra office space may also assist in attracting new businesses into the area.

The non-active frontage on the ground floor of the Shenton Avenue frontage is supported on the basis that, given the constraints of the site, car parking opportunities within the development need to be maximised. The façade on the Shenton Avenue frontage will be glazed to screen the car parking bays, and give the visual impression that office space is located there.

It is considered that the design of the building will positively contribute to the urban fabric of the Joondalup CBD and will provide a unique building at an important entry point to the CBD.

On this basis, it is recommended that the application be approved.

ATTACHMENTS

Attachment 1	Location Plans
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion in relation to clause 4.5 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:**
 - (a) Plot ratio of 2.4 in lieu of 1.0; and**
 - (b) Obscured glazing along the Shenton Avenue frontage of the building as marked in red on the approved plans****are appropriate in this instance.**
- 2 Having regard to clause 4.11.2 of District Planning Scheme No 2, determines that a cash-in-lieu payment of 10 car parking spaces is appropriate;**
- 3 APPROVES the application for Planning Approval dated 14 September 2005 submitted by Spark Projects (revised plans received 16 November 2006, submitted by Meyer Shircore and Associates), the applicant, on behalf of the owners, Mr Nigel Bruce Plowman, Reef Property Holding Pty Ltd, Gibon Holding Pty Ltd for a three storey office development at Lot 510 (5) Davidson Terrace, Joondalup subject to the following conditions:**
 - (a) A cash-in-lieu payment being made to the City of Joondalup for 10 car parking bays, at the rate of \$8,100 per bay;**
 - (b) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;**

- (c) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (d) The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;
- (e) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (f) Bin storage area shall consist of a concrete floor that grades evenly to an industrial floor waste connected to sewer and the provision of a hose cock;
- (g) The gradient between the disabled parking bay and the building entrance, including disabled access ramps, to be a maximum of 5%;
- (h) Design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;
- (i) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (j) Ground floor glazing for the commercial unit should be maximised. At least 50% of the area of the commercial unit front façades shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the frontage;
- (k) Obscured or reflective glazing shall not be used at ground level to the Davidson Terrace frontage;
- (l) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (m) A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the City;
- (n) All boundary walls and parapet walls being of a face brick or equivalent finish and made good to the satisfaction of the City;

- (o) **Pedestrian shelter shall be provided to the ground floor of the Shenton Avenue and Davidson Terrace frontages in accordance with the Joondalup City Centre Plan and Manual. Details of the proposed pedestrian shelter are to be submitted to the City for approval;**
- (p) **Any advertising signage shall be subject to a separate development application.**

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27brf200207.pdf](#)

CJ031 - 02/07 PROPOSED WAREHOUSE AND VEHICLE REPAIRS CENTRE: LOT 38 (38) WINTON ROAD, JOONDALUP - [88534]**WARD:** North**RESPONSIBLE DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of a development application for a proposed Warehouse and Vehicle Repairs Centre.

EXECUTIVE SUMMARY

An application has been received for a proposed Warehouse and Vehicle Repairs centre at Lot 38 (38) Winton Road, Joondalup.

The determination of this application by Council is necessary because:

- A car-parking requirement is not specified within the District Planning Scheme No 2 (DPS2) for the land use of 'Vehicle Repairs'. The DPS2 requires that Council determine a car-parking standard for a use where a requirement is not specified.
- A variation is proposed to the standard 3 metre-landscaping strip along the road frontage, required under the DPS2.

The proposed development is considered to be consistent with the objectives and purposes of the Service Industrial zone. The variation to the landscaping is not expected to have any adverse impact on the streetscape.

A suitable standard for car parking provision is considered to be 1 bay per 50m² Net Lettable Area, given the nature of the land use and given that a number of vehicles will be located inside the vehicle repairs centre during the hours of operation, not requiring a car bay.

It is recommended that the application be approved, subject to the acceptance of a car parking standard of 1 bay per 50 m² Net Lettable Area for the proposed Vehicle Repairs centre.

BACKGROUND

Suburb/Location:	Lot 38 (38) Winton Road, Joondalup
Applicant:	M & C Taylor
Owner:	M Taylor
Zoning:	DPS: Service Industrial
	MRS: Urban
Site Area:	2540 m ²
Structure Plan:	Not applicable

The subject site is located at Lot 38 (38) Winton Road, Joondalup, at the intersection with Packard Street.

The surrounding properties are also zoned "Service Industrial".

The site has an area of 2540m² and is currently vacant. The City's records indicate that no previous development approvals have been issued for the site.

DETAILS

The proposed development includes the following features:

- A 793m² warehouse;
- A 458m² vehicle repairs centre, inclusive of storage and office areas;
- An overall parking provision of 33 parking bays;
- Landscaping along the northern and western boundaries, facing Packard Street and Winton Road respectively

The warehouse and vehicle repairs centre are proposed to be constructed of tilt-up concrete walls, with a number of glazed sections on the facades and awnings. The walls facing Packard Street and Winton Road are also proposed to have a textured finish.

The relevant requirements of DPS2 for the proposed uses are summarised below:

Standard	Required	Proposed	Compliance
Front setback (Packard Street)	6 m	6 m	Yes
Side setback (Winton Road)	3 m	3 m	Yes
Side setback (eastern boundary)	0 m	0 m	Yes
Rear setback (southern boundary)	0 m	0 m	Yes
Landscaping	8% of site 3 m landscape strip along street boundaries	9.5 % of site 1m to 3 m strip along street boundaries	Yes No
Car Bays	Warehouse 1 per 50 m ² NLA = 16 bays Vehicle Repairs 1 per 50 m ² NLA* = 10 bays Total car bays required= 26	33	Yes

*refer to Comment section of report for car parking standard for Vehicle Repairs.

The applicant has requested that the variation to the landscaping strip be supported on the basis that the site is a corner block that is already constrained by a truncation and a sewerage easement on the southern boundary.

The applicant submits that the overall landscaping provision on site exceeds the requirements of DPS2, and the large Council verge at the intersection of Winton Road and Packard Street compensates for the reduced landscaping strip.

The applicants are not proposing to carry out any panel beating or spray painting.

Options

Council has the discretion to:

- Approve the application;
- Approve the application with conditions; or
- Refuse the application

Link to Strategic Plan:

Council approval of the proposed uses will address Strategy 3.5.2 of the Strategic Plan by assisting in the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

The subject site is zoned Service Industrial under DPS2. Clause 3.10 of DPS2 states:

The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.

The objectives of the Service Industrial Zone are to:

- (a) *accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

A Warehouse is listed as a permissible (“P”) use in the Service Industrial Zone.

Clause 6.6.1 of DPS2 states:

“P” Uses – If an application under the Scheme for Planning Approval involves a “P” use, the Council shall not refuse the application by reason of the unsuitability of that use, but notwithstanding that, the Council may in its discretion impose conditions upon the Planning Approval and if the application proposes or necessarily involves any building or other work, the Council upon considering that building or other work may exercise its discretion as to the approval or refusal and the conditions to be attached to the proposed development.

Vehicle Repairs is listed as a discretionary ("D") use in the Service Industrial Zone.

Clause 6.6.2 of DPS2 states:

"D" Uses – The Council in exercising its discretion as to the approval or refusal of an application for Planning Approval, shall have regard to the provisions of clause 6.8.

If in any particular case Council considers that it would be appropriate to consult with the public generally or with the owners or occupiers of properties adjoining or in the vicinity of a site the subject of an application for Planning Approval involving a "D" use, the Council may direct that the provisions of clause 6.7 shall apply to that application.

For variations to site and development standards and requirements, Clause 4.5 of DPS2 specifies the following:

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

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

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

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

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

A car parking standard is not prescribed by Table 2 of the DPS2 for the use class of 'Vehicle Repairs' and as such Council's determination is required. Clause 4.8 allows Council to determine an appropriate standard as follows:

4.8 CAR PARKING STANDARDS

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

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

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal was not advertised as the land uses are considered to be consistent with the objectives of the Service Industrial zone. The proposed variation to the landscaping strip is considered minor and will not adversely affect any adjoining landowners.

COMMENT**Land Use**

The proposed land uses are considered to be consistent with the objectives and purposes of the Service Industrial zone and are supported.

The proposed development will not generate significant noise, vibration, fumes or other waste products that will affect the amenity of the surrounding area. The façade is consistent with other developments in the locality and will contribute to the visual amenity of the area.

The applicant has stated that they are not proposing to carry out any panel beating or spray-painting. As these aspects of vehicle repairs have the potential to create noise and fumes, it is proposed to prohibit these activities from this site as a condition of Planning Approval.

Car Parking

The DPS2 does not specify a car parking requirement for the use class of Vehicle Repairs. Clause 4.8.2 requires that Council determine a car-parking standard for a use where none is specified in Table 2 of DPS2.

The City has previously approved mechanical workshops in this locality, based on a car parking standard of 1 bay per 50 m² Net Lettable Area (NLA). Given the nature of the land use and given that a number of vehicles will be located inside the centre receiving repairs during the hours of operation, the parking standard of 1 bay per 50 m² NLA for the vehicle repairs is considered acceptable.

On this basis, the proposed on-site parking will adequately cater for the development (Refer to Table in Details section).

Landscaping

The provision of a 1 metre landscaping strip at the corner of Packard Street and Winton Road is supported. The overall landscaping within the development will exceed the minimum 8% and the portion of reduced landscaping strip is adjacent to a grassed Council verge area along the truncation at this intersection, which will assist in reducing any adverse impact on the streetscape.

No landowners in the locality will be adversely affected by this variation.

In conclusion, it is recommended that the application be approved based on the factors above.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.5 of District Planning Scheme No 2, and determines that a landscaping strip varying from 1 to 3 metres, in lieu of 3 metres, as shown on the original plans submitted on 19 December 2006 is appropriate in this instance;**
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that the car parking standard for the use "Vehicle Repairs" shall be 1 bay per 50 m² (Net Lettable Area);**
- 3 APPROVES the application dated 11 December 2006 submitted by the owner, M Taylor, for the proposed Warehouse and Vehicle Repairs Centre on Lot 38 (38) Winton Road Joondalup subject to the following conditions:**
 - (a) Subject to condition (m), this approval is for "Warehouse" and "Vehicle Repairs" only as defined by the City of Joondalup District Planning Scheme No 2;**
 - (b) All vehicles must be repaired and stored within the workshop;**
 - (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Car parking (AS2890). Such areas are to be constructed, drained marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**

- (d) An onsite storm water drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. Alternatively, the storm water can be disposed of via the City's existing storm water disposal system. The proposed storm water drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (e) A separate application for Planning Approval is required for signage in accordance with District Planning Scheme No. 2;
- (f) All construction works shall be contained within the property boundary;
- (g) The boundary wall being of a clean finish and made good to the satisfaction of the Manager, Approvals, and Planning & Environmental Services;
- (h) Compliance with the requirements of the sewerage easement over the property;
- (i) The proposed crossovers are to be constructed in concrete to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (j) A concrete apron is to be provided in front of the bin store to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (k) The lodging of detailed landscape plans to the satisfaction of the City for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and show the following:
 - the location and type of existing and proposed trees and shrubs;
 - any lawns to be established;
 - areas to be irrigated;
- (l) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services;
- (m) Notwithstanding condition (a), the use of the site for Vehicle Repairs shall not include any panel beating or spray-painting activities.

Appendix 28 refers

To access this attachment on electronic document, click here: [Attach28brf200207.pdf](#)

CJ032 - 02/07 PROPOSED CHANGE OF USE FROM SINGLE HOUSE TO CONSULTING ROOM: LOT 367 (50) ARNISDALE ROAD, DUNCRAIG - [89050]**WARD:** South**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for planning approval for a proposed change of use from single house to consulting room.

EXECUTIVE SUMMARY

An application for planning approval has been received for a change of use from Single House to Consulting Room at Lot 367 (50) Arnisdale Road, Duncraig.

The applicant is proposing to convert an existing dwelling into a consulting room, for one medical practitioner and two staff. The proposal involves front and side setback variations to the standards prescribed under the City's District Planning Scheme No.2 (DPS2). The proposed setback variations are greater than the variation able to be approved under Delegated Authority.

The proposal was advertised for public comment and four submissions were received. The submissions comprised two objections and two letters of support for the proposal.

The proposed development, including the proposed setback variations, is considered unlikely to have an impact on the amenity of the immediate locality. On this basis, it is recommended that the application be approved.

BACKGROUND

Suburb/Location:	Lot 367 (50) Arnisdale Road Duncraig
Applicant:	Hai Pham
Owner:	Tuan Van Pham
Zoning:	DPS: Residential
	MRS: Urban
Site Area:	683 m ²
Structure Plan:	Not applicable

The subject site located on the southern side of Arnisdale Road, between the street's intersections with Glengarry Drive and Merrick Way.

The site has an area of 683m², and contains a single storey dwelling, some 180m² in size. The site and surrounding properties are zoned Residential under DPS2.

To the immediate west of the site is the Arnisdale Medical Centre, while further west is the Glengarry Tavern and Glengarry Shopping Centre. The site immediately to the east was approved as a consulting room; however, it is no longer used as consulting room. Opposite the subject site is Glengarry Retirement Village to the north and Glengarry Hospital to the north west.

The area to the east and south generally comprises single houses.

In September 1993, Council refused an application for consulting rooms on the subject lot on the grounds that it contravened Council's policy for medical facilities/consulting rooms in terms of its location, lot size and setbacks.

In January 1995, Council again refused an application for consulting rooms on the subject lot on the grounds that it was contrary to its Consulting Rooms Policy. However, in July 1995, the Minister for Planning and Heritage upheld the appeal and approved the use of the building as consulting rooms. However, the development did not proceed within 2 years and the planning approval lapsed.

In December 2003, a planning application was submitted for a proposed consulting room on the subject lot. The application was refused on the grounds that there was insufficient information to assess the application and make a determination on the proposed change of use.

The subject planning application was submitted in October 2006.

It should be noted that the City's former Consulting Rooms Policy was revoked on 24 July 2001.

DETAILS

The applicant is proposing to convert the existing dwelling to a consulting room for one medical practitioner and two (2) staff. The proposed consulting room is to be contained entirely within the existing building and will include all ancillary uses (nursing room, procedure room, staff room, etc).

Five (5) parking bays are to be provided on site to accommodate visitor and staff car parking, with two (2) bays at the front and the three (3) bays at the rear of the premises.

A landscape strip is proposed to separate the front parking area and Arnisdale Road. The applicant is also proposing to construct retaining walls along the western and southern boundaries.

The relevant requirements of the DPS2 for the consulting room are summarised below:

Standard	Required	Proposed	Compliance
Front Setback	9 m	8.8 m	No
Side Setback (eastern side)	3 m	1.4 m	No
Side Setback (western side)	3 m	4.13 m	Yes
Rear Setback	6 m	9.55 m	Yes
Open Space	8% of site 3m landscape strip along street boundary	more than 8% 3m landscape strip	Yes
Number of carbays	Minimum of 5	5	Yes

The applicant contends that the site is suitable for use as a consulting room as it is located opposite Glengarry Hospital and surrounded by other medical establishments. The applicant has stated that the provision of further consulting services will be of benefit to the larger community.

The applicant has advised that patient numbers would be in the vicinity of 20-30 people per day. This means that approximately four patients will attend the clinic in an hour.

Options

Council has the discretion to:

- Approve the application;
- Approve the application with conditions; or
- Refuse the application.

Link to Strategic Plan:

Council approval of the proposed use will address Strategy 3.5.2 of the Strategic Plan by assisting the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

A consulting room is a discretionary or 'D' use in the Residential zone. A 'D' use means:

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

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

For variations to site and development standards and requirements, Clause 4.5 of DPS2 specifies the following:

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

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

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

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

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

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*

- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

With the proposed use being a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for Planning Consent:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal was advertised for public comment for a period of 21 days, from 16 November 2006 to 6 December 2006. A sign was placed on site and an advertisement inviting public comment was placed in the local newspaper. Four submissions were received, comprising two letters in support of the proposal and two objections.

The various issues raised during the advertising period are outlined below:

- Over supply of vacant consulting rooms in the locality;
- Objection to area being changed from residential to commercial
- Security
- Fencing

The applicant has responded to the objections as follows:

"From our prior approval in 1997 we had good intentions to convert the property into a medical practice. The location of the property is highly practical and complimentary to the existing medical facilities in the area. And whilst our approval had lapse we are seeking a renewal subject to council approval.

The rear car park bays are primary used for STAFF PARKING. Thus the majority of patient traffic will be from the front bays.

For security and privacy to the adjoining rear neighbour - we proposed to replace the existing back fence to a maximum of 2.0 metres above the retaining wall subject to council approval.

Outside lights with automatic sensors shall be installed for added security."

COMMENT**Response to objections**

The issues raised during the consultation process are addressed below:

Over supply of vacant consulting rooms in the locality

There is an over supply of vacant premises that can be used as consulting rooms in the immediate neighbourhood.

There are vacancies at the purpose built medical centre which are more suitable for this use.

Comment

Competition and supply of consulting rooms is not considered to be a relevant planning consideration. DPS2 permits the provision of consulting rooms in the residential zone, subject to Council approval. As such, each application is required to be assessed on its planning merits.

Objection to area being changed from residential to commercial

We would certainly prefer the property to remain residential. A family home is usually occupied 24/7 and not vacant after hours on weekends. Most businesses are only attended 9 a.m to 5 p.m.

We do not want to see the entire area being commercial.

Comment

The subject site is located within close proximity to several non-residential land uses to the north and west, such as Glengarry Hospital, Glengarry Tavern, Glengarry Shopping Centre and the Arnisdale Medical Centre.

The proposed development will assist in providing a suitable land use transition from residential to the east to commercial to the west. The provision of small consulting rooms in close proximity to major medical facilities is also common throughout the Perth metropolitan area.

Each application for a consulting room is required to be determined on its planning merits. In this instance, the proposed change of use from single dwelling to consulting room is considered appropriate.

Security and Fencing

We are worried first and foremost about security because of public access to the back yard which is likely to be used as parking space.

Comment

The applicant has confirmed that as part of the development, the existing back fence will be replaced to a maximum height of 2 metres above a retaining wall that will also be provided as part of the development. The proposed retaining wall and fencing will provide security to the back yard.

Land Use

Clause 3.4 of DPS2 states that the Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. It also provides for certain cultural and recreational development to occur where Council considers the same to be appropriate in residential neighbourhoods within the Residential Zone.

As outlined, the subject site is located in close proximity to existing medical facilities. The proposed addition of a consulting room will assist in providing a transition between the predominantly residential area to the east and the commercial area to the west.

When taking into consideration the traffic generated by the adjoining medical centre, hospital and commercial land uses, the addition of one consulting room is likely to have a minimal additional traffic generation within the area.

Given that the proposal does not include any extension to the existing residential dwelling and complies with the landscaping and the parking requirements of DPS2, it is considered that the proposed consulting room will not have any adverse impact on the amenity of the surrounding area.

Setbacks

The variation to the front setback (8.8 metres in lieu of 9 metres) and side setback (1.4 metres in lieu of 3 metres) are considered minor and result from the conversion of an existing building, which was approved under residential planning and building requirements.

Given the scale of the existing building, the variation to the eastern side setback is not expected to impact on the adjoining residential building by way of restricting sunlight or ventilation. Further, no objection was received from the adjoining owner.

Based on the above, it is recommended that the proposed setback variations be supported.

Conclusion

It is recommended that the proposed change of land use from Single house to Consulting room be supported.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clauses 4.5 and 6.8 of District Planning Scheme No 2, and determines that:**
 - (a) a front setback of 8.8 metres in lieu of 9 metres;**
 - (b) an eastern side setback of 1.4 metres in lieu of 3m;****are appropriate in this instance;**

- 2 APPROVES the application dated 24 October 2006 and amended plan submitted on 20 December 2006 by the applicant, Hai Pham, on behalf of the owner, Tuan Van Pham, for a proposed change of use from single house to consulting room on Lot 367 (50) Arnisdale Road, Duncraig subject to the following conditions:**
- (a) This approval is for “Consulting Room” only as defined by the City of Joondalup District Planning Scheme No 2;**
 - (b) The provision of a 2 metre high fence at the rear of the property, to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
 - (c) The parking bay/s, driveway and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Carparking (AS/NZS 2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**
 - (d) All stormwater must be contained on-site to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**
 - (e) The lodging of detailed landscape plans to the satisfaction of the City for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and show the following:**
 - the location and type of existing and proposed trees and shrubs;**
 - any lawns to be established;**
 - areas to be irrigated;**
 - (f) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
 - (g) The existing building is to be brought into compliance with the Building Code of Australia Volume (1);**
 - (h) All construction works are to be contained within the property boundary;**
 - (i) The retaining walls being of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning and Environmental Services.**

Appendix 29 refers

To access this attachment on electronic document, click here: [Attach29brf200207.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Item CJ033-02/07 – Change of Land Use from Light Industrial, Office and Workshop to Landscape Supplies: Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood
Nature of interest	Interest that may affect impartiality
Extent of Interest	Consultant is a former business associate of CEO

CJ033 - 02/07 CHANGE OF LAND USE FROM LIGHT INDUSTRIAL, OFFICE AND WORKSHOP TO LANDSCAPE SUPPLIES: LOT 395 (31) AND LOT 396 (29) CANHAM WAY, GREENWOOD - [24452] [26113]

WARD: South East

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of a development application for a change of land use to Landscape Supplies.

EXECUTIVE SUMMARY

An application for planning approval has been received for change of use to Landscape Supplies. The application covers two adjacent properties, which are to be merged to form a single landscape supply business.

The application is for a change of use from Light Industrial to Landscape Supplies at Lot 395 (31) Canham Way, Greenwood and for a Change of Use from Office and Workshop to Landscape Supplies at Lot 396 (29) Canham Way, Greenwood.

The determination of this application by Council is necessary because a car-parking requirement is not specified within the District Planning Scheme No 2 (DPS2) for the land use 'Landscape Supplies'. The DPS2 requires that Council determine a car parking standard for a use where there is not one specified

The proposed development is considered to be consistent with the objectives and purposes of the Service Industrial zone.

It is recommended that the application be approved, subject to the acceptance of a car parking standard for "Landscape Supplies" of 1 bay per 500m² display area and 1 bay per staff member.

BACKGROUND

Suburb/Location:	Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood.
Applicant:	Stonetraders Pty Ltd
Owner:	Tait Nominees Pty Ltd, Winmee Pty Ltd, BM Nageon De Lestang, Ms HR Nageon De Lestang
Zoning:	DPS: Service Industrial
	MRS: Urban
Site Area:	9711m ²
Structure Plan:	Not Applicable

The subject site is bordered by Hepburn Avenue to the north and Wanneroo Road to the east with access being from Canham Way only. The site and adjoining properties are zoned as Service Industrial, with the combined land area being 9711m².

The closest residential property is at number 15 Corrigan Way. This property is more than 60 metres from the site of the proposed development and shares rear and side boundaries with numbers 22, 24, 26 and 28 Canham Way. These properties are opposite the site of the proposed development.

A building licence for an Office and Workshop was issued for Lot 396 in 1977. Lot 396 is currently vacant.

A factory and office were approved for Lot 395 in 1975, followed by extensions to these buildings, which were approved in 1976. Following this, a garage and display garage were approved in 1978 and a display area in 1979. Shed additions were approved in 2001 and office additions in 2002. The existing buildings on lot 395 are currently utilised by a home improvement company.

DETAILS

The details of the proposal are as follows:

- 1453m² of outdoor display area and 737m² of internal display area, utilising existing buildings;
- 709m² of soil bins, accessed by a one-way internal road system;
- a total of 30 car parking spaces, with 23 car parking bays for visitors, 6 for staff and 1 disabled bay.

The relevant requirements of DPS2 for the proposed uses are summarised below:

Standard	Required	Provided	Compliance
Front setbacks (Canham Way)	6m	23.4m	Yes
Rear Setback - Lot (Hepburn Avenue)	3m	1.2m	No. Refer to comments section and condition (e)
Rear Setback – Lot (Wanneroo Road)	3m	18.6m	Yes
Side Setback (southern boundary)	Comply with BCA – nil permitted	4.2m	Yes

Standard	Required	Provided	Compliance
Side Setback (north west boundary)	Comply with BCA – nil permitted	1.1m	Yes
Landscaping	8% of site	Not specified on plans	No. Refer to comments section and condition (e)
Car Bays*	1 per staff member = 6 Bays 1 Bay per 500m ² Total Display Area = 5 Bays Total = 11 Bays	30 Bays	Yes

* Refer to Comment section of report for Car Parking Standard.

Consultation:

Clause 6.7.2 enables public consultation to be undertaken prior to the consideration of an application for Planning Approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of the Service Industrial zone, and in keeping with surrounding land uses. As such, public comment has not been sought.

Policy Implications:

Not Applicable.

Risk Management considerations:

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

Legislation – Statutory Provisions:

Landscape Supplies is a discretionary (“D”) use in the Service Industrial Zone.

A “D” use means:

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

Clause 6.7.2 allows Council to seek public comment prior to considering an application for Planning Approval should this be considered appropriate or necessary.

6.7 PUBLIC NOTICE

6.7.2 Notification of “D” Uses

Before considering an application for planning approval involving a “D” use, the Council may give notice in accordance with subclause 6.7.1.

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

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

- (a) the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) The size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*

- (c) *The nature of the roads giving access to the subject land;*
- (d) *The parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *Any relevant submissions or objections received by Council;*
- (f) *Such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

A car parking standard is not prescribed by Table 2 of the DPS2 and as such Council's determination is required. Clause 4.8 allows Council to determine an appropriate parking standard as follows:

4.8 CAR PARKING STANDARDS

- 4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 4.8.2 The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

4.12.1 A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.

4.12.2 When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.

4.12.3 Landscaping shall be carried out on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking with the exception that shade trees shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four (4) car parking bays, to the Council's satisfaction.

Link to Strategic Plan:

It is considered that the proposal does not have any Strategic Plan implications.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

COMMENTLand Use

The proposed change of use to 'Landscape Supplies' is considered to be consistent with the objectives of the Service Industrial Zone as set out by DPS2. The proposal will also be consistent with surrounding land uses and will not have an adverse impact on the amenity of adjoining owners or the locality.

The Canham Way road reserve and the properties at number 22, 24, 26 and 28 Canham Way will act as a buffer between the development site and the closest residential property, which is at 15 Corrigan Way. It is considered that the businesses being carried out from any of the properties opposite the proposed development would have a greater impact on surrounding residential properties than the proposal itself.

Car Parking

The DPS2 does not prescribe a car parking standard for Landscape Supplies. A total of 30 bays are proposed to service the proposed land use.

In this instance, it is considered appropriate that a car parking standard of 1 car parking space per employee and 1 parking space per 500m² of display area should apply, given that:

- The DPS2 requires 1 bay per 500m² outdoor display area as part of the parking standard for garden centres. Customers purchasing soil products would park by the soil bins and therefore, it is considered that a similar standard of one bay per 500m² total display area would be ample to cater for customers not purchasing soil products;
- Other local authorities uses a standard of 1 bay per staff member only for landscape supplies and is considered sufficient;
- Customers may wish to browse display areas without actually purchasing soil products; and
- Temporary parking is available in the soil bin area for customers purchasing soil products, and will cater for cars with trailers.

Based on the above requirement, the required car parking provision for the proposed development would be as follows:

Number of Staff Proposed / Display Area	Minimum Number of Car Parking Bays Required	Number of on-site Car Parking Bays provided
6 Staff Proposed	6	12
2190.5m ² display area	5	18
Total	11	30

Should these provisions be adopted, there is more than the required number of on-site car parking bays provided as part of the proposal to meet these standards. However, refer to comments in the landscaping section.

Whilst the business is proposed to be located across two independent lots, but owned by the one group, it is possible for one or both lots to be sold off in the future. This could potentially create problems with the operation of the current proposal in terms of car parking compliance and traffic circulation. Therefore, it is recommended that the applicant prepare a suitable agreement for approval by the City. The agreement should ensure that if any of the lots are sold, then suitable safeguards are in place to ensure the continued operation of the development proposal as submitted. If it is proposed to reduce the scale of the operation to only one lot, then planning approval should be sought to ensure continued compliance with the Scheme provisions.

Landscaping

No landscaping detail has been provided as part of the current proposal. As such, it is suggested that a detailed landscaping plan is provided as part of the building licence submission. The detailed landscaping plan shall indicate the provision of a minimum 8% landscaping for the site, a 3 metre landscaping strip along all street boundaries and one shade tree per four car parking spaces as required by Clause 4.12 of DPS2.

The 3 metre landscaping strips required by Clause 4.12.2 of DPS2 will result in the provision of 577.5m² of landscaping. This represents 5.9% of the total site area and as such an additional 2.1% landscaping is required only. There is ample space on the southern (side) boundary to provide the remaining landscaping that will be required.

In order to comply with this condition, two car parking bays will have to be removed which will result in the provision of 28 car parking bays rather than 30 car parking bays. However, this is still more than adequate in order to meet the suggested standard and as such the proposal is supported.

The applicant will also be required to submit detailed plans in relation to the landscaping treatment proposed for the section of the site that abuts the Hepburn Avenue and Wanneroo Road frontages.

Further, the site currently has an existing electric fence within the boundaries of the property. This fencing has not been the subject of any approval. Consequently, the recommendation includes a condition that excludes the existing electric fence from this approval. A separate application for approval will also be required if the existing electric fence is to be retained, otherwise, the existing fence should be removed.

Conclusion

The proposed change of use to 'Landscape Supplies' is considered appropriate and is supported.

The proposed parking standard will provide adequate parking for staff and visitors to the premises. On this basis, it is recommended that the application be approved.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Aerial Photograph
Attachment 3	Zoning Plan
Attachment 4	Development Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that a parking standard for "Landscape Supplies" of:**

"one bay per 500m² display area plus one bay per employee"

is appropriate in this instance;
- 2 APPROVES the application for planning approval dated 13 October 2006, submitted by Stonetraders Pty Ltd on behalf of the owners Tait Nominees Pty Ltd, Winmee Pty Ltd, BM Nageon De Lestang & Ms HR Nageon De Lestang, for a Change of Use from Light Industrial, Office & Workshop to Landscape Supplies at Lot 395 (31) & 296 (29) Canham Way, Greenwood respectively, subject to the following conditions:**
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;**
 - (b) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**

- (c) No access onto Wanneroo Road or Hepburn Avenue is permitted;
- (d) All signage shall be the subject of a separate Planning Application;
- (e) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals Planning & Environmental Services for the site and adjoining road verge for approval with the Building Licence submission. These plans shall detail:
 - (i) A minimum of 8% Landscaping for the site;
 - (ii) An area no less than 3 metres in width, within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Manager Approvals, Planning and Environmental Services. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause; and
 - (iii) A minimum of one shade tree per four car parking bays;
 - (iv) the proposed treatment of the site abutting the Hepburn Avenue and Wanneroo Road frontages;
- (f) The road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (g) The vehicle movement system shown on the approved plans, shall be clearly marked on the pavements and driveways prior to the commencement of operations;
- (h) Staff bays to be clearly marked to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (i) The two car parking bays closest to Canham Way are to be deleted. All parking bays shall be set back three (3) metres from the street boundary;
- (j) The site is to be used for "Landscape Supplies" as defined by the City of Joondalup District Planning Scheme No 2;
- (k) A suitable agreement being prepared to the satisfaction of the Manager Approvals Planning and Environmental Services, such an agreement is to ensure that the use of the two sites for Landscaping Supplies can continue, even if one or both lots are sold. If the scale of operation is to be reduced, then a new application for Planning Approval is to be submitted to ensure compliance with the Scheme provisions;

- (l) The agreement approved by the Manager Approvals Planning and Environmental Services is to come into effect no later than six (6) months after the commencement of the proposed use that is the subject of this approval;
- (m) Any costs associated with the preparation and finalisation of the agreement required in (k) is to be borne by the applicant;
- (n) The existing unauthorised electric fence is not part of the planning approval and is to be removed unless approval is granted under a separate application for Planning Approval.

Appendix 30 refers

To access this attachment on electronic document, click here: [Attach30brf200207.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Mike Tidy, Director Corporate Services
Item No/Subject	Item CJ034-02/07 – Monthly Town Planning Delegated Authority Report, Development and Subdivision Applications – November and December 2006
Nature of interest	Interest that may affect impartiality
Extent of Interest	Development Application DA06/1145 (14.11.06) – Patio addition listed

CJ034 - 02/07 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER & DECEMBER 2006 - [07032] [05961]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

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

EXECUTIVE SUMMARY

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

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

The normal monthly report on Town Planning Delegations identifies:

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

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

BACKGROUND

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

Approvals Determined Under Delegated Authority – Month of November 2006		
Type of Approval	Number	Value (\$)
Development Applications	167	\$ 38,103,510
R-Code variations (Single Houses)	64	\$ 2,248,320
Total	231	\$ 40,351,830

Approvals Determined Under Delegated Authority – Month of December 2006		
Type of Approval	Number	Value (\$)
Development Applications	109	\$ 25,520,900
R-Code variations (Single Houses)	58	\$ 6,063,703
Total	167	\$ 31,584,603

The number of development applications received in November 2006 was 131 and 91 for December 2006. (This figure does not include any applications that may become the subject of the R-Code variation process).

Subdivision Approvals Processed Under Delegated Authority Month of November 2006		
Type of Approval	Number	Potential new Lots
Subdivision Applications	6	1
Strata Subdivision Applications	6	10

Subdivision Approvals Processed Under Delegated Authority Month of December 2006		
Type of Approval	Number	Potential new Lots
Subdivision Applications	1	1
Strata Subdivision Applications	1	0

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

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 13 December 2005 considered and adopted the most recent Town Planning Delegation for a period of two years.

DETAILS

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Legislation – Statutory Provisions:

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Risk Management considerations:

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 167 development applications determined during November 2006, consultation was undertaken for 49 of those applications and of the 109 development applications determined during December 2006, consultation was undertaken for 30. Of the 14 subdivision applications determined during November and December 2006, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

COMMENT

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

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

ATTACHMENTS

Attachment 1	November 2006 decisions – Development Applications
Attachment 2	December 2006 decisions – Development Applications
Attachment 3	November and December 2006 decisions – Subdivision Applications

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

- 1** development applications described in Report CJ034-02/07 for the months of November and December 2006;
- 2** subdivision applications described in Report CJ034-02/07 for the months of November and December 2006.

Appendix 31 refers

To access this attachment on electronic document, click here: [Attach31brf200207.pdf](#)

**CJ035 - 02/07 SORRENTO FOOTBALL CLUB - COMMUNITY
SPORT & RECREATION FACILITIES FUND (CSRFF)
FLOODLIGHTING PROJECT - [22209]****WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Clayton Higham
Planning and Community Development

PURPOSE

To provide details on a request received from the Sorrento Football Club for additional funding towards its Community Sporting and Recreation Facilities Fund (CSRFF) floodlighting project at Percy Doyle Reserve.

EXECUTIVE SUMMARY

In October 2006, the City supported an application for funding from the Sorrento Football Club through the CSRFF program. In November, the Club became aware that the cost of a Western Power upgrade had not been included in the project budget and submitted a request to the City for additional funding. The cost of the upgrade is estimated at \$30,000, and would increase the City's contribution from \$22,727 to \$31,818 (1/3 of the total cost of the project).

This additional cost was an unforeseen expense that was not identified by the Club on the original application. The Club has informed the Department of Sport and Recreation (DSR), which is happy to amend the application providing the City continues to support the project.

It is recommended that Council LISTS an additional \$9,091 for consideration in the 2007/08 draft budget, bringing the City's total contribution to \$31,818, subject to the Sorrento Football Club meeting one third (1/3) of the project's total cost plus all additional capital costs to upgrade the floodlighting to 'match play' standards and the Club being granted \$31,818 from CSRFF.

BACKGROUND

In August 2006, the Sorrento Football Club submitted a CSRFF application to the City for an upgrade to the floodlighting on Percy Doyle Reserve Soccer Pitch 1. On 31 October 2006 Council resolved to support the project, listing \$22,727 (one-third (1/3) of the total project cost) for consideration in the 2007/08 draft budget (CJ203-10/06 refers).

On 24 November 2006, the City received a letter from the Sorrento Football Club (Attachment 2 refers), indicating that the cost of the project had increased, due to an unforeseen expense. The additional expense, estimated at \$30,000, relates to the upgrade of the Western Power switchboard and associated cabling at the facility. This was not identified by the Club during the planning or application process.

DETAILS

The Sorrento Football Club requested that the additional \$30,000 (inc GST) be split three (3) ways, as per a standard CSRFF application, requiring an additional contribution of \$9,091 (ex GST) from both the City and DSR, with the remaining \$9,091 to be met by the club. If approved, it would raise the City's contribution to the project from \$22,727 to \$31,818.

The issue of additional expenditure was compounded by the difficulty the Club had with obtaining a quote for the work. The Club advised that electrical contractors were reluctant to provide a quote for the project, as the contractors did not want to 'show their hand' prior to the tender process. When the club was made aware of the potential need for the Western Power upgrade, they informed both the City and DSR. The Club has advised the City that the upgrade may not be required, but until the final tender process is completed (undertaken by the City), the exact requirement can not be determined.

It should also be noted that the project is not yet approved by DSR, and results of the assessment will not be released until March 2007.

Issues and options considered:

DSR advised the Club that it was happy to amend the application and change its one-third (1/3) amount to \$31,818, even though the deadline for the applications had passed. However, prior to the assessment meeting, DSR informed the Club it required a guarantee that the additional two-thirds (2/3) of the funds necessary would be met by either the City or the Club. The timing of the issue prevented a report being prepared for Council prior to the Christmas break. As a result, the Club had two (2) options:

1. Withdraw the application and re-apply in the 2007 round of the CSRFF program; or
2. Guarantee the additional two-thirds (2/3) expenditure themselves.

The Club chose to guarantee the additional funds required by securing a larger bank loan than it had originally intended. This option was supported by the City, as the project had already been endorsed by Council and was considered important to the community.

The City has 're-assessed' the application, considering the additional costs. The project is still considered 'well planned and needed by the applicant' as indicated in the original report to Council. Despite the City's one-third (1/3) contribution to the project increasing from \$22,727 to \$31,818, the City is still supportive of the Club's application.

Link to Strategic Plan:

Outcome	The City of Joondalup provides social opportunities that meet community needs.
Objectives:	1.3 To continue to provide services that meet the changing needs of a diverse and growing community.
Strategies	1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment. 1.3.3 Provide support, information and resources.

Legislation – Statutory Provisions:

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

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

This code was considered when recommending support for the original application made by the Club. The recommendations in this code will be used to guide the design of the project.

Risk Management considerations:

The City has recently reviewed the manner in which it conducts the CSRFF program and has designed a new process for 2007. This revised process provides for longer timeframes, allowing applicants more time to prepare their applications, and the City more time to conduct a thorough assessment. The new process also includes a formal information session with DSR, allowing the department an opportunity to provide input into projects at a much earlier stage. The CSRFF program will commence in February/March 2007 with final applications due in September. These changes have been identified in an effort to avoid such issues in the future.

The City's procedure to tender out large capital works projects is creating difficulties for many clubs in seeking accurate quotations. Companies are aware of the City's processes and are reluctant to provide local clubs with quotations for projects as it may disadvantage them in lodging their tender applications.

Financial/Budget Implications:

It is proposed that the additional funding recommendations presented to Council in this report be listed for consideration in the City's 2007/08 draft budget, subject to approval for the project being provided by CSRFF.

Policy Implications:

City Policy 6-1 "Reserves, Parks and Recreation Grounds" has been adhered to throughout the assessment process of this CSRFF application. This policy is specific to sport lighting and has an objective "to support best management practice for Council controlled reserves, parks and recreation grounds while recognising community needs and community and Council responsibilities".

Regional Significance:

Not Applicable.

Sustainability Implications:

The Community Sport & Recreation Facilities Fund (CSRFF) aligns with the City's strategic plan and supports the goals and objectives of leisure and recreational services in the provision of increased opportunities for participation in sport and physical activity.

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

Consultation:

Throughout the process of preparing this report, the Sorrento Football Club and the Department of Sport and Recreation have been consulted.

COMMENT

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

The program guidelines list floodlighting projects specifically as applications that will be considered for funding assistance. This indicates that the Department of Sport & Recreation recognises the need to improve the provision of floodlighting on active sporting fields to develop quality facilities that are safe for all participants.

The Sorrento Football Club has been open and accountable throughout the whole process, and has not sought to pass responsibility to any other organisation. The Club has endeavoured to work with the City and DSR to resolve this issue. The Club have operated within the framework of DSR's CSRFF application timelines, and the City's Council meeting schedule to the best of its ability.

ATTACHMENTS

Attachment 1 Letter from Sorrento Football Club.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council LISTS an additional \$9,091 for consideration in the 2007/08 draft budget, bringing the City's total contribution to \$31,818, subject to the Sorrento Football Club meeting one third (1/3) of the project's total cost plus all additional capital costs to upgrade the floodlighting to 'match play' standards and the Club being granted \$31,818 from Community Sporting and Recreation Facilities Fund (CSRFF).

Appendix 33 refers

To access this attachment on electronic document, click here: [Attach33brf200207.pdf](#)

10 REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ036-02/07 MID-YEAR REVIEW OF ANNUAL BUDGET FOR THE 2006/07 FINANCIAL YEAR - [72578]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The purpose of this report is for Council to consider and adopt the mid-year review of the Annual Budget for the 2006/07 financial year.

EXECUTIVE SUMMARY

The review of the 2006/07 annual budget has identified an overall budget surplus of \$6,507,192, of which \$3,746,776 relates to projects and works that will not be completed and the funds are proposed to be carried forward to the 2007/08 financial year. It is proposed that:

- The funds for the projects and works that will not be completed, \$3,746,776 be set aside in a reserve fund to be established specifically for the purpose.
- \$1,811,564 representing additional municipal fund investment interest be placed into the Strategic Asset Management Reserve.
- projects not previously budgeted that amount to \$162,920 and included in the review be approved and undertaken in 2006/07.

The surplus can be summarised as follows:

- The budgeted deficit from **Operations** of \$5,727,198 is now expected to be a surplus of \$1,019,410 resulting mainly from \$2,183k additional interest, \$2,937k additional profit on asset disposals, \$914k additional fees and charges and \$512k reduced employee costs among others as detailed in the attached report.
- **Capital Revenue** from grants and contributions will be \$1,060k less than budget as a result mainly of capital works that will not be completed in the current financial year and hence the full grants will not be able to be claimed.
- The **Capital Expenditure** Budget has reduced by a net sum of \$4,357k due principally to capital works and projects that will not be completed in the current financial year as well as other various reasons as detailed in the attached report.
- The net **Funding** budget has reduced by \$589k due to adjustments to reserve fund transfers and proceeds from asset disposals.

It is recommended that Council:

- 1 *BY AN ABSOLUTE MAJORITY, APPROVES the mid-year review of the budget for the 2006/07 financial year,*
- 2 *in accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2006/07 annual budget review and determination to the Department of Local Government and Regional Development,*
- 3 *BY AN ABSOLUTE MAJORITY, APPROVES the creation of the "Carried Forward Budget Reserve" for the purpose of enabling the carrying forward to a future financial period of budgeted expenditure for which funds are being held and where the expenditure will not be able to be spent or fully spent in the initial financial year in which it was budgeted,*
- 4 *BY AN ABSOLUTE MAJORITY, APPROVES the transfer from the municipal fund of:*
 - (a) *\$3,746,776 to the Carried Forward Budget Reserve, and*
 - (b) *\$1,811,564 to the Strategic Asset Management Reserve.*
- 5 *BY AN ABSOLUTE MAJORITY, APPROVES the inclusion of the following projects to be undertaken in the 2006/07 financial year:*
 - (a) *\$5,000 to initiate the consultation process in relation to exercise area/tennis wall etc at Braden Park;*
 - (b) *\$15,000 to enable the detailed design to be undertaken in regards to improving parking at Burns Beach;*
 - (c) *\$50,000 to initiate modification works to reticulation systems to address the problems of reticulation over spray of adjacent bushland;*
 - (d) *\$25,000 to widen the existing shared use path Marmion Avenue to Burragah Way adjacent to retirement village;*
 - (e) *\$14,000 to undertake improvements to Penistone Park training lights, and;*
 - (f) *\$53,920 to increase the current budget allocation for Civic Functions to enable functions for volunteers, community groups and recognition of community members and changed arrangements for Citizenship Ceremonies.*

BACKGROUND

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

DETAILS

The outcome of the 2006/07 budget review is detailed in Attachment 1.

Issues and options considered:

The budget review has essentially comprised three elements. Firstly a review of the adopted budget and an assessment of actual projected results against that budget. Secondly consideration of any issues not provided for in the adopted budget that may need to be considered. Finally the proposals and recommendations that result from the first two elements.

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

It is normal in a budget review to give consideration to issues not included in the original budget particularly where it appears there is financial capacity to accommodate them. Financial capacity however should not be the sole determinate. The focus in this review has been on issues, for which there is a benefit in undertaking them now rather than in 2007/08 and most importantly where the organisation has capacity to undertake them now.

The following inclusions in the budget review have been proposed but Council has discretion not to undertake them.

- \$5,000 to initiate the consultation process in relation to exercise area/tennis wall etc at Braden Park – consultation is a lengthy process and this proposal is designed to get the ball rolling so that some physical works can be considered for 2007/08,
- \$15,000 to enable the detailed design to be undertaken in regards to improving parking at Burns Beach – similar to the above detailed design needs to undertaken before final costing and this proposal is designed to get the ball rolling so that some physical works can be considered for 2007/08,
- \$50,000 to initiate modification works to reticulation systems to address the problems of reticulation over spray of adjacent bushland – from an environmental point this is considered one of the priorities and has the advantage that physical works can be commenced quickly,
- \$25,000 to widen the existing shared use path Marmion Avenue to Burragah Way adjacent to retirement village – the existing shared path is proposed to widened from 1.8 metres to 2.1 metres as the current width is felt to be hazardous for the elderly who use it,
- \$14,000 to undertake improvements to Penistone Park training lights – the current lighting is not in accordance with the City's policy in relation to the provision of lights and is detracting from the ability to make full use of this facility, and
- \$53,920 to increase the current budget allocation for Civic Functions – it has been proposed that the City should give greater recognition to volunteers, community groups and community members for their contribution and efforts to the community of Joondalup and it is suggested that this be done through a number of civic functions. It is also proposed to change the arrangements for Citizenship Ceremonies. These proposals were not included in the budget allocation adopted in the 2006/07 budget.

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

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

“33A Review of budget

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

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”*

Risk Management considerations:

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

Financial/Budget Implications:

Taking into account the additional proposed project items the anticipated budget surplus is \$6,507,192. After allowing for \$3,746,776 that relates to projects and works that will not be completed and are proposed to be carried forward to the 2007/08 financial year the surplus indicates that the financial position of the City is on track for a satisfactory outcome for the current financial year. Financial details are set out in Attachment 1.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

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

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

COMMENT

The Budget review has identified a surplus of \$6.507m surplus compared to the budgeted surplus of \$19k. The Rate Setting Statement detailing all of the variations is at Attachment 1. Of this surplus \$3,746,776 represents identified carried forward capital works and projects and is proposed to be transferred to a reserve to be established for the purpose of holding these funds.

The surplus also comprises a significant additional return on the City's investments of \$2.18m more than budget. This has resulted from better than expected interest rates as well as more favourable cash flows. The latter is a side effect of delayed capital works and projects. Of the \$2.18m, \$1.81m is attributable to additional municipal fund interest. The balance belongs to reserve funds. It is proposed to transfer the additional municipal fund interest earnings to the Strategic Asset Management Reserve. The purpose of this reserve is for the maintenance, refurbishment, replacement and disposal of assets for future and present requirements. It has been previously identified to Council during the process of developing the Strategic Financial Plan and during the 2006/07 budget process that the funds in this reserve are well below the levels required. This transfer to the reserve is considered a prudent application of the unexpected additional funds.

Of the remaining balance after the proposed reserve transfers \$509k is represented by grants that are committed to specific projects leaving \$440k as the uncommitted projected cash surplus at the 30 June 2007. This would form the opening balance to the 2007/08 financial year.

ATTACHMENTS

Attachment 1 Mid Year Budget Review 2006/07

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY, APPROVES the mid-year review of the budget for the 2006/07 financial year;**
- 2 in accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2006/07 annual budget review and determination to the Department of Local Government and Regional Development;**
- 3 BY AN ABSOLUTE MAJORITY, APPROVES the creation of the "Carried Forward Budget Reserve" for the purpose of enabling the carrying forward to a future financial period of budgeted expenditure for which funds are being held and where the expenditure will not be able to be spent or fully spent in the initial financial year in which it was budgeted;**

- 4 BY AN ABSOLUTE MAJORITY, APPROVES the transfer from the municipal fund of:**
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- 5 BY AN ABSOLUTE MAJORITY, APPROVES the inclusion of the following projects to be undertaken in the 2006/07 financial year;**
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 - (b) \$15,000 to enable the detailed design to be undertaken in regards to improving parking at Burns Beach;**
 - (c) \$50,000 to initiate modification works to reticulation systems to address the problems of reticulation over spray of adjacent bushland;**
 - (d) \$25,000 to widen the existing shared use path Marmion Avenue to Burragah Way adjacent to retirement village;**
 - (e) \$14,000 to undertake improvements to Penistone Park training lights;**
 - (f) \$53,920 to increase the current budget allocation for Civic Functions to enable functions for volunteers, community groups and recognition of community members and changed arrangements for Citizenship Ceremonies.**

Appendix 34 refers

To access this attachment on electronic document, click here: [Attach34agn270207.pdf](#)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**NOTICE OF MOTION – CR STEVE MAGYAR – HYDROTHERMAL WEED CONTROL - [61581]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Magyar has given notice of his intention to move the following motion at the Council Meeting to be held on 27 February 2007:

“That Council:

- 1 *RECEIVES the 137-signature petition from Marilyn Zakrevsky to use hydrothermal weed control technology instead of chemical spraying wherever possible;***
- 2 *REFERS the hydrothermal weed control petition to the CEO for a report to Council which includes the following:***
 - (a) detailed estimates of the operational costs of the current weed control methods used by the City and the costs of using hydrothermal weed control technology;***
 - (i) including listing all situations where herbicide is currently used (eg bushland, around posts/trees in reticulated parks, footpaths, sumps) and where it is considered technically practical to use hydrothermal weed control technology instead;***
 - (ii) including listing all the companies that are currently contracted to apply herbicide, the total amount each contractor invoiced for this work per year over the last three financial years, and when their current contracts finish;***
 - (b) risk analysis of death or damage to non-targeted plants by using chemical or hydrothermal weed control technologies;***
 - (c) risk analysis to the groundwater of the City by use of the different technologies;***
 - (d) risk analysis of the health effects of the different technologies;***
 - (e) comments or advice from the Sustainability and Conservation Advisory Committees;***
 - (f) any other issues to assist Council to make an informed decision in response to the petition.***

Reason for Motion

Cr Magyar submitted the following comment in support of his motion:

“The petition to Council should be responded to by Council after receiving the best detailed advice possible.”

Officer's comment

A report on the implications of the proposal will be submitted to Council.

NOTICE OF MOTION – CR GEOFF AMPHLETT – POTENTIAL OF DESIGNATING BEACHES AS NON-SMOKING AREAS - [61581]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Geoff Amphlett has given notice of his intention to move the following motion at the Council Meeting to be held on 27 February 2007:

“That a report be prepared for consideration by Council on the potential of designating all beaches within the City of Joondalup as non-smoking areas.”

Reason for Motion

Cr Amphlett submitted the following comment in support of his motion:

“It is understood that several major Councils on the eastern seaboard have designated beaches smoke-free. This has been implemented to improve the amenity of beaches. This initiative also accords with approaches taken in WA where smoking is prohibited inside sports stadiums.

The report should consider the potential to establish a local law to prohibit smoking on beaches and also consider opportunities for signage and education to promote smoke-free beaches.

If adopted, this initiative would eradicate cigarette butts on beaches and make the experience of visiting a beach far more pleasant for non-smokers.

The report should also consider external funding opportunities for such an initiative from organisations such as the Butt Littering Trust or the Keep Australia Beautiful Council.”

Officer’s comment:

The Notice of Motion calls for a report to be prepared. The City will prepare the required report that will evaluate the potential and implications of establishing smoking prohibitions at the City’s beaches. This report will consider all relevant aspects of the subject to enable Elected Members to make an informed decision on the matter in the future.

NOTICE OF MOTION – CR GEOFF AMPHLETT - CAT REGISTRATION WITHIN THE CITY OF JOONDALUP - [61581]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Geoff Amphlett has given notice of his intention to move the following motion at the Council Meeting to be held on 27 February 2007:

“That a report be prepared for consideration by Council which addresses the appropriateness of registering cats within the City of Joondalup.”

Reason for Motion

Cr Amphlett submitted the following comment in support of his motion:

“This proposal aims to bring cat control into line with the way dogs are managed and treated within the City of Joondalup. This is considered an equitable approach. The report should consider what local laws, policies or education strategies would be needed to implement such registration.

This initiative is designed to promote responsible cat ownership within the City.”

Officer’s Comment:

The Notice of Motion calls for a report to be prepared. The City will prepare the required report, which will evaluate the potential and implications of cat registration. This report will consider all relevant aspects of the subject to enable Elected Members to make an informed decision on the matter in the future.

12 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

13 CLOSURE



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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

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

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

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

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



QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING

NAME

ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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



STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING

NAME

ADDRESS

STATEMENT

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Please submit this form at the meeting or:

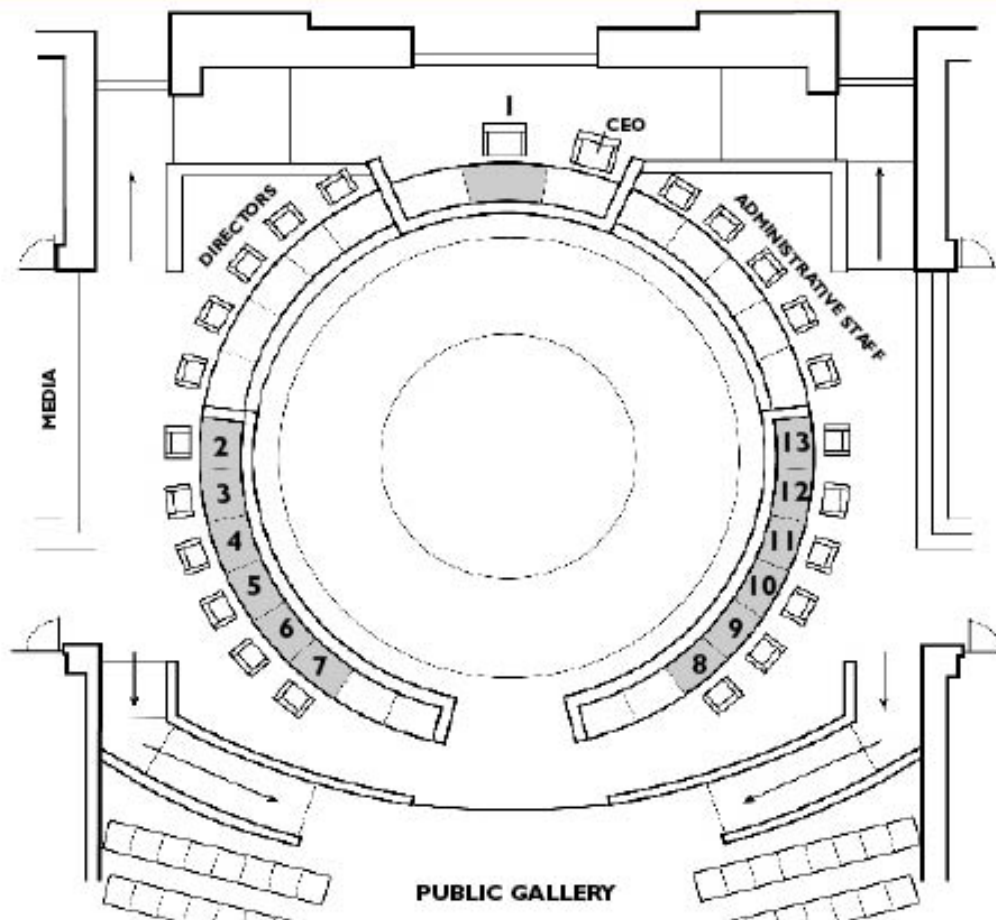
- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

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

SEATING DIAGRAM

Council Chamber Seating Diagram City of Joondalup



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 2/5/09)

North Ward

2 Cr Kerry Hollywood (Term expires 2/5/09)

3 Cr Tom McLean (Term expires 5/5/07)

North-Central Ward

4 Cr Albert Jacob (Term expires 2/5/09)

5 Cr Steve Magyar (Term expires 5/5/07)

Central Ward

6 Vacant

7 Cr Geoff Amphlett (Term expires 5/5/07)

South-West Ward

8 Cr Michele John (Term expires 2/5/09)

9 Cr Marie Evans (Term expires 5/5/07)

South-East Ward

10 Cr Sue Hart (Term expires 2/5/09)

11 Cr Brian Corr (Term expires 5/5/07)

South Ward

12 Cr Russ Fishwick (Term expires 2/5/09)

13 Cr Richard Currie (Term expires 5/5/07)