City of Joondalup

agenda

Ordinary Meeting of Council

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

ON **TUESDAY, 20 APRIL 2010**

COMMENCING AT **7.00 pm**

GARRY HUNT
Chief Executive Officer
16 April 2010

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by 9.00am on

Monday, 19 April 2010

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

1 Members of the public are invited to ask questions at Council Meetings.

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

3 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.

4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.

5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.

6 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

7 Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total. Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.

8 Questions are to be directed to the Presiding Member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:

- Accept or reject any question and his/her decision is final;
- Nominate a member of the Council and/or City employee to respond to the question;
- Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.

9 Where an elected member is of the opinion that a member of the public is:

- asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
- making a statement during public question time;

they may bring it to the attention of the meeting.

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

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

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

1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.

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

3 The City will accept a maximum of 5 written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.

4 Questions lodged by 9.00 am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.

5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.

6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.

7 Written questions unable to be responded to at the Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.

8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.

9 Questions and any response will be summarised and included in the minutes of the Council meeting.

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

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

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

3 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.

4 Public statement time will be limited to two minutes per member of the public.

5 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.

6 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.

7 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.

8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that is not relevant to the operations of the City of Joondalup, they may bring it to the attention of the Presiding Member who will make a ruling.

9 A member of the public attending a Council meeting may present a written statement rather than making the Statement verbally if he or she so wishes.

10 Statements will be summarised and included in the minutes of the Council meeting.

CODE OF CONDUCT

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

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

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

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

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

TABLE OF CONTENTS

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 200410.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, 20 APRIL 2010** commencing at **7.00 pm.**

GARRY HUNT
Chief Executive Officer
16 April 2010

Joondalup
Western Australia

VISION

"A sustainable City that is committed to service delivery excellence and operates under the principles of good governance."

MISSION

"To undertake all our activities with the endeavour of meeting community expectations and achieving sustainable lifestyles."

VALUES AND PRINCIPLES

Customer Focus

- We will work to understand and respond to the needs of all our customers both now and into the future.
- We will provide opportunities for community engagement.
- We will focus our improvement efforts on better services for our customers.

Purpose, Direction and Planning

- We will be plan driven, we will set priorities and we will ensure the effective allocation of resources to achieve our plans.

Sustainability

- We will minimise any adverse impact from our activities on the external environment and the resources available for future generations.
- We will provide value for money to all of our stakeholders.
- We will always act to ensure our activities serve the long-term interests of Joondalup.

Data, Measurement and Understanding

- We will make decisions based on information and understanding.
- We will measure and report progress against our goals.
- We will use measurement to drive continuous improvement.

Honesty and Integrity

- We will be fair, open and transparent in our activities.

AGENDA

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

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 16 March 2010:

Mrs M Zakrevsky, Mullaloo:

Re: Draft Beach Management Plan

Q1 Does the City have two plans for Mullaloo, one for the upgrade of Tom Simpson Park for $750,000 and another for car parking and treatments costing $700,000?

A1 The City is currently working on concept plans for the redevelopment of the traffic management at Oceanside Promenade, Mullaloo and Tom Simpson Park. The Council will give consideration to including funds in the 2010/11 budget for the proposed traffic management and $750,000 in the 20 Year Financial Plan for 2011/12 to fund potential improvements to the park area. It is anticipated that consultation with the affected residents for both projects will take place in 2011.

Mr G Kalab, Hillarys:

Re: Draft Beach Management Plan

Q1 Is it legal to discriminate *against people using that car park with dogs as opposed to people walking along the footpath with their dog*

A1 There is no discrimination in this instance, the City is merely exercising its statutory obligation to manage public land under its control in the best interests of the community.

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

Mr S Clark, Ocean Reef:

Re: Ocean Reef Marina Development

Q1 What is the current status of the new Ocean Reef Marina Development project?

Q2 What is the next stage of getting government approval for this project and when is this planned to happen?

A1-2 The approvals phase will require extensive detailed studies in the areas of engineering (marine and civil), environmental, economic and others and will result in the preparation of a Business Case and Structure Plan for development which will form the basis for obtaining the necessary development approvals through the relevant statutory bodies.

The City is currently assessing the best options for undertaking this phase.

An update on the Ocean Reef Marina project was placed on the City's website on 8 April 2010.

3 PUBLIC STATEMENT TIME

4 APOLOGIES AND LEAVE OF ABSENCE

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 16 MARCH 2010

RECOMMENDATION

That the Minutes of the Council Meeting held on 16 March 2010 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

7 DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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

Name/Position	**Cr Geoff Amphlett, JP**
Item No/Subject	CJ061-04/10 - Tender 001/10 Supply and Delivery of Precast Stormwater Drainage Products
Nature of interest	Financial Interest
Extent of Interest	Cr Amphlett's wife is an employee of Holcim (Australia) Pty Ltd

Disclosure of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	**Mayor Troy Pickard**
Item No/Subject	CJ064-04/10 - Strategic Waste Minimisation Plan 2010 - 2014
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard is the Chairman of the Municipal Waste Advisory Council

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

9 PETITIONS

1 PETITION REQUESTING CONSTRUCTION OF FOOTPATH AND REPLACEMENT OF BROKEN PAVING – WANDEARAH WAY, KINGSLEY – [22076, 07523]

A 21-signature petition has been received requesting that a footpath be constructed in Wandearah Way Kingsley, connecting the existing pathways along the western and southern sides of the Montessori School boundary, and also that the broken paving slabs be replaced along the western side.

2 PETITION IN SUPPORT OF WHITFORDS HORSE BEACH – [04048]

A 438-signature petition has been received in support of extending the dog beach to the south only, utilising the Nodes car park for dog owners and not closing the Whitfords Horse Beach.

3 PETITION OBJECTING TO PAID PARKING – JOONDALUP HEALTH CAMPUS

A 13-signature petition has been received requesting the City of Joondalup to withdraw from engaging in the administration and collection of paid parking at the Joondalup Health Campus.

4 PROPOSED PETITION OBJECTING TO PAID PARKING – JOONDALUP HEALTH CAMPUS

A proposed petition of 11,560 unverified signatures has been received objecting to paid parking at the Joondalup Health Campus. This documentation will be the subject of assessment by the CEO as to its compliance as a formal petition.

RECOMMENDATION

That the following petitions be RECEIVED, referred to the CEO and subsequent reports presented to Council for information:

1 Petition requesting the construction of a footpath and replacement of broken paving in Wandearah Way, Kingsley;

2 Petition in support of extending the dog beach to the south only, utilising the Nodes car park for dog owners and not closing the Whitfords Horse Beach;

3 Petition requesting the City of Joondalup to withdraw from engaging in the administration and collection of paid parking at the Joondalup Health Campus.

4 Proposed petition objecting to paid parking at the Joondalup Health Campus.

10 REPORTS

CJ054-04/10 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - FEBRUARY 2010

WARD: All

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 07032, 05961

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

PURPOSE

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

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2, allow Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed on a 2 yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies:

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

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

BACKGROUND

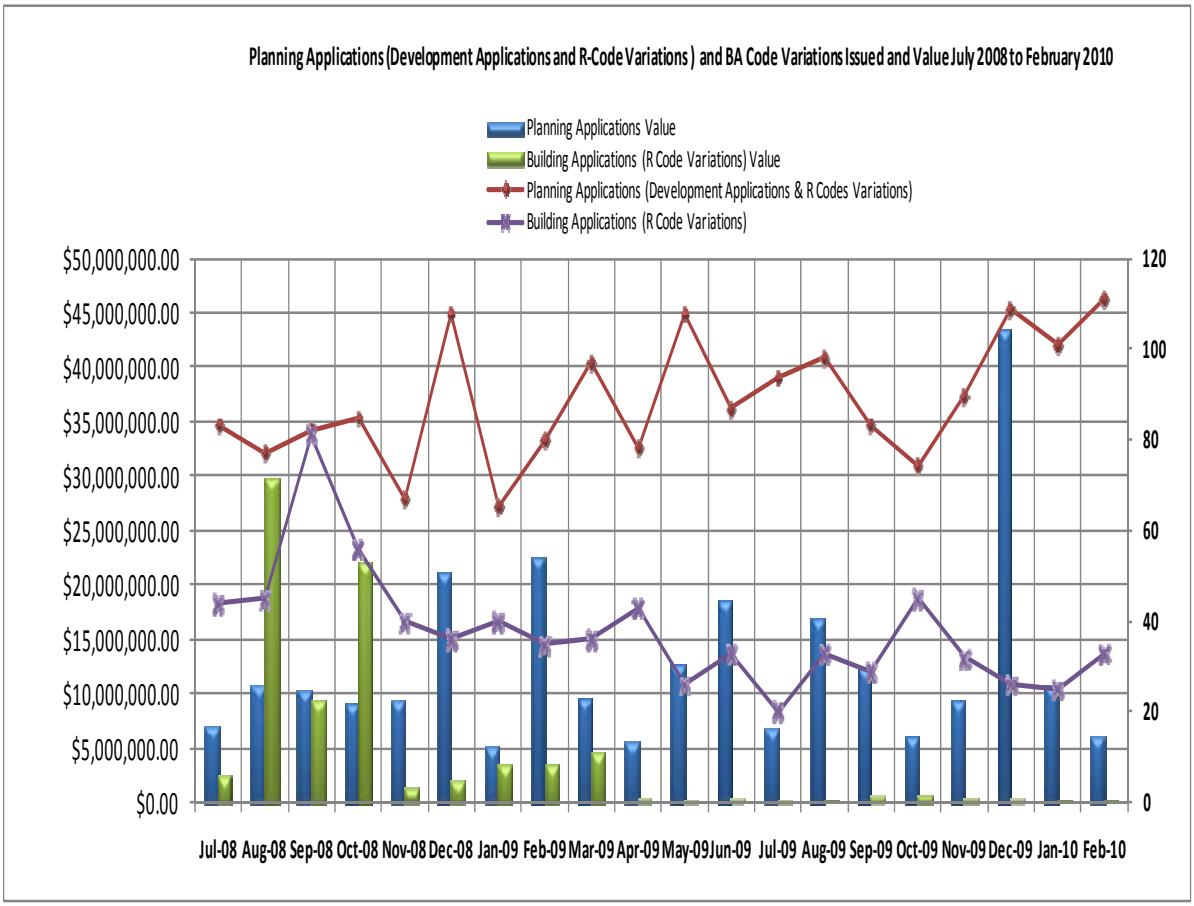
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting held on 13 October 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

DETAILS

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

Approvals determined under delegated authority – February 2010		
Type of Approval	**Number**	**Value ($)**
Planning applications (development applications & R-Codes variations)	111	$ 5, 869,137
Building applications (R-Codes variations)	33	$ 331,266
TOTAL	144	$ 6,200,403

The number of development applications received during the period for February was 88 (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).



Subdivision approvals processed under delegated authority From 1 February to 28 February 2010		
Type of approval	**Number**	**Potential new lots**
Subdivision applications	5	3
Strata subdivision applications	2	4

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

Legislation/Strategic Plan/Policy Implications

Legislation Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Strategic Plan

Key Focus Area: The Built Environment

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

The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Policy

As above

Risk Management considerations:

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial/Budget Implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

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

Of the 111 development applications determined during February 2010, consultation was undertaken for 44 of those applications. Applications for Residential Design Codes variations as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes variation). Of the 7 subdivision applications determined during February 2010, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

COMMENT

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

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

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1 NOTES the determinations made under Delegated Authority in relation to the development applications and R-Codes variations described in Report CJ054-04/10 during February 2010;

2 NOTES the determinations made under Delegated Authority in relation to the subdivision applications described in Report CJ054-04/10 during February 2010.

Appendix 1 refers

To access this attachment on electronic document, click here: Attach1brf130410.pdf

CJ055-04/10 RETROSPECTIVE CHANGE OF USE FROM SHOWROOM TO AN UNLISTED USE (TATTOO STUDIO) ON LOT 433, (30) CANHAM WAY, GREENWOOD

WARD: South-East

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 44627

ATTACHMENTS: Attachment 1 Locality Plans
Attachment 2 Development Plans

PURPOSE

To request Council's determination of an application for a retrospective change of use from a showroom to a tattoo studio.

EXECUTIVE SUMMARY

The applicant is seeking retrospective approval for a change of use from a showroom to a tattoo studio within the Canham Way service industrial area in Greenwood.

A tattoo studio does not fall within any of the land uses listed under the City's District Planning Scheme No 2 (DPS2). The use is therefore required to be treated as an Unlisted Use which requires the Council to determine whether the use is consistent with the objectives of the Service Industrial zone in making a decision on the application.

The tattoo studio is considered to satisfy the objectives and is in keeping with the surrounding land uses in this instance. It is recommended that the application be approved.

BACKGROUND

Suburb/Location: Lot 433 (4/30) Canham Way, Greenwood
Applicant: Urban and Rural Perspectives
Owner: David Lindsay Love
Zoning: **DPS:** Service Industrial
MRS: Urban
Site Area: 1,637m^2
Structure Plan: N/A

In 2009 a retrospective change of use application from lunch bar to a tattoo studio was received by the City for the subject site (at this time, a lunch bar was identified as the current approved use on site. The City has since determined that the correct current approved use is a Showroom). At the time of considering the application the City determined that a tattoo studio could be considered under the use class 'Beauty Parlour'. A Beauty Parlour is a prohibited ("X") land use with the Service Industrial Zone. As a result the application was refused.

The current application requests that the proposal be considered as an Unlisted Use, as per Clause 3.3 of DPS2. The City has recently received legal advice stating that a tattoo studio cannot reasonably be determined to fall within the scheme definition of the use class "beauty parlour", nor within any other use class defined in the DPS2. As a result the proposal should be treated as an Unlisted Use.

DETAILS

Lot 433 (No 30) Canham Way is located in the south-western corner of Canham Way in Greenwood. Refer to Attachment 1 – Locality Plan. Canham Way forms part of an existing Service Industrial area comprising land uses including light industrial, trade display, showroom and warehouses. The subject site accommodates up to four (4) separate tenancies, which currently include a party hire showroom, painting contractor, the tattoo studio and a vacant tenancy. Directly south of the subject site a pedestrian access way separates the subject site from low density residential development.

The operating details of the tattoo studio are summarised below:

Number of employees/staff per day	2
Anticipated number of customers per day	3 (all via appointment)
Hours of operation	Tuesday to Saturday – 10am to 7pm (closed Sunday and Monday)

The applicant has provided a package of information in support of the proposal including:

- Written submission outlining the proposed development;
- Legal advice in support of treating the tattoo studio as an Unlisted Use;
- 27 written submissions of no objections signed by a number of tenants of surrounding businesses on Canham Way and residences within close proximity;
- Written justification for the car parking proposed.

Summary of the justification as provided by the applicant is summarised below:

- *A 'tattoo studio' is clearly not classified as a 'beauty parlour' and comfortably falls within the classification of an 'unlisted use'.*
- *The existing business has been established on the site without causing any adverse impacts on the surrounding landowners or resulting in any verbal or written complaints from the adjoining landowners.*
- *The location of the 'tattoo studio' in an industrial area is consistent with the location of other tattoo studios throughout the Perth Metropolitan area, including existing business located within the Joondalup Service Industrial Area (i.e. Winton Road, Joondalup).*
- *The use of the land for the lawful establishment of a 'tattoo studio' is unlikely to compromise the existing character, amenity or compatibility of land use in the immediate locality or give rise to any series land use conflicts due to its location the type and variety of other existing uses and the nature of the business activities.*

- *The 'tattoo studio' on the subject land is not intensive and utilises the existing building and vehicle access and parking areas constructed as part of the previous approved use.*

- *The noise generated by the use of the land as a 'tattoo studio' is minimal and considerably less than the noise generated by other existing industrial type uses in the immediate locality.*

Issues and options considered:

Council is required to determine whether the proposed land use is consistent with an existing use class under Table 1 of District Planning Scheme No 2, or whether it should be considered an unlisted land use.

Option 1: If Council determines it to be a listed use class, the application must be determined in accordance with the permissibility of that use in the Service Industrial Zone under DPS2.

Option 2: If it is considered that the proposed use is an Unlisted Use class in DPS2, Council then needs to determine whether the proposal meets the objectives and purpose of the Service Industrial Zone and therefore, if the proposed use can be permitted.

Secondly, having determined the land use classification, Council is then required to make a determination on the application for a change of use.

Legislation/Strategic Plan/Policy Implications

Legislation City of Joondalup District Planning Scheme No 2

When determining this application Clause 3.2, 3.3 and 4.8 and 6.8 of DPS2 apply.

Clause 3.2 indicates the manner in which Table 1, the Zoning Table sets out the permissibility of uses within zones. However the nature of the proposed development a "tattoo studio" does not fall within any of the definitions under Schedule 1 of DPS2. Therefore the Council is required to make a determination under Clause 3.3 of DPS2.

<u>3.3 Unlisted Use</u>

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

(a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or

(b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or

(c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

3.10 The Service Industrial Zone

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.

6.8 Matters to be considered by the 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.

Strategic Plan City of Joondalup Strategic Plan 2008 - 2011

Key Focus Area: Economic Prosperity and Growth

Objective: To increase employment opportunities within the City

Policy: N/A

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The proposed application was advertised for 14 days via a letter to 3 immediate surrounding properties.

No submissions were received.

Additionally as part of the application a further 27 written submissions of no objections signed by a number of surrounding residents and tenants on Canham Way was included.

COMMENT

Land Use and Permissibility

It is considered that a "tattoo studio" is not a listed land use under Table 1 – the Zoning Table of DPS2; this position has been verified by legal advice from the City's solicitors. Therefore, it is appropriate that Council determines the use as an Unlisted Use and considers whether the application meets the objectives of the Service Industrial zone.

As stated earlier the Service Industrial area is intended to provide for a wide range of uses that may be inappropriate in a commercial or business zone. The specific objectives of the zone identify the anticipated land uses and the issue of the amenity.

It is considered that the use is consistent with the objectives and purpose of the Service Industrial zone, as set out earlier in this report. In addition, it is considered that the use is:

- capable of being conducted in a manner which will not be obtrusive or detrimental or the locality;

- unlikely to have a detrimental impact on the amenity of the immediate area or the continued operation of existing established uses in the surrounding area;

- complimentary to the existing business activities established in the immediate locality;

- unlikely to compromise the existing character, amenity or compatibility of land use within the immediate area or give rise to land use conflicts due to its location, the type and variety of other existing uses and the nature of business activities.

Carparking:

As the use 'tattoo studio' is considered an Unlisted Use in DPS2, there is no carparking standard set out for a tattoo studio. Therefore the following car parking standard is recommended:

- 1bay per 50m^2 of NLA

Under DPS2 the use class Industrial requires a parking standard of 1 per 50m2, which the site currently provides for. The tattoo studio does not involve an increase in the floor area. The parking standard is considered to be appropriate for the following reasons:

- The 'tattoo studio' provides for an exclusive service with clientele numbers approximately three (3) per day between Tuesday and Saturday. As such the use does not generate a high demand for parking spaces.

- The car parking demand generated by the 'tattoo studio' is less than the car parking demand generated by the previous land use which was a showroom.

  It is believed that the demand for parking created for this use will not conflict with the demand created for parking for other land uses within the lot.

CONCLUSION:

The "tattoo studio" is considered to be consistent with the objectives of the Service Industrial Zone, and it is recommended that it be determined that it is a permitted use in this zone.

The car parking provision for the site is considered to be adequate, given the limited demand for use of the site.

It is recommended that Council approve the application.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1 DETERMINES that under Clause 3.3(a) and 6.12 of the City of Joondalup District Planning Scheme No 2 that:

(a) Tattoo Studio is deemed to be an Unlisted Use;

(b) The proposed use meets the objectives and purpose of the Service Industrial zone, and therefore, is a permitted land use;

2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:

(a) in this instance the car parking standard for the use "Tattoo Studio" shall be one (1) car parking bay per 50m² Net Lettable Area; and

(b) the number of existing and proposed parking bays (3) meets the standard referred to clause in 2(a) above;

3 Subject to clause 1 above, APPROVES the application for Planning Approval dated 15 January 2010 submitted by Urban and Rural Perspectives, the applicant, on behalf of the owner, David Lindsay Love, for a Change of Use from Showroom to a Tattoo Studio at No 30 Canham Way, Greenwood.

Appendix 2 refers

To access this attachment on electronic document, click here: Attach2brf130410.pdf

CJ056-04/10 PROPOSED SHOWROOM AND OFFICE DEVELOPMENT AT LOT 1032 (1) HOBSONS GATE, CURRAMBINE

WARD: North

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 54619

ATTACHMENTS:

Attachment 1	Locality and site plan
Attachment 2	Development plans
Attachment 3	Perspective drawings
Attachment 4	Easement details

PURPOSE

To request Council's determination of an application for nine showrooms and four offices at Lot 1032 (1) Hobsons Gate, Currambine.

EXECUTIVE SUMMARY

The application proposes a development up to two storeys, consisting of nine showrooms and four offices on the subject site. The site is located within the Currambine District Centre, however the site is not covered by the requirements of the Currambine District Centre Structure Plan (CDCSP) and therefore only the provisions of the District Planning Scheme No.2 (DPS2) apply.

The proposal generally meets the requirements of DPS2 with the exception of the front setback, landscaping, building facade materials and car parking requirements.

The development was not advertised as the variations requested are considered to be minor in scale and nature and will not have an adverse impact on the amenity of adjoining or nearby properties. The proposed land uses are considered to be compatible with surrounding development.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location:		Lot 1032 (1) Hobsons Gate, Currambine
Applicant:		Vespoli Constructions
Owner:		Goldprime Corporation Pty Ltd
Zoning:	**DPS:**	Business
	MRS:	Urban
Site Area:		6,479m²
Structure Plan:		Not Applicable

The subject site is located within the Currambine District Centre; however the CDCSP does not apply to this lot. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located adjacent to Marmion Avenue immediately to the north of Hobsons Gate and to the west of Chesapeake Way. A locality plan is included as Attachment 1.

To the north of the subject site is an existing commercial and retail development containing restaurants, take away food outlets, shops and offices. To the south of the subject site is a recently completed commercial development consisting of showrooms, recreation centre, medical centre, restaurant, and shop. All other surrounding land is vacant, however there are several applications that have been submitted to the City and are at various stages of determination. Of relevance to this proposal is the development of:

- Lot 5003 (14) Hobsons Gate (located to the south east of the subject site). An application for a tavern and shop was approved 21 April 2009; and
- Lot 5005 (11) Chesapeake Way (located to the east of the subject site). An application for a mixed commercial development and grouped dwellings was approved 18 August 2009.

Although the CDCSP does not apply to this lot, given its location, it is considered that the objectives and principles of the CDCSP should be given due regard in the consideration of this application.

DETAILS

The application proposes a two storey development which includes:
- Nine showrooms with a combined floor area of 2,518m² Net Lettable Area (NLA); and
- Four offices with a combined floor area of 702m² NLA.

The development plans are provided in Attachment 2.

The following table summarises the compliance of the proposal with the requirements of DPS2.

Standard	Required	Proposed	Complies
Front Setbacks (Chesapeake Way)	6m	Nil	No
Side Setback (Hobsons Gate)	Compliance with Building Code of Australia (BCA) (nil permitted).	Nil	Yes
Side Setback (Marmion Ave)	Compliance with BCA (nil permitted).	19.4m	Yes
Rear Setback (northern boundary)	Compliance with BCA (nil permitted).	Nil	Yes
Landscaping	8% of site area 3m landscaping strip adjoining car parking areas adjacent to the street	7.9% 3m wide landscaping strip provided.	No Yes
Building facades	Each street frontage to have a façade of brick, plate glass or other approved material	Tilt-up construction with a combination of limestone tile cladding, colourbond feature cladding, alucobond cladding, plate glass and other feature material.	No (brick is not used)

Car Parking:

Proposed Use	**Required by DPS2**
Showroom (1/30m² NLA)	2,518m² NLA = 83.9
Office (1/30m² NLA)	702m² NLA = 23.4
Total Required	108 (107.3)
Provided	**105**

There is a proposed short fall of 3 bays (2.7% of the required bays) over the site.

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications

Legislation District Planning Scheme No.2

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

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

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.

The matters listed under Clause 6.8 require consideration:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

(a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;

(b) any relevant submissions by the applicant;

(c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;

(d) any planning policy of the Council adopted under the provisions of clause 8.11;

(e) any other matter which under the provisions of the Scheme the Council is required to have due regard;

(f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;

(g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;

(h) the comments or wishes of any public or municipal authority received as part of the submission process;

(i) the comments or wishes of any objectors to or supporters of the application;

(j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and

(k) any other matter which in the opinion of the Council is relevant.

Strategic Plan

Key Focus Area: The Built Environment

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

Policy Not Applicable

Risk Management considerations:

The proponent has a right of review 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

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The application was not advertised for public comment as the proposed uses are permitted within the 'Business' zone. Further, the proposed variations are considered to be minor in scale and nature and are not considered to have a detrimental impact on any adjoining or nearby properties.

COMMENT

Consideration of the CDCSP

The proposed development is located within the Currambine District Centre, however the requirements of the CDCSP do not apply to this lot. Due to the location of the subject site it is considered that the objectives and aims of the CDCSP should be given due regard when considering this development.

The CDCSP guides development within this area and sets out objectives whereby:

- The Currambine District Centre is to be developed to the diversity and robustness of a small town centre;
- To create an active focus for the community with a diversity of non-retail main street uses that generate day and evening activity;
- To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;
- Encourage high standards of 'Main' Street built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;
- Provide efficient vehicle access and circulation with pedestrian priority; and
- Encourage a high level of passive surveillance of public and private spaces.

The proposed development has a proposed nil setback to Hobsons Gate and Chesapeake Way and provides active frontages to both streets via at-grade pedestrian entrances on these frontages, and large areas of plate glass glazing.

It is considered that the proposed uses of showroom and office are compatible with the surrounding development, both approved and proposed. It is considered that the proposed development meets the objectives and aims of the CDCSP.

Reduced Front Setback to Chesapeake Way

The reduced front setback to Chesapeake Way has been proposed in order to provide activity to the street edge which is an objective of the CDCSP. The nil street setback to Hobsons Gate is compliant with the requirements of DPS2 as it is considered a side boundary. The nil setback to Chesapeake Way and Hobsons Gate is consistent with development which has been approved by Council on lot 5003 and 5004 Hobsons Gate and 5005 Chesapeake Way.

It is recommended that a condition of approval be imposed requiring that the windows facing Hobsons Gate and Chesapeake Way not be obscured in any way to ensure that surveillance and activity between the street and the proposed units on these frontages is maintained.

The subject site has a electrical substation located near to the corner of Hobsons Gate and Chesapeake Way which is not able to be readily moved. This has created an obstacle to the development being constructed up to the corner of Hobsons Gate and Chesapeake Way similar to other approved development on the adjacent corners. The applicant has proposed a feature wall with diverse materials on the building facades fronting the corner in order to attract visual attention away from the substation. It is considered that the applicant's treatment of this aspect of the development is acceptable given the on-site constraints.

Landscaping provision of 7.9% in lieu of 8%

The applicant proposes a reduced landscaping provision of 7.9% in lieu of 8% which equates to a reduction of 3.1m² of landscaping. It is considered that this reduction is minor in scale and is appropriate given that the site is located within the Currambine District Centre where a nil setback to Chesapeake Way in lieu of 6m has been encouraged. This has resulted in a significant area of landscaping being exchanged for active street frontages.

The provided landscaping includes a 3m setback distance between the car parking area to Hobsons Gate, and an area of landscaping in width between 1m and 2.6m between the car parking area and Marmion Avenue. Shade trees are required to be provided at a rate of 1 per 4 car parking bays in accordance with DPS2. The proposed landscaping will soften the appearance of the development from Marmion Ave.

A relatively large area of landscaping on the corner of Hobsons Gate and Chesapeake Way exists due to the presence of an electrical substation. It is recommended that a condition of approval be that a detailed landscaping plan be submitted as part of the building licence, where it can then be confirmed that landscaping will not obstruct surveillance of this corner or pedestrian walkways.

Building Facade and Materials

DPS2 requires that buildings within the business zone provide a facade of brick, plate glass or other approved material to all street frontages. The applicant proposes a concrete tilt-up panel construction and also to provide plate glass, limestone render cladding, feature colourbond cladding, and alucobond cladding to the external to enhance the appearance of the building. As brick is not used as a facade material this is a variation to DPS2 which requires approval of Council.

It is considered that the external finish of the development is of high quality and of high architectural value for this type of development. It is considered that the design is consistent with development previously approved by Council on adjoining and nearby sites of the Currambine District Centre. It is recommended that Council approve of the development with facades which do not contain brick for this reason.

Vehicle Access and Car Parking

The proposed development has a car parking deficit of three bays to that required by DPS2. This is a 2.7% reduction in car parking and requires the exercise of discretion of Council for approval.

It is recommended that the proposed car parking variation be supported as the proposed showroom units numbered 1, 2 and 3 include a rear storage area with a combined floor area of 323m². Although the showroom car parking standard is applied to this area (1 car parking bay per 30m² NLA) the storage areas are likely to generate a reduced rate of car parking. It is recommended that a condition of approval be that the storage areas are used for storage or warehouse purposes only.

The proposed development utilises an existing access from Hobsons Gate. The crossover is a left-out only arrangement due to the proximity of the crossover to the intersection of Marmion Avenue. An existing vehicle access point from Chesapeake Way located on the eastern side of the site is proposed to be closed. This is desirable as Chesapeake Way is envisioned to become the 'main street' of the Currambine District Centre and limiting vehicle crossovers along it will enhance pedestrian safety. The proposed vehicle access arrangements are considered to be acceptable.

Reciprocal Vehicle Access Arrangements

The site has an existing reciprocal vehicle access agreement with the lots to the north of the subject site. It is understood that this was required to provide access to the adjoining northern lots prior to the construction of Hobsons Gate and Chesapeake Way. The easement remains in place (Attachment 4 refers).

The easement allows vehicle access through the subject site to the adjoining sites to the north. This is provided via two access ways, one of which on Chesapeake Way is proposed to be removed. The adjoining property owner is currently in the process of amending the easement closest to Chesapeake Way. The City has supported this application. It is proposed that the easement located on the western side of the site will remain and this is supported by the City as it benefits future users of both developments.

In order to facilitate the proposed development the shape of the easement will need to be modified to reflect the proposed vehicle access design. Without modification to the easement, the proposed development could not be constructed.

It is therefore recommended that a condition of approval be that the necessary steps are taken by the owner/developer to remove the existing easement and put in place one which reflects the current vehicle access design, at the owner's expense.

Conclusion

The proposed development complies with the requirements of DPS2 with the exception of the matters discussed above. It is considered that the proposed variations should be supported as the proposal meets the objectives of DPS2 and for development within the Currambine District Centre.

The subject site is an appropriate and acceptable location for development of 'Showrooms' and 'Offices' given its frontage to Marmion Avenue, Hobsons Gate and Chesapeake Way. The development also provides street activity and frontage to Hobsons Gate and Chesapeake Way which will contribute to the Main Street style of development which the CDCSP aims to achieve.

The proposed showrooms and offices will contribute to the mixture of commercial and retail services that the Currambine District Centre is expected to provide to the surrounding community.

It is therefore recommended that the application be approved, subject to conditions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:-

(a) Nil front setback in lieu of 6m;

(b) Landscaping provision of 7.9% in lieu of 8%;

(c) Facade materials excluding the use of brick; and

(d) Provision of 105 car parking bays in lieu of 108.

are appropriate in this instance;

2 APPROVES the application for planning approval, dated 20 November 2009 and amended plans received on 24 March 2010 and 29 March 2010, submitted by Vespoli Constructions on behalf of the owners, Goldprime Corporation Pty Ltd for Showrooms and Offices at Lot 1032 (1) Hobsons Gate, Currambine, subject to the following conditions:

To be met prior to issue of a Building Licence:

(a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.1 2004) and Offstreet Parking for People with Disabilities (AS/NZS 2890.6 2009). 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 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;

(c) The lodging of detailed landscaping plans with the Building Licence Application based on water sensitive urban design and Designing Out Crime principles to the satisfaction of the City. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving, treatment of verges and tree planting in the car park, are to be shown on the landscaping plan;

(d) A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:

- **the delivery of materials and equipment to the site;**
- **the storage of materials and equipment on the site;**
- **the parking arrangements for the contractors and subcontractors;**
- **other matters likely to impact on the surrounding properties.**

(e) 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, prior to the development first being occupied;

(f) Easement H223418 to be amended to reflect the approved vehicle access and vehicle carriageway between Hobsons Gate and adjoining lot 1020 (10) Chesapeake Way to the satisfaction of the City, prior to the issuing of a building licence. This shall be done at the expense of the landowner;

(g) A full schedule of colours and materials for all exterior parts to the building shall be provided as part of the Building Licence Application, to the satisfaction of the City.

To be met prior to the issue of a Certificate of Classification:

(h) Landscaping and reticulation is to be established in accordance with the approved plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;

(i) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the City;

(j) Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval prior to the issue of the relevant building licence;

(k) The driveway and crossover is to be designed and constructed to the satisfaction of the City;

(l) The verge and road kerb are to be made good to the satisfaction of the City where the existing crossover on Chesapeake Way is removed;

(m) No obscure or reflective glazing is permitted at ground floor level on the facades facing Chesapeake Way and Hobsons Gate;

(n) This approval excludes all signage as indicated on the elevations;

(o) The Chesapeake Way and Hobsons Gate verges shall be brick paved at the owners cost to match the existing paving to the satisfaction of the City;

(p) Boundary walls and retaining walls being of a clean finish and made good to the satisfaction of the City;

(q) All construction works shall be contained within the property boundary;

(r) The northern facing boundary wall shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m as measured from the ground level adjacent to the wall;

(s) The 'store area' within showrooms 1, 2 and 3 are permitted to be used for storage purposes only.

Appendix 3 refers

To access this attachment on electronic document, click here: Attach3brf130410.pdf

CJ057-04/10 PROPOSED CAR WASH AT LOT 1 (37) AND LOT 2 (35) CANHAM WAY, GREENWOOD

WARD: South-East

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 17268

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Development Plans

PURPOSE

To request Council's determination of an application for planning approval for a car wash, at Lot 2 (35) Canham Way, Greenwood.

EXECUTIVE SUMMARY

The development site is located at 35 Canham Way, Greenwood with partial vehicular access through 37 Canham Way (refer to Attachments 1 and 2). Lot 2 has a land area of 2,642m^2 and is zoned "Service Industrial" under the City of Joondalup District Planning Scheme No 2 (DPS2). The lot adjoins service industrial zoned sites to all sides, and the land across the road is also zoned "Service Industrial".

The application is placed before Council as DPS2 does not specify a parking standard for the use class – "Car Wash". Under clause 4.8.2 of the DPS2, where there is no requirement specified, Council is required to determine a parking standard.

Council is also required to determine if the proposed landscaping and setbacks variations should be supported.

In this case, it is requested that Council determine the following parking standard:

"One (1) car bay per employee."

Car wash is a Permitted "P" use under Table 1 (Zoning Table) of the DPS2 in the service industrial zone.

It is recommended that Council determine the parking standards and landscaping and front setback variations as proposed and that planning approval be granted.

BACKGROUND

Suburb/Location: 35 Canham Way, Greenwood
Applicant: Hindley and Associates Pty Ltd
Owner: Tait Nominess Pty Ltd & Winmee Pty Ltd
Zoning: **DPS:** Service Industrial
MRS: Urban
Site Area: 2,642.847m^2
Structure Plan: N/A

The subject site is located in the north eastern part of Canham Way, Greenwood. Canham Way forms part of an existing service industrial area comprising land uses including light industrial, trade display, showroom and warehouses. The sites adjoin a vacant site to the east, which fronts Wanneroo Road. This adjoining site has planning approval for a service station, which is currently under construction.

DETAILS

The proposed detail for the carwash (as shown on Attachment 2) is outlined below:

- 4 manual car wash bays;
- 1 automatic car wash;
- Car detailing workshop. The car detailing workshop is proposed to be ancillary to the carwash, where staff wash customers cars in a manual wash bay and then take it to the car detailing area for polishing etc;
- Office;
- 4 vacuum car bays;
- 6 additional car bays; and
- Bin store.

Operational details of the car wash are as outlined below:

- Auto and manual carwash bays are in operation 24hours and are self serve (i.e coin or card swipe operation);
- There will be generally one staff member on site for the car detailing service with a maximum of two staff during the busier times. The detailing staff will also carry out general maintenance duties for the car wash.

Access to the site is via two crossovers from Canham Way. One of the crossovers is located on 37 Canham Way, Greenwood being the adjoining service station. Exit from the site will be via a separate crossover on the western boundary on the Canham Way frontage.

The following table outlines compliance with standards and requirements of DPS2:

STANDARD BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS	REQUIRED	PROVIDED	COMPLIANCE
Front boundary – Canham Way	Minimum 6m	Minimum 3m	No
Side and rear boundaries as per the BCA	As per the BCA (Nil permitted)	Northern Boundary -min 500mm (from bin store) Eastern Boundary -min 3m	Yes
Landscaping	8% of site 3m landscaping strip along street boundary	11.8% 1.5m-3m	Yes No

Issues and options considered:

Council has discretion to:

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

Legislation

District Planning Scheme No.2

Car Wash is a permitted ("P") use in the "Service Industrial" Zone. A "P" use means:

"A Use Class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval."

DPS2 defines car wash as any land or buildings used for mechanical vehicle washing. Such uses may or may not be associated with a service station and may include such other uses considered by Council to be ancillary to the predominant use of the land.

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.

The landscaping requirements of the development are set out in Clause 4.12 as follows:

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.

Clause 6.8.1 of DPS2 requires that 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.

For variations to site and development requirements, Clause 4.5 of DPS2 specifies the following:

4.5.1 Except for development in respect of which the Residential Design 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 the 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.

Strategic Plan City of Joondalup Strategic Plan 2008 - 2011

Key Focus Area: Economic Prosperity and Growth

Objective: To increase employment opportunities within the City

Policy: N/A

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Wash bays will be paved, with waste collected on site and contaminants filtered via a mechanical oil and water separator fitted to the sewer.

Additionally the proposal will encourage energy efficient design elements including low voltage lighting, soft start pumps and lights being controlled by sensors. High pressure low volume mechanical vehicle washing equipment will also minimise the quantity of water being consumed during the wash process.

Consultation:

The proposal was not advertised for comments, as it was considered that the proposal will cause no significant impact or loss of amenity to adjoining properties. Additionally the immediate area is zoned "Service Industrial" and the use is considered to be consistent with the intentions of DPS2.

COMMENT

The land use 'Car Wash' is consistent with the objectives of the "Service Industrial" Zone as set out by DPS2. The land use is considered not to have an adverse impact on the amenity of the adjoining units or the locality, and is considered appropriate in this location.

Proposed parking standard:

The parking standard for car wash is not set out in the DPS2, and therefore Council is required to determine a car parking standard. It is recommended the following car parking standard be applied:

- One (1) car bay per employee

REQUIRED	Two (2) car bays
PROPOSED	Six (6) car bays

The proposed standard is considered to be appropriate for the following reasons:

- The car wash will generally have a quick turn over, with customers washing and/or vacuuming the cars then exiting the site immediately thereafter. Therefore not generating a demand for dedicated car spaces on site.

The application provides for a total of six (6) marked car bays on site. This is considered more than adequate to accommodate the anticipated demand for the staff and customers.

Setbacks:

DPS2 requires development within the "Service Industrial" zone to have a minimum setback of six (6) metres from the front boundary, with side and rear setbacks to meet the requirements of the Building Codes of Australia (BCA). In this instance Canham Way has been treated as the primary frontage. The majority of the development complies with the requirement with the exception of a portion of car wash bay No.4 which proposes a front setback of three (3) metres in lieu of a minimum six (6) metres.

The proposed variation is considered minor in nature as the setback reduction is for a small portion of the frontage. Furthermore, the three (3) metre landscaping strip provided in front of the car wash is considered to assist in reducing the visual impact on the street.

Landscaping:

Clause 4.12 of DPS2 requires 8% of the site area to be provided as landscaping. Additionally a 3m wide landscaping strip is required between the carpark and the street frontage. In this instance the applicant is proposing a landscaping strip varying between 1.5m – 3m in depth along the Canham Way frontage. The shortfall occurs only at the corner of a vacuum car bay and two additional car bays on the western Canham Way frontage. The proposed car wash provides for a total of 11.8% landscaping across the site.

The landscaped area provided is in excess of what is required as a minimum on site and contributes to the desired streetscape. As such the reduced width of the landscaping strip is not considered to detract from the streetscape. It is therefore recommended that the proposed variation to the width of the landscaping strip be supported in this case.

Signage

No signage has been proposed as part of this application. An advice note will be included on the decision letter if the application is approved, advising that any signage is to be the subject of a separate application for planning approval.

CONCLUSION

The proposed development complies with the requirements of DPS2, with the exception of the matters discussed above. It is recommended that the proposed variations be supported as they are considered minor in nature, will not negatively affect the amenity of the area. The carparking provided is adequate for the use. Approval is recommended subject to conditions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1 DETERMINES that in regard clause 4.8.2 of the City of Joondalup District Planning Scheme No2, a car parking standard of One (1) car bay per employee is appropriate in this instance;

2 EXERCISES discretion under clause 4.7 and 4.12 of the City of Joondalup District Planning Scheme No.2 and determines that:

(a) a front setback of 3m in lieu of 6m; and

(b) a strip of 1.5 metre landscaping along Canham Way frontage in lieu of 3m;

are appropriate in this instance.

3 APPROVES the application for planning approval, dated 5 October 2009, submitted by Hindley and Associates on behalf of the owners, Tait Nominess Pty Ltd & Winmee Pty Ltd for a carwash at Lot 2 (35) and Lot 1 (37) Canham Way, Greenwood subject to the following conditions:

Prior to the issue of the Building License:

(a) A detailed landscape and irrigation plan being submitted and approved to the satisfaction of the City for the development site and adjoining road verge(s) prior to the issue of the relevant Building Licence. For the purpose of this condition a detailed landscape and irrigation plan shall be drawn to a scale of 1:100 and show the following:

(i) the location and type of existing and proposed trees and shrubs;
(ii) all vegetation including lawns;
(iii) areas to be irrigated;
(iv) separate soft landscaping and hard landscaping plans (indicating details of materials to be used);

Prior to Construction:

(b) A Refuse Management Plan shall be submitted and approved by the City prior to the commencement of works. The plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the plan shall be incorporated into the building licence plans. The approved plan shall be implemented to the satisfaction of the City;

Prior to Occupation and Ongoing Management:

(c) A legal agreement shall be prepared at the applicant's expense, setting out that:

In the event of the sale, transfer or disposal of either Lot 1 or 2 or part thereof (other than where both lots are to be sold to the same purchaser), the applicant and/or landowner shall ensure the grant and registration of an easement for the purpose of appropriate reciprocal vehicle access across the lots as shown on the approved plans, to the satisfaction of the City.

(d) The parking bay(s), driveway(s) and points if ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS/NZS2890.1-2004). Such areas are to be constructed, drained and marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied;

(e) The crossover closest to Wanneroo Road is to be constructed and maintained to the satisfaction of the City;

(f) 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;

(g) All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;

(h) Landscaping and reticulation to be installed in accordance with the approved plans and thereafter maintained to a high standard to the satisfaction of the City;

(i) All facades shall be treated with a non sacrificial anti graffiti coating to the satisfaction of the City.

Appendix 4 refers

To access this attachment on electronic document, click here: Attach4agn200410.pdf

CJ058-04/10 MINUTES OF AUDIT COMMITTEE MEETING HELD ON 16 MARCH 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 50068

ATTACHMENTS:
Attachment 1 Minutes of the Audit Committee meeting held on 16 March 2010
Attachment 2 Summary of Tender Submissions

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 16 March 2010.

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

Item 1 2009 Compliance Audit Return
Item 2 Tender 011/10 – Provision of External Audit Services
Item 3 CEO's Credit Card Expenditure for the quarter ended 31 March 2009
Item 4 CEO's Credit Card Expenditure for the quarter ended 30 June 2009
Item 5 CEO's Credit Card Expenditure for the quarter ended 30 September 2009
Item 6 CEO's Credit Card Expenditure for the quarter ended 31 December 2009
Item 7 Half Yearly Report – Write Off of Monies (1 January 2009 – 30 June 2009
Item 8 Half Yearly Report – Write Off of Monies (1 July 2009 – 31 December 2009
Item 9 Half Yearly Report – Contract Extensions between January 2009 and June 2009
Item 10 Internal Audit Activity Report

It is recommended that Council:

1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 16 March 2010, forming Attachment 1 to this Report;

2 ACCEPTS the Tender submitted by Grant Thornton Audit Pty Ltd for the provision of external audit services for a three (3) year period in accordance with the statement of requirements as specified in Tender 011/10 for the fixed lump sum of $86,750 (GST Exclusive);

3 NOTES the CEO has undertaken to scope an operating and capital audit of the Materials Recovery Facility activities and its financial implications for the City of Joondalup.

BACKGROUND

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

DETAILS

Issues and options considered:

The Motions moved at the Audit Committee meeting held on 16 March 2010 are shown below, together with officer's comments.

Item 1 2009 Compliance Audit Return

The report recommended that:

The Audit Committee RECOMMENDS that Council:

1 ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2009 to 31 December 2009 forming Attachment 1 to this Report;

2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government.

The following motion was moved:

That the Audit Committee RECOMMENDS that Council:

1 ADOPTS the completed Local Government Compliance Audit Return for the period 1 January 2009 to 31 December 2009 forming Attachment 1 to this Report, subject to Item 17 on Page 11 of 33, being amended to read 'Yes';

2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government.

Officer's Comment

A report in relation to the 2009 Compliance Audit Return was presented to the Council meeting held on 16 March 2010. No further action is required.

Item 2 Tender 011/10 – Provision of External Audit Services

The following motion was moved:

That the Audit Committee recommends that Council ACCEPTS the Tender submitted by Grant Thornton Audit Pty Ltd for the provision of external audit services for a three (3) year period in accordance with the statement of requirements as specified in Tender 011/10 for the fixed lump sum of $86,750 (GST Exclusive).

Officer's Comment

The recommendation of the Committee is supported.

Item 3 CEO's Credit Card Expenditure for the quarter ended 31 March 2009

The following motion was moved:

That the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 31 March 2009 forming Attachment 1 to this Report.

Officer's Comment

No further action required.

Item 4 CEO's Credit Card Expenditure for the quarter ended 30 June 2009

The following motion was moved:

That the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 30 June 2009 forming Attachment 1 to this Report.

Officer's Comment

No further action required.

Item 5 CEO's Credit Card Expenditure for the quarter ended 30 September 2009

The following motion was moved:

That the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 30 September 2009 forming Attachment 1 to this Report.

Officer's Comment

No further action required.

Item 6 CEO's Credit Card Expenditure for the quarter ended 31 December 2009

The following motion was moved:

That the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 31 December 2009 forming Attachment 1 to this Report.

Officer's Comment

No further action required.

Item 7 Half Yearly Report – Write Off of Monies (1 January 2009 – 30 June 2009

The following motion was moved:

That the Audit Committee RECEIVES the report of monies written off under delegated authority for the period January 2009 to June 2009.

Officer's Comment

No further action required.

Item 8 Half Yearly Report – Write Off of Monies (1 July 2009 – 31 December 2009)

The following motion was moved:

That the Audit Committee RECEIVES the report of monies written off under delegated authority for the period July to December 2009.

Officer's Comment

No further action required.

Item 9 Half Yearly Report – Contract Extensions between January 2009 and June 2009

The following motion was moved:

That the Audit Committee NOTES the report detailing Contracts extended by the CEO during the period January 2009 to June 2009 forming Attachment 1 to this Report.

Officer's Comment

No further action required.

Item 10 Internal Audit Activity Report

The report recommended that:

The Audit Committee NOTES the Internal Audit Activity Report for 2008/09 forming Attachments 1 - 4 to this Report.

The following motion was moved:

That the Audit Committee NOTES:

1 the Internal Audit Activity Report for 2008/09 forming Attachments 1 - 4 to this Report;

2 that the CEO has undertaken to scope an operating and capital audit of the Materials Recovery Facility activities and its financial implications for the City of Joondalup.

Officer's Comment

The recommendation of the Committee is supported.

Legislation/Strategic Plan/Policy Implications

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

Part 7 of the Act sets out the requirements in relation to Audits. Division 1A of Part 7 deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee.

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 16 March 2010 are submitted to Council for noting, and to consider the recommendations of the Committee.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

1 NOTES the unconfirmed minutes of the Audit Committee meeting held on 16 March 2010, forming Attachment 1 to Report CJ058-04/10;

2 ACCEPTS the Tender submitted by Grant Thornton Audit Pty Ltd for the provision of external audit services for a three (3) year period in accordance with the statement of requirements as specified in Tender 011/10 for the fixed lump sum of $86,750 (GST Exclusive);

3 NOTES the CEO has undertaken to scope an operating and capital audit of the Materials Recovery Facility activities and its financial implications for the City of Joondalup.

Appendix 5 refers

To access this attachment on electronic document, click here: Attach5brf130410.pdf

CJ059-04/10 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 09882

ATTACHMENTS:

Attachment 1	CEO's Delegated Municipal Payment List for the month of February 2010
Attachment 2	CEO's Delegated Trust Payment List for the month of February 2010
Attachment 3	Municipal and Trust Fund Vouchers for the month of February 2010

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of February 2010 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of February 2010 totalling $8,631,601.46,

It is recommended that Council NOTES the CEO's list of accounts for February 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to this Report, totalling $8,631,601.46.

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 February 2010. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 86167 - 86348 and EF 10715 - 11118 Net of cancelled payments	$5,362,915.54
	Vouchers 645A,647A, 649A – 651A, 654A – 655A, 657A – 658A & 660A	$3,233,837.26
Trust Account	Cheques 203268 – 203336 Net of cancelled payments	$34,848.66
	Total	**$8,631,601.46**

Issues and options considered:

Not applicable.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan

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

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

Risk Management considerations:

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

Financial/Budget Implications:
All expenditure from the Municipal Fund was included in the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 09 or approved in advance by Council.

Regional Significance:

Not applicable.

Sustainability implications:

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

Consultation:

Not applicable.

COMMENT

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

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the CEO's list of accounts for February 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ059-04/10, totalling $8,631,601.46.

Appendix 6 refers

To access this attachment on electronic document, click here: Attach6brf130410.pdf

CJ060-04/10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882

ATTACHMENTS: Attachment 1 Financial Activity Statement for the Period Ended 28 February 2010

PURPOSE

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

EXECUTIVE SUMMARY

Council adopted the Annual Budget for the 2009/10 Financial Year at its Meeting held on 17 June 2009 - JSC10-06/09. The figures in this report are compared to the Adopted Budget figures.

The February 2010 Financial Activity Statement report shows an overall favourable variance from operations and capital of $8,306k when compared to the 2009-2010 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is $256k above budget made up of higher revenue of $297k and higher operating expenditure of $(41k).

  Operating revenue is above budget for Rates $407k and Investment Earnings $1,014k which resulted from a combination of higher market interest rates and level of funds invested. A shortfall in revenue occurred for Grants and Subsidies $(632k) and Contributions Reimbursements and Donations $(292k), mainly due to timing differences. Also Fees and Charges $(138k) are below budget, including $(469k) for Refuse Charges due to the post budget reduction of $10 per service adopted by Council.

  The operating expenditure was above budget for Depreciation $(2,648k) based on the revaluation of the City's buildings in 2008/09. Operating expenditure is below budget in Employee Costs $343k, Materials and Contracts $1,775k and Utilities $438k. Employee costs savings reflect the freezing of vacant positions at the start of the year and includes under expenditure on corporate training and study assistance of $190k.

- The **Capital Revenue and Expenditure** deficit is $5,404k below budget made up of a shortfall of revenue of $(4,548k) and under expenditure of $9,952k.

The revenue deficit to budget results from Grant funding for the Seacrest Community Sporting Facility $(1,305k) received in the previous financial year and Major Road Construction Grants which are subject to progress of works, including the Burns Beach Road Landscaping project $(1,060k), Connolly Drive duplication $(750k) and Moore Drive / Connolly Drive which is due to commence in June 2010. The balance includes grant recoups phased in the budget during the period for which the work is still in progress, plus $(343k) of the State Local Roads Grant already received in the previous financial year. The budgeted contribution of $(375k) for the Ocean Reef Marina will not be received this year.

Capital Expenditure is below budget on Capital Projects $651k, Capital Works $8,805k and Motor Vehicle Replacements $512k. The main variances occurred on Major Road Construction $3,343k, this includes the Connolly Drive project, between Burns Beach Road and McNaughton Crescent, where footpath and landscaping work estimated at $879k is due for completion December 2010 and Moore Drive / Connolly Drive Dual Carriageway project budgeted at $1,695k that is currently in the design stage. In addition Streetscape Enhancements are $1,016k below budget and Traffic Management Projects $2,087k, where work is currently behind schedule.

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

It is recommended that Council NOTES the Financial Activity Statement for the period ended 28 February 2010.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 28 February 2010 is appended as Attachment 1.

Legislation/Strategic Plan/Policy Implications

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

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

Strategic Plan

Key Focus Area: Leadership and Governance

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

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable

Regional Significance:

Not applicable.

Sustainability implications:

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

Consultation:

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

COMMENT

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

While the surplus to the end of February 2010 appears to be significant, the majority of the surplus is due to capital works and is driven by timing differences, not savings. Similarly employee costs are tightly controlled and the review of the Annual Budget 2009/10 identified that materials and contracts are under pressure, particularly in the area of building maintenance.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 28 February 2010.

Appendix 7 refers

To access this attachment on electronic document, click here: Attach7brf130410.pdf

Name/Position	**Cr Geoff Amphlett, JP**
Item No/Subject	CJ061-04/10 - Tender 001/10 Supply and Delivery of Precast Stormwater Drainage Products
Nature of interest	Financial Interest
Extent of Interest	Cr Amphlett's wife is an employee of Holcim (Australia) Pty Ltd

CJ061-04/10 TENDER 001/10 SUPPLY AND DELIVERY OF PRECAST STORMWATER DRAINAGE PRODUCTS

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 100557

ATTACHMENTS: Attachment 1 Summary of Tender Submissions
Attachment 2 Schedule of Requested Tender Items

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Holcim (Australia) Pty Ltd trading as Wembley Cement and Holcim (Australia) Pty Ltd trading as Humes for the supply and delivery of precast stormwater drainage products (Tender 001/10).

EXECUTIVE SUMMARY

Tenders were advertised on 23 January 2010 through state wide public notice for the supply and delivery of precast stormwater drainage products. Tenders closed on 9 February 2010. Three (3) submissions were received from:

- Holcim (Australia) Pty Ltd trading as Humes;
- Holcim (Australia) Pty Ltd trading as Wembley Cement; and
- Icon Septech Pty Ltd.

The submissions from Holcim (Australia) Pty Ltd trading as Wembley Cement for the supply of Items 1 to 18 and from Holcim (Australia) Pty Ltd trading as Humes for the supply of Item 19 represent best value to the City. Wembley Cement and Humes have the same parent company Holcim (Australia) Pty Ltd but they are established as separate entities and operate separate businesses.

Wembley Cement and Humes are well established businesses with a long history of supplying similar goods and services for the WA state and local governments including private organisations and their WA offices and manufacturing facilities have accredited quality management systems to ISO9001.

It is recommended that Council ACCEPTS the Tenders submitted by Holcim (Australia) Pty Ltd trading as Wembley Cement for the supply and delivery of precast stormwater drainage products (Items 1 to 18 inclusive) and from Holcim (Australia) Pty Ltd trading as Humes for the supply of Item 19 inclusive for a three (3) year period in accordance with the statement of requirements as specified in Tender 001/10 at the submitted schedule of rates.

BACKGROUND

The City has a requirement for the supply and delivery of precast stormwater drainage pipes and fittings which includes:

(a) Stormwater drainage pipes - various sizes and type of jointing;
(b) Liners, covers, bases and step irons suitable for gullies, manholes, soakwells;
(c) Universal side entry system and Zubri grates; and
(d) Gross pollutant traps.

The City intends to establish a Panel for the provision of Goods and/or Services required under this Request for Tender (RFT) and may select two or more suppliers to the Panel. The City has identified that a single supplier is unlikely to meet all the requirements under this RFT and a panel of suppliers is required. The tender is for nineteen (19) product types and submissions have been invited to supply either one or more than one product type on the basis that a single supplier will be selected for each product type.

The City previously had a panel contract for the supply and delivery of precast stormwater drainage products with Rocla Pipeline Products and Wembley Cement. For the interim period until a new Contract is in place, the City's stormwater drainage requirements are being met via the City's quotation process.

DETAILS

Tenders were advertised on 23 January 2010 through state wide public notice for the supply and delivery of precast stormwater drainage products. Tenders closed on 9 February 2010. Three (3) submissions were received.

Evaluation Criteria

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

Qualitative Criteria	Weighting
Capacity	40%
Demonstrated experience in completing similar projects	30%
Demonstrated understanding of the required tasks	25%
Social and economic effects on the local community	5%

Evaluation Panel

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

Tender Submissions

Three (3) submissions were received from:

- Holcim (Australia) Pty Ltd trading as Humes;
- Holcim (Australia) Pty Ltd trading as Wembley Cement; and
- Icon Septech Pty Ltd.

Icon Septech Pty Ltd did not address any of the qualitative criteria to enable assessment of its offer and was deemed to be non-conforming.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

To provide an estimated expenditure over a twelve (12) month period, for comparison purposes only, the twenty-three (23) most commonly used items and their typical usage based on historical data have been used and incorporating a price escalation based on an average CPI increase of 3.5% compounded, the table below provides the estimated cost for these items over the Contract period. Any future requirements will be based on demand on these and other items listed in the RFT and subject to change in accordance with the operational needs of the City.

Estimated Cost	Holcim (Australia) Pty Ltd trading as Wembley Cement		Holcim (Australia) Pty Ltd trading as Humes	
	* Items 1-18 Only	** Item 19 Only	* Items 1-18 Only	** Item 19 Only
Year 1	$124,850	Did not tender	Did not tender	$58,000
Year 2	$129,220			$60,030
Year 3	$133,742			$62,131
Total	**$387,812**			**$180,161**

* Items 1 to 18 comprised of: precast concrete pipes; liners; manhole bases; step irons; universal side entry systems; Zubri grates; soakwell liners, bases and covers.

** Item 19 comprised of: gross pollutant traps.

Evaluation Summary

Tenderer	Price		Qualitative Score	Qualitative Ranking
	Items 1-18 Only	Item 19 Only		
Holcim (Australia) Pty Ltd trading as Wembley Cement	$387,812	Did not tender	84%	1
Holcim (Australia) Pty Ltd trading as Humes	Did not tender	$180,161	71%	2
Icon Septech Pty Ltd	Non compliant – not assessed			

Holcim (Australia) Pty Ltd trading as Wembley Cement is part of a global group, CEMEX, which is one of the largest building materials companies with operations in many countries. The company has demonstrated the capacity and experience to provide the requirements. Wembley Cement is well established in WA and its WA manufacturing facility has accredited quality management systems to ISO9001. It is the City's current supplier and its offer for Items 1 to 18 represents best value to the City.

Holcim (Australia) Pty Ltd trading as Humes, also part of the CEMEX group, has demonstrated the capacity and experience to provide the requirements under Item 19. Humes has been providing and overseeing the installation of environmental products in WA for over 10 years. Its office and manufacturing facility in WA operate with an accredited quality management system to ISO9001. Its offer for Item 19 represents best value to the City.

Issues and options considered:

The City has a requirement for the supply and delivery of precast stormwater drainage products. The City does not have the internal resources to provide the required goods and services and as such requires appropriate external suppliers to supply the requirements.

Legislation/Strategic Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than $100,000.

Strategic Plan
Key Focus Area: The Natural Environment

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

Policy Not applicable

Risk Management considerations:

Should the Contract not proceed, the risk to the City will be high as the City will not have the supply of the materials when required to complete various maintenance and capital works projects.

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

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services from 1 July 2009 to 30 June 2010	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
$140,000 (Estimate of stormwater drainage products component of Capital Works Projects)	$109,223 (Current Contract) $46,000 (New Contract)	$182,850	$567,973

The projected expenditure on these Goods and Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Projected expenditure is based on historical expenditure.

Regional Significance:

Not applicable.

Sustainability implications:

This project is part of the City's key focus area in preserving its natural environmental assets in line with the City's Environment Plan and strategy to implement improved stormwater management and water quality processes.

Consultation:

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the Qualitative Criteria and concluded that the Offers representing best value to the City are that as submitted by Holcim (Australia) Pty Ltd trading as Wembley Cement (inclusive of Items 1 to 18) and Holcim (Australia) Pty Ltd trading as Humes (inclusive of Item 19).

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council ACCEPTS the Tenders submitted by Holcim (Australia) Pty Ltd trading as Wembley Cement for the supply and delivery of precast stormwater drainage products (Items 1 to 18 inclusive) and from Holcim (Australia) Pty Ltd trading as Humes for the supply and delivery of precast stormwater drainage products (Item 19) for a three (3) year period in accordance with the statement of requirements as specified in Tender 001/10 at the submitted schedule of rates.

Appendix 8 refers

To access this attachment on electronic document, click here: Attach8brf130410.pdf

CJ062-04/10 TENDER 005/10 SUPPLY, DELIVERY, INSTALLATION AND REPAIR OF FENCING

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 100585

ATTACHMENTS:
Attachment 1 Summary of Tender Submissions
Attachment 2 Estimated Costs Over Contract Period
Attachment 3 Schedule of Requested Tender Items

PURPOSE

This report is to seek the approval of Council to accept the Tenders submitted by Peter Wood Fencing Contractors Pty Ltd and Pacific Gold (WA) Pty Ltd trading as Supreme Fencing for the supply, delivery, installation and repair of fencing (Tender 005/10).

EXECUTIVE SUMMARY

Tenders were advertised on 16 January 2010 through state wide public notice for the supply, delivery, installation and repair of fencing. Tenders closed on 2 February 2010. Four (4) submissions were received from:

- Clinton Carpentry and Maintenance;
- Pacific Gold (WA) Pty Ltd trading as Supreme Fencing;
- Peter Wood Fencing Contractors Pty Ltd; and
- Southern Wire Pty Ltd.

The submissions from Peter Wood Fencing Contractors Pty Ltd and Pacific Gold (WA) Pty Ltd trading as Supreme Fencing represent best value to the City for the respective categories and items identified in the recommendations. Both companies have demonstrated the capacity and experience to provide the fencing works required for the City. Peter Wood Fencing has been providing fencing works for various local governments for over 35 years. Supreme Fencing has been in the fencing industry for a number of years. They have in the recent past successfully completed similar works for the City. It is recommended that the submissions for some items be rejected.

It is recommended that Council:

1 *ACCEPTS the Tender submitted by Peter Wood Fencing Contractors Pty Ltd for the supply, delivery, installation and repair of fencing for all items in categories 1 and 2 for a three (3) year period in accordance with the statement of requirements as specified in Tender 005/10 at the submitted schedule of rates,*

2 *ACCEPTS the Tender from Pacific Gold (WA) Pty Ltd trading as Supreme Fencing for all items in categories 3, 4, 7 and 9 and for items 6.4, 6.5 and 8.3 for a three (3) year period in accordance with the statement of requirements as specified in Tender 005/10 at the submitted schedule of rates, and*

3 *REJECTS all tender submissions for category 5 and for items 6.1, 6.2, 6.3, 8.1 and 8.2 as specified in Tender 005/10*

BACKGROUND

The City has a requirement for the supply, delivery and installation of new fencing and the repair or removal of existing fencing.

The Contractor is to supply, deliver, install, repair and or remove fencing:

(a) as and when required by the City; and
(b) at the direction of the Superintendent.

The City intends to establish a Panel for the provision of fencing requirements under this Request for Tender (RFT). The City had a panel contract for the supply and installation of track pathway and bush land reserve fencing only which has now expired. This RFT is for a complete range of fencing requirements as listed in Attachment 3. For the interim period until a new Contract is in place, the City's fencing requirements are being met via the approved quotation process.

DETAILS

Tenders were advertised on 16 January 2010 through state wide public notice for the supply, delivery, installation and repair of fencing. Tenders closed on 2 February 2010. Four (4) submissions were received.

Evaluation Criteria

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

Qualitative Criteria	Weighting
Capacity	50%
Demonstrated experience in completing similar projects	25%
Demonstrated understanding of the required tasks	20%
Social and economic effects on the local community	5%

Evaluation Panel

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

Evaluation Summary

Four (4) submissions were received from:

- Clinton Carpentry and Maintenance;
- Pacific Gold (WA) Pty Ltd trading as Supreme Fencing;
- Peter Wood Fencing Contractors Pty Ltd; and
- Southern Wire Pty Ltd.

Southern Wire Pty Ltd did not submit rates for any of the items required for consideration and was deemed to be non-conforming.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

The RFT was broken down into 9 categories of fencing with a list of items under each category (as listed in Attachment 3). Tenderers were invited to make a submission in relation to either all, some or one of the categories and items with the intention to award the Tender on a category by category basis.

Clinton Carpentry and Maintenance provided a brief response to the qualitative criteria and did not demonstrate understanding of the required tasks. It provided a price for every category and item listed. Its offer was also the most expensive when compared to the other Respondents.

Peter Wood Fencing Contractors Pty Ltd has been providing fencing requirements for local governments for over 35 years and has in the past successfully completed similar works for the City. It has a good safety record and its 2 key personnel hold construction safety awareness training cards. It's provided a price for items under categories 1, 2, 3, 4 and 9 only. The panel concluded that its tender, being the lowest priced offer received relative to the expected volumes of requirements for categories 1 and 2, represents best value to the City for these categories.

Pacific Gold (WA) Pty Ltd trading as Supreme Fencing has been in the fencing industry for 4 years and has successfully completed similar projects for the City over the past 15 months. The company has demonstrated the capacity and experience to undertake the works. It has a good safety record with no off-work injury over 4 years in operation. It provided prices for most items in all categories except for items 1.5, 1.6, 5.2, 5.3, 6.2, 6.3, 8.1 and 8.2. The panel concluded that its tender, being the lowest priced offer received relative to the expected volumes of requirements for categories 3, 4, 7, and 9 represents best value to the City for these categories.

In relation to category 5 although Clinton Carpentry and Maintenance provided prices for all items and Supreme Fencing provided prices for items 5.1, 5.4 and 5.5 all prices were substantially more than expected and the panel concluded that all submissions for category 5 should be rejected.

In relation to categories 6 and 8 Clinton Carpentry and Maintenance provided prices for all items and Supreme Fencing provided prices for items 6.1, 6.4, 6.5 and 8.3. The panel considered Supreme Fencing provided the best value for to the City in relation to items 6.4, 6.5 and 8.3. Prices for items 6.1, 6.2, 6.3, 8.1 and 8.2 were substantially more than expected and the panel concluded that all submissions for these items should be rejected.

To provide an estimated expenditure over a twelve (12) month period, for comparison purposes, the thirteen (13) most commonly used items and their expected usage have been used. A price escalation based on an average CPI increase of 3.5% compounded has been applied to project the likely expenditure for years 2 and 3. The attached table (Attachment 2) provide the estimated cost for these items over the Contract period. Any future requirements will be based on demand on these and other items listed in the RFT and subject to change in accordance with the operational needs of the City.

Tenderer	Price			Qualitative Score	Qualitative Ranking
	Items 1 and 2	Items 3 and 4	Items 6 to 9		
Clinton Carpentry and Maintenance	$2,418,973	$228,308	$2,420,448	59%	3
Pacific Gold (WA) Pty Ltd trading as Supreme Fencing	$301,149	$159,971	$860,735	71%	2
Peter Wood Fencing Contractors Pty Ltd	$256,031	$228,385	N/A	76%	1
Southern Wire Pty Ltd	Non compliant - not assessed				

Issues and options considered:

The City has a requirement to establish a Panel Contract for the supply, delivery, installation and repair of fencing throughout the City. The City does not have the internal resources to supply the required goods and services and requires appropriate external suppliers for this purpose.

The RFT advised all potential Respondents that the City may select two or more suppliers to the Panel and that any 'minor' or 'emergency' works required or repairs, as defined in the RFT, may be carried out by the City at its absolute discretion.

In relation to category 5 and items 6.1, 6.2, 6.3 8.1 and 8.2 the City will re-evaluate how these services can be delivered at a cost that is within expectations.

Legislation/Strategic Plans/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than $100,000.

Strategic Plan
Key Focus Area: The Natural Environment

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

Policy Not applicable

Risk Management considerations:

Should the Contract not proceed, the risk to the City will be high as the City does not have the in-house resources to carry out the work required under this RFT.

It is considered that the Contract will represent a low risk to the City as the recommended Respondents are well established companies with extensive industry experience and have the capacity to provide the fencing requirements to the City.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services from 1 July 2009 to 30 June 2010	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
$350,000 (Estimate of fencing component of Capital Works Projects)	$233,333 (Current Contract) $70,000 (New Contract)	$411,025	$1,276,736

The projected expenditure on these fencing requirements will vary depending on the quantity and type of requirements throughout the Contract period.

Regional Significance:

Not applicable.

Sustainability implications:

This project is part of the City's key focus area in preserving its natural environmental assets in line with the City's Environment Plan and strategy to ensure that the City's natural environmental assets are preserved, rehabilitated and maintained. It also supports the City's continuous initiatives and commitments to providing high quality recreation facilities to facilitate healthy life styles within the community.

Consultation:

Not applicable.

COMMENT

The evaluation panel carried out the evaluation of the submissions in accordance with the Qualitative Criteria. The submissions from Peter Wood Fencing Contractors Pty Ltd and Pacific Gold (WA) Pty Ltd trading as Supreme Fencing represent best value to the City for the respective categories and items identified in the recommendations. Both Companies have demonstrated the capacity and experience to provide the fencing works required for the City.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

1 ACCEPTS the Tender submitted by Peter Wood Fencing Contractors Pty Ltd for the supply, delivery, installation and repair of fencing for all items in categories 1 and 2 for a three (3) year period in accordance with the statement of requirements as specified in Tender 005/10 at the submitted schedule of rates;

2 ACCEPTS the Tender from Pacific Gold (WA) Pty Ltd trading as Supreme Fencing for all items in categories 3, 4, 7 and 9 and for items 6.4, 6.5 and 8.3 for a three (3) year period in accordance with the statement of requirements as specified in Tender 005/10 at the submitted schedule of rates; and

3 REJECTS all tender submissions for category 5 and for items 6.1, 6.2, 6.3, 8.1 and 8.2 as specified in Tender 005/10.

Appendix 9 refers

To access this attachment on electronic document, click here: Attach9brf130410.pdf

CJ063-04/10 EXTENSION OF ROAD FREIGHT NETWORK

WARD: North

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

FILE NUMBER: 23548, 37634

ATTACHMENTS:

Attachment 1	Existing Network 2 Roads
Attachment 2	Existing Network 3 Roads
Attachment 3	Existing Network 4 Roads
Attachment 4	Access Routes to Mitchell Freeway
Attachment 5	Proposed Network 2 Roads
Attachment 6	Approved Roads for Restricted Access Vehicle

PURPOSE

The purpose of this report is for Council to consider Main Roads WA's (MRWA) request for an extension of the existing Heavy Vehicle Network to accommodate the extension of the Mitchell Freeway to Burns Beach Road and to review previously approved routes for amendment.

EXECUTIVE SUMMARY

In 2004 MRWA revised the system of issuing heavy vehicle permits. In conjunction with all local governments across the State, MRWA introduced a Notice system and a network of routes suitable for particular categories of heavy vehicles. This system enabled MRWA to provide all heavy vehicle operators with identical levels of access to the same roads under the same conditions and facilitate improving industry productivity and efficiency to meet the increasing road freight task.

MRWA has requested a review of the routes in the City of Joondalup in addition to consideration of the extension of Network 2 to include Burns Beach Road from the Mitchell Freeway to the City's eastern boundary. Network 2 routes are those that limit the vehicle up to 27.5 metres long, 67.5 tonnes gross mass and 4.6 metres high. The request originated from owners of market gardens in north-east Wanneroo wanting to use Burns Beach Road and the new freeway extension to transport their produce to markets in the south metropolitan region.

It is recommended that Council:

1 *APPROVES Burns Beach Road from Marmion Avenue to Joondalup Drive as a Network 2 Restricted Access Vehicle road for a period of 2 years, with the conditions as shown on Attachment 6, subject to regular MRWA surveillance of Heavy and Restricted Access Vehicle usage;*

2 *REQUESTS MRWA undertake a full safety assessment of Burns Beach Road between Joondalup Drive and Mitchell Freeway in accordance with relevant National Standards and State Regulations;*

3 *APPROVES vehicle traffic noise monitoring on Burns Beach Road between Joondalup Drive and Mitchell Freeway and report results to Council by December 2011.*

BACKGROUND

In 2004 MRWA reviewed the heavy vehicle permit system and in conjunction with all local governments across the state introduced a Notice system and a network of routes suitable for particular categories of heavy vehicles. MRWA categorised the most common vehicle types used on roads and proposed maximum loads, lengths and vehicle and trailer combinations to meet existing usage patterns. The ultimate aims were to provide all operators with the same level of access to the same roads under the same conditions and to improve industry productivity and efficiency to meet the increasing road freight task.

The City's network of Restricted Access Vehicle roads is confined to controlled access roads only, i.e., no direct property access. This has limited the networks to roads such as Hepburn Avenue and Marmion Avenue. Since 2004, the City's network has been stable with no roads added except for temporary permits to assist with the Mitchell Freeway construction. MRWA has received applications from heavy vehicle operators to use Burns Beach Road to access the Mitchell Freeway.

DETAILS

The Restricted Access Vehicle Notice (RAV) system uses vehicle categories and network routes based on weight, length, height and number of axles. "As of Right" Heavy vehicles, listed as Category 1 Network 1, have access to all roads in the State, including local access roads. These vehicles do not require permits and must meet all local road speeds and access conditions. All other Categories and Networks are limited to specified roads. The general limits on RAV vehicles operating within the City are:

Category	Network	Overall Length (metres)	Gross Mass (tonnes)	Vehicle Speeds
1	1	20	50	Posted Speed
2	2	27.5	67.5	10kmh less than posted
3	3	27.5	84	10kmh less than posted
4	4	27.5	87.4	10kmh less than posted

A lower class of vehicle is permitted on a higher class of road provided it complies with the weight, length and height and axle configurations. All vehicles have a width limit of 2.4 metres, a height limit of 4.6 metres and Network 2, 3 and 4 vehicles have an operational speed of 10kmh less than the posted speed limit on City roads.

Maps for Networks 2, 3 and 4 are shown at Attachments 1, 2 and 3 respectively.

Extensions to the existing Networks

MRWA has requested the City consider the extension of Network 2 to include Burns Beach Road from Mitchell Freeway to the City's eastern boundary. The request originated from owners of market gardens in north-east Wanneroo wishing to use Burns Beach Road and the new freeway extension to transport their produce to markets in the south metropolitan region. MRWA is agreeable to include the new section of the freeway into Network 2 however it requires approval from the City to change or add roads to the network for roads controlled by the City. MRWA has also requested the City to include Shenton Avenue into the review to reflect its status as a controlled access road with connection to the freeway.

The existing route to and from the freeway for these vehicles is Joondalup Drive and Hodges Drive as shown on Attachment 4.

Issues and options considered:

There are 3 options to be considered for an extension of Restricted Access Vehicle 2 Network to access the freeway:

1 Status quo - Joondalup Drive and Hodges Drive
2 Joondalup Drive and Burns Beach Road
3 Joondalup Drive and Shenton Avenue

The three optional routes to access the Mitchell Freeway are shown at Attachment 4.

Option 1 Status Quo - This route requires large vehicles, typically up to 67.5 tonnes and 27.5 metres long to negotiate Joondalup Drive through to Hodges Drive. To date the City is unaware of any crashes directly attributable to this category of Restricted Access Vehicle but it causes these large vehicles to use a section of road that is heavily congested and accesses the shopping centre and commercial areas adjacent to it between Shenton Avenue and Hodges Drive. The additional vehicles have been operating on the road since 2004.

Option 2 Joondalup Drive/Burns Beach Rd - Prior to the recent dualling, Burns Beach Road was a single carriageway road only carrying "As of Right" Heavy vehicles. The recent dual carriageway works has increased the capacity to accommodate additional traffic. To access the freeway from the east and heading west, requires Restricted Access Vehicles to drive along a fairly steep uphill section of road from Joondalup Drive. This means that when trucks are at their noisiest, accelerating up the hill and in low gear, they are closest to those properties backing onto the road. In the opposite direction heading east back towards Wanneroo Road, Restricted Access Vehicles are on the new carriageway and up to 20-25m from the same southern road reserve boundary. Therefore, the issue is how much additional noise will be generated by including RAV Network 2 vehicles into the existing traffic stream.

MRWA's March 2010 traffic data taken on the south bound lanes of the freeway and south of Ocean Reef Road indicates that of 39,857 vehicles travelling south, 4.2% are "As of Right" Heavy Vehicles (Network 1) with the remaining Network 2, 3 and 4 Restricted Access Vehicles at 0.08% of the total traffic stream. Those existing market garden owners who operate both "As of Right" Heavy and Restricted Access Vehicles to access markets are included in these figures. MRWA also advises that the prime mover, which is the noise generator for any Restricted Access Vehicles combination, is generally the same vehicle. Therefore, market garden operators using an "As of Right" Heavy vehicle may make no more noise if it was the same prime mover hauling a Network 2 Restricted Access Vehicles combination. If it was a different and noisier vehicle it would be possible to impose a time curfew such as 8:00 pm to 6:00 am so that sleeping times are not disturbed. MRWA report that time curfews are difficult to control which means it is not self regulating and could be ineffective. However, it is still considered an appropriate condition consequently the curfew is included in attachment 6.

Option 3 Joondalup Drive/Shenton Avenue - This route enables the continued use of part of Joondalup Drive, which does not front shops and commercial activities, and turning into Shenton Avenue to access the freeway. The existing uphill climb from the Burns Beach Road roundabout section of Joondalup Drive is well clear of houses to the west which minimises noise intrusion. However, Shenton Avenue and Joondalup Drive both have frontage to the Joondalup Baptist College and Arena Sporting complex and this route crosses the pedestrian path used by college students to access the Joondalup train station. There are traffic signals at the intersection controlling pedestrian crossing phases. MRWA traffic figures indicate a spread of Restricted Access Vehicles throughout the day. If this route were to be adopted, the City needs to ensure MRWA can provide a safe crossing environment at the signals. The City will also need to modify the left turn lane to accommodate longer B-Double truck combinations. The estimated cost of this work is $7,500.

An extension of Shenton Avenue on the Network 2 route west to Marmion Avenue enables Restricted Access Vehicles travelling north along Marmion Avenue to use Shenton Avenue to access Joondalup Drive rather than Hodges Drive and reduce congestion on Joondalup Drive.

Legislation/Strategic Plan/Policy Implications

Legislation Main Roads WA has statutory control of Restricted Access Vehicle vehicles under the Main Roads Act 2007.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: To lead and manage the City effectively

Policy

Not applicable.

Risk Management considerations:

The City needs to accommodate heavy vehicles on its roads and work with MRWA to define routes for use by Restricted Access Vehicles. RAV vehicle use needs to be reasonably self regulated but also those routes should be safe to use and not impact unnecessarily on other road users or the adjacent community. The City also has to consider how its commercial activity centres are serviced with bulk goods and supplies as well as providing access to the freeway for regional and metropolitan area freight distribution.

The City relies on advice and assessment from MRWA and the routes submitted to Council as part of this review are all roads that have previously been assessed by MRWA and have been operating safely for a period of time under general permits. Approval can also be subject to MRWA undertaking full responsibility for route and safety assessment of all roads in Networks 2, 3 and 4 in the City in accordance with relevant National Standards and State Regulations.

Financial/Budget Implications:

If modification of the north western left turn lane at Shenton Avenue and Joondalup Drive is undertaken, the estimated cost is $7,500. If the Burns Beach Road option is supported then the cost of the noise monitoring would be in order of $5,000.

Regional Significance:

The Restricted Access Vehicles network extends across the Metropolitan area and the State and provides an important role in the efficiency and productivity of freight transport. The networks continue into the neighbouring Cities of Wanneroo and Stirling and generally match with similar types of roads in those local government authority areas. Note that Wanneroo Road, Mitchell Freeway and Marmion Avenue from Beach Road to Ocean Reef Road are Main Roads under the control of MRWA.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The request to use Burns Beach Road as a Network 2 route has originated from market gardeners in the City of Wanneroo. This is a relatively minor request to add a new road to the Restricted Access Vehicle network and means that more operators will be able to use Burns Beach Road in the future without consulting with the City. Retention of Option 1 is not recommended as it precludes improved efficiency and productivity of the road freight network on Joondalup Drive south to Hodges Drive.

The City has undertaken dualling works on Burns Beach Road and although there has been no change in the traffic lane configuration and therefore clearance to properties for the uphill section on that road, it has been resurfaced from a noisy stone chip seal to a quieter asphalt surface and the northern carriageway is located further away than the previously existing single carriageway. The number of additional Network 2 RAV vehicles on Burns Beach Road will be minimal compared to existing "As of Right" Heavy vehicles and more than likely will simply be a replacement of a smaller truck trailer for a larger truck trailer on the same route. It is considered there will be an insignificant amount of additional traffic noise. However, if Option 2 is endorsed, it is recommended that the City will:

- Approve the change for a period of two years initially
- Undertake before and after noise tests over a period of two weeks
- Request MRWA to monitor loads and lengths of all heavy vehicles after a change from Network 1 to Network 2 status
- Make the City's approval of this route subject to a full safety assessment by MRWA in accordance with relevant national standards and state regulations.

It is not recommended that the City adopt Option 3 - Joondalup Drive/Shenton Avenue as the preferred route to access the freeway. It requires modification of a single lane turning path, the traffic signals to allow longer vehicles to drive through the intersection and may conflict with schools crossings and access.

It is recommended that Hodges Drive be retained as a Network 2 Restricted Access Vehicle route because it provides alternative access to the freeway and the existing left turn into Joondalup Drive is a dual lane configuration requiring no change. Allowance needs to be provided in the 2010/11 Budget for Noise Testing on Burns Beach Road using Acoustic Consultants at a cost of $5000.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

1 APPROVES Burns Beach Road from Marmion Avenue to Joondalup Drive as a Network 2 Restricted Access Vehicle road for a period of 2 years, with the conditions as shown on Attachment 6 to Report CJ063-04/10, subject to regular Main Roads WA (MRWA) surveillance of Heavy and Restricted Access Vehicle usage;

2 REQUESTS MRWA undertake a full safety assessment of Burns Beach Road between Joondalup Drive and Mitchell Freeway in accordance with relevant National Standards and State Regulations;

3 APPROVES vehicle traffic noise monitoring on Burns Beach Road between Joondalup Drive and Mitchell Freeway and report results to Council by December 2011.

Appendix 10 refers

To access this attachment on electronic document, click here: Attach10agn200410.pdf

Name/Position	**Mayor Troy Pickard**
Item No/Subject	CJ064-04/10 - Strategic Waste Minimisation Plan 2010 - 2014
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard is the Chairman of the Municipal Waste Advisory Council

CJ064-04/10 STRATEGIC WASTE MINIMISATION PLAN 2010 – 2014

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

FILE NUMBER: 36958

ATTACHMENTS: Attachment 1 Draft Strategic Waste Minimisation Plan 2010 - 2014

PURPOSE

To seek Council's endorsement of the draft Strategic Waste Minimisation Plan 2010-2014 for consultation with the community and the Mindarie Regional Council.

EXECUTIVE SUMMARY

The Strategic Waste Minimisation Plan is the third in a series developed by the City.

In 2004, the State Government released the strategy 'Towards Zero Waste', which is aimed at West Australians living in a 'waste free society' guided by the principles of prevention, recovery and disposal.

The State strategy also introduced the concept of zero waste plans to achieve the principles of a 'waste free society'. The City's zero waste plan has been titled 'Strategic Waste Minimisation Plan 2010-2014' and has been developed in close liaison with Mindarie Regional Council's Zero Waste Plan and acknowledges the directions of the Waste Authority's draft 'Waste Strategy for Western Australia'.

The City's Strategic Waste Minimisation Plan includes the following recommendations:

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

It is recommended that the Council:

1 ENDORSES the City's draft Strategic Waste Minimisation Plan 2010-2014 for consultation with the community via local community newspaper and the City's website for a period of 28 days;

2 INVITES comment on the draft Strategic Waste Minimisation Plan 2010-2014 from the Mindarie Regional Council; and

3 REQUESTS that Key Performance Indicators be developed for the waste diversion rate from landfill and customer satisfaction rating for inclusion in the final Strategic Waste Minimisation Plan for Council consideration.

BACKGROUND

In June 1999, the City of Joondalup adopted the City Policy 6-6 Waste Management. This document has been regularly reviewed until the most recent amendment in October 2007.

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

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

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

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

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

DETAILS

There are a number of issues, both local and regional that the City will need to address during the next five years to ensure that the City is well placed to meet the challenges for waste management in the future.

Issues and options considered:

The Strategic Waste Minimisation Plan 2010-2014 considers the following issues:

- Community waste education and awareness
- Materials Recovery Facility capacity in the northern corridor
- Reuse and recycling of bulk waste streams
- Construction and demolition waste
- Corporate recycling
- Household Hazardous Waste
- Product stewardship
- Waste collection options
- Events recycling
- Environmental impact of transporting waste

The recommendations for each of these issues are included the attached Strategic Waste Minimisation Plan 2010-2014.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan
Key Focus Area: The Natural Environment

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

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

Policy: City Policy 6-6 Waste Management

Risk Management considerations:

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

Financial/Budget Implications:

The City of Joondalup waste budget for 2009-2010 is $17 million. The majority of actions listed in the Strategic Waste Minimisation Plan 2010-2014 will be funded from recurring Mindarie Regional Council and City of Joondalup budgets or alternatively not require any provisions for funding. However, additional funding will be required for the following action:

Corporate Waste Minimisation Plan: $5,000 funding in the draft 2010/2011 budget.

Regional Significance:

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

Sustainability implications:

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

Consultation:

It is proposed to seek community feedback on the Strategic Waste Minimisation Plan 2010-2014 via local community newspaper and the City's Website for a period of 28 days. It is also proposed to seek comment from the Mindarie Regional Council. The Strategic Waste Minimisation Plan 2010 – 2014 would then be listed for Council approval.

COMMENT

The Strategic Waste Minimisation Plan 2010-2014 provides for the City of Joondalup's anticipated waste requirements both locally and regionally for the next five years. It includes the continuation and improvement of existing programs and the planning for potential new programs. The plan also confirms the City's position with respect to the key waste issues of product stewardship and extended producer responsibility. Finally the plan highlights the lack of materials recovery facilities in the northern corridor which is a high risk for the continuation of the City's and the region's kerbside recycling strategies.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council

1 ENDORSES the City's draft Strategic Waste Minimisation Plan 2010-2014 for consultation with the community via local community newspaper and the City's website for a period of 28 days;

2 INVITES comment on the draft Strategic Waste Minimisation Plan 2010-2014 from the Mindarie Regional Council; and

3 REQUESTS that Key Performance Indicators be developed for the waste diversion rate from landfill and customer satisfaction rating for inclusion in the final Strategic Waste Minimisation Plan for Council consideration.

Appendix 11 refers

To access this attachment on electronic document, click here: Attach11agn200410.pdf

11 REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ065-04/10 APPOINTMENT OF REPRESENTATIVE - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION NORTH METROPOLITAN ZONE

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 00033, 60514

ATTACHMENTS: Nil

PURPOSE/EXECUTIVE SUMMARY

To appoint a replacement representative on the Western Australian Local Government Association (WALGA) North Metropolitan Zone, following the election of Mayor Troy Pickard as President of WALGA.

BACKGROUND

The WALGA North Metropolitan Zone is comprised of the three north metropolitan local governments, being the Cities of Joondalup, Stirling and Wanneroo. The North Metropolitan Zone deals with issues that affect the Zone members both regionally and operationally as local governments. Matters of concern that affect the Zone are forwarded to WALGA for consideration.

Council at its meeting held on 17 November 2009 nominated the following persons to represent the City of Joondalup on the WALGA North Metropolitan Zone:

Members	Deputies
Mayor Troy Pickard	Cr Christine Hamilton-Prime
Cr Russ Fishwick	Cr Kerry Hollywood
Cr Tom McLean	Cr Mike Norman
Cr John Chester	Cr Liam Gobbert

DETAILS

On 7 April 2010, Mayor Troy Pickard was elected as President of WALGA.

WALGA has advised that its Constitution provides that Mayor Pickard, as President, no longer represents his Zone. If Mayor Pickard were to attend a North Metropolitan Zone meeting, he would be there as President rather than as a representative of the Council. A replacement representation therefore requires to be appointed to the North Metropolitan Zone.

Issues and options considered:

Not applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Not applicable.

Strategic Plan
Key Focus Area: Leadership and Governance

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

Policy Not applicable.

Risk Management considerations:

If the Council does not appoint a replacement representation, it will not be fully represented on the North Metropolitan Zone.

Financial/Budget Implications:

Not applicable.

Regional Significance:

The North Metropolitan Zone deals with issues that affect the region.

Sustainability implications:

Not applicable.

COMMENT

In the event that there is more than one nomination, a ballot will need to be conducted to determine the representative.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOMINATES an Elected Member to represent the City of Joondalup on the Western Australian Local Government Association North Metropolitan Zone.

CJ066-04/10 MID YEAR REVIEW OF ANNUAL BUDGET FOR THE 2009/10 FINANCIAL YEAR

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 31625

ATTACHMENTS: Attachment 1 Mid Year Review of Annual Budget for the 2009/10 Financial Year

PURPOSE

The purpose of this report is for Council to consider and adopt the Mid Year Review of the Annual Budget for the 2009/10 financial year.

EXECUTIVE SUMMARY

The review of the 2009/10 annual budget has identified an overall budget surplus of $256k compared to an original budget surplus of $93k. The major areas of variation are:

- **Operations,** after adjustments for non-cash movements, the surplus from operations will be $1,658k less than budget. This is attributable mainly to reduced revenues in grants and subsidies $697k, contributions $136k, fees and charges $672k and increased expenses for employee costs $604k and materials and contracts $1,395k. This is offset by increased revenue from rates $380k and investment earnings $1,527k.

- **Capital Revenue** from grants and contributions will be $995k less than budget. The main contributors to this are the net effect of part of the Seacrest Community Facility grant which was received last year instead of this year $1,304k and the Ocean Reef Development contribution that will not be received $375k, offset by additional grants for roads and paths $635k. Other minor variations make up the balance.

- **Capital Expenditure** has reduced overall by $300k. Increases in Capital Projects and Capital Works $276k are offset by reduced Motor Vehicle Replacements and reduced Loan Principal Repayments $576k.

- **Surplus Carried Forward** was $1,004k greater than budgeted due principally to the 2009/10 1st quarter Local Government Assistance grant that was received in 2008/09 $720k.

- **Loans** has increased by $1,000k due to the initial loan for the Craigie Leisure Centre 50m pool, intended to be borrowed in 2008/09, being deferred until 2009/10 to enable a single loan borrowing rather than two loans.

- **Reserve Transfers** has increased by a net $651k due to a higher carried forward amount from 2008/09 being transferred from reserve offset by a higher transfer to reserve as a result of increased interest earnings on invested reserve funds.

A further issue identified in the 2009/10 Budget Mid Year Review is the significant increase in use of credit cards to pay City of Joondalup accounts and the consequent rising cost of merchant fees associated with such transactions. It is proposed that the City should consider implementing cost recovery of merchant fees commencing in the 2010/11 financial year.

It is recommended that Council:

1 BY AN ABSOLUTE MAJORITY APPROVES the Mid Year Review of the budget for the 2009/10 financial year;

2 In accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2009/10 annual budget review and determination to the Department of Local Government;

3 BY AN ABSOLUTE MAJORITY APPROVES the increase in proposed loan borrowings for the Craigie Leisure Centre 50m Pool Project from $4,600,000 as provided in the adopted 2009/10 Budget to $5,800,000 as a result of no borrowings taking place in 2008/09 as originally intended and that all loan borrowings are to take place in 2009/10.

4 BY AN ABSOLUTE MAJORITY APPROVES the transfer of an additional $400,000 from the Domestic Cart Refuse Collection Reserve to enable the City of Joondalup's contribution to the upgrade of the Materials Recovery Facility as a result of the upgrade not taking place in 2008/09 as originally intended.

5 APPROVES the change in the payment limit on credit card transactions from $5,000 per transaction to $5,000 per card per year with the new limit to commence from the 1 July 2010.

BACKGROUND

Under Regulation 33A of the Local Government (Financial Management) Regulations 1996 the City is required to conduct a review of its approved annual budget after considering the changes in its operating environment since the beginning of the financial year with a view to forecasting the financial impacts likely to arise for the remainder of the year.

DETAILS

The notes in attachment 1 set out in detail the variations between the original adopted budget and the reviewed budget and provide explanations for those variations.

Issues and options considered:

The budget review has comprised:

- A review of the adopted budget and an assessment of actual projected results against that budget, and
- Consideration of any issues not provided for in the adopted budget that may need to be considered.

The review of the adopted budget has taken into account what has transpired over the first nine months of the year, the likely operating environment over the remaining three months under the prevailing economic conditions and the most likely impact on the City's financial position.

It is normal in a budget review to give consideration to issues not included in the original budget where it appears there is financial capacity to accommodate them. The focus in this review has been on ensuring there is operational capacity to deliver the services and budget programs as set out in the adopted 2009/10 Budget and to accommodate events and Council decisions that have arisen since budget adoption.

The adopted 2009/10 Budget was set in challenging circumstances and was based very much on a 'bare bones' approach with little room to accommodate the unexpected. Some areas have been more challenging than others.

Employee Costs

The adopted 2009/10 Budget for employee costs was particularly tight. 12 positions that were vacant were frozen and not filled. Casual staff positions and the provision for backfilling of positions during annual leave and sick leave were severely pruned. There was also an expectation for the level of saving that would be achieved based on staff turnover and the gap that invariably exists between an officer leaving and a new appointment commencing.

These targets have not all been able to be achieved. The need to maintain the delivery of services and the budget program has meant that some additional resources have been required. Staff turnover has been dramatically less than expected with few savings. There has also been higher than expected growth in the value of accumulated leave entitlements.

The result of these factors is an anticipated additional $604k or an increase of 1.45% in employee costs for the financial year.

Building Asset Management

In the development of the adopted 2009/10 Budget the City sought to cut as much expenditure as it could to achieve the budget parameters. Subsequently it has been identified in the building asset management area that there have been significant cuts that should not have been made and are not sustainable. These cuts mainly relate to contract expenditure. They are for services that are essential to the continued use of the City's buildings and facilities including air-conditioning, fire equipment, alarm systems, mechanical and hydraulic services as well as reactive maintenance for vandalism and unexpected equipment failures.

The adopted budget is $773k however it should have been closer to $1,373k. The 2008/09 budget for these services was $1,337k. A net additional $600k is required to undertake these for the financial year.

The City spends on average $1.3 million per annum on the engagement of contract cleaners, plumbers, electricians, painters, building materials for repairs and replacement fittings over its 159 buildings. These works can be categorised as follows:

Scheduled Maintenance:

The City has in place Maintenance Contracts for Building Services relating to Air-Conditioning, Lift Maintenance, Fire Equipment Servicing, Sanitary and Cleaning Services, Security etc.

Planned Maintenance

Planned works on buildings of a minor nature such as re-painting programmes, pest control, gutter cleaning, electrical and plumbing services, flooring and carpentry etc.

Reactive Maintenance

Unplanned maintenance for occurrences such as vandalism to buildings, failures of equipment such as Air-Conditioning or Hot Water Systems etc, Occupational Health and Safety issues and any unforeseen circumstances.

Although the expenditure on maintenance is made up of more than thirty categories four of those account for 75% of the expenditure:

	Mid Year Revised Estimate
• Air-conditioning	$ 165,320
• Cleaning	$ 370,000
• Electrical	$ 167,600
• Plumbing	$ 336,700
	$1,039,620

The adopted budget for scheduled, planned and reactive maintenance was $423k and the revised budget is $1,238k. To partly offset this increase the budget for requests from Facility Managers or user groups that support the operational nature of the building have been reduced from the adopted budget of $350k to $135k. The overall net increase is $600k. Actual expenditure to end of February 2010 was $1,024k.

Expenditure has only been authorised if the City has a contractual arrangement in place or where a building service such as air-conditioning, security, plumbing, electrical, safety considerations or vandalism has necessitated the expense.

Materials & Contracts – Various External Contract Services

The Mid Year Budget Review includes increases in External Contract Services of $379k. The increases are substantially made up of:

Street Cleaning - $100k
The adopted budget of $238k contains an error and the budget should have been $338k. Year to date expenditure to February is $234k.

Vandalised Play Equipment - $30k
The play equipment is in Bonnie Doon Park and has been destroyed. There has been no expenditure on it pending the outcome of the review. There is currently no provision in 2010/11 for these works and adding it would require another project to be deleted to maintain the same level of expenditure. The park would be without play equipment in the meantime.

Corroded Floodlighting - $40k
The lights are at Warrandyte and Admiral Parks ($20k each). While still currently operable the corrosion is in an advanced state and the lighting poles need to come down as soon as possible. There has been no expenditure on these pending the outcome of the review. The poles could be taken down now but not replaced until 2010/11 however that would leave no floodlighting at these facilities and this would have a significant impact on the sporting clubs that use these facilities.

Jetty at Neil Hawkins - $30k
The jetty is in a dangerous state and has been barricaded off. There has been no expenditure on it pending the outcome of the review. There is currently no provision in 2010/11 for these works and adding it would require another project to be deleted to maintain the same level of expenditure.

Pumps - $22k
This represents additional expenditure over and above the normal pump replacement program. The pumps at Quarry Ramble and Christchurch Parks unexpectedly failed and needed to be replaced urgently to maintain the watering regime over summer.

Drainage Maintenance - $100k
The adopted drainage maintenance budget is $352k. This covers a variety of activities including gully educting, sumps, pipes, fences, pumps and traps, cleaning and waste disposal. There is a need for additional sump maintenance and cleaning before winter. Drainage maintenance is a seasonal activity with most expenditure occurring in April to June. Year to date expenditure to February is $187k.

Legal Fees

An additional $251k has been provided to continue with litigation that the City is currently dealing with. Although the matter will now continue into the 2010/11 financial year a successful outcome for the City may result in a recoup of legal expenses at that time subject to court taxation of costs.

Materials Recovery Facility

Refuse Services have increased $675,832 due largely to issues with the Materials Recovery Facility. The City has been invoiced $280,832 by the operator, the City of Wanneroo, to correct previous years invoice errors. The errors arise from the incorrect calculation of costs attributable to the Materials Recovery Facility and the new calculations have been audited. Downtime has also been an issue at the facility and approximately $154,000 of the increase is attributable to the need to transport recyclable material to a third party facility. Provision has been included to cover expected additional costs to the end of the financial year.

Investment Earnings

Investment earnings are up by $1,527k. There are a couple of contributing factors including a greater volume of funds available for investment. The other unexpected consequence of the financial environment has been the switch in focus by domestic banks from sourcing funds in overseas wholesale markets to sourcing them from local deposit taking. As a consequence interest rates for investment funds have become quite competitive and above budget expectations over the last few months although there are signs that this is easing.

It should be noted however that $754k of these additional earnings are from reserve funds and will be transferred to those reserves.

Proposed Carry Forward Projects and Works to 2010/11

There will be a number of projects that will not be completed by 30 June 2010 and for which funds will need to be carried forward to 2010/11. Whether a project is able to be completed or whether funds will need to be transferred to the Carried Forward Reserve will not alter the final projected financial position for Mid Year Review purposes.

At this stage the estimated carry forward for Capital Works is $4,013k. In addition the City has received grant funds for Regional and Local Community Infrastructure Program (RCLIP) projects for McDonald Reserve, Seacrest Park and Forrest Park that will also require a carry forward of $1,001k. The total estimated carry forward to 2010/11 is $5,014k.

A further issue that has been highlighted in the Mid Year Review, that potentially will be a growing problem in future if not addressed, is the fees associated with people using credit cards to make payments to the City. The City incurs transaction and merchant fees when credit cards are used.

The use of credit cards has been a feature of the payment options offered by the City of Joondalup for some time and the associated fees have traditionally been absorbed as a cost of providing that option. The continued drive by financial institutions to offer rewards and incentives for using their credit cards is starting to have a significant impact on the fees incurred by the City. A noticeable trend is not only the use of credit cards by individuals but also by corporate bodies. One such body paid an account in the current year to the City of more than $180k by credit card.

The Mid Year Review includes an increase for credit card fees of $49k for payments other than parking. This is a 39% increase on the original budget of $126k.

The City does currently impose a limit of $5,000 on credit card transactions but this is per transaction and a payee can make as many $5,000 transactions as they wish. Some Local Governments have introduced cost recovery of merchant fees as an additional charge to those who pay by credit card. A variation on the current limit used could be to extend the $5,000 limit to per credit card per year rather than per transaction.

Implementing credit card fee recovery may adversely impact on those who as a necessity need to use a credit card but are not paying excessive amounts by this means. It is proposed that the change to the limit arrangement be made.

There is no change proposed to the situation in 2009/10, any new arrangement would come into effect in 2010/11. The lead time required to put any changes in place necessitates that the matter be considered at this time rather than as part of the 2010/11 Budget process.

Legislation/Strategic Plan/Policy Implications

Legislation 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."

Strategic Plan
Key Focus Area: Leadership and Governance

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

1.3 To lead and manage the City effectively

Policy

Not Applicable.

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 $106k. Further financial details are set out in the attachment.

The Rate Setting Statement in attachment 1 includes year to date actuals to the end of February 2010. While the year to date surplus appears to be significant, the majority of the surplus is due to capital works and is driven by timing differences, not savings. In operations while both employee costs and materials and contracts are under spent on a year to date basis, again these are due to seasonal and timing differences.

Regional Significance:

Not Applicable.

Sustainability implications:

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

Consultation:

Extensive internal consultation with the Executive and all Business Units has been undertaken to prepare the revised budget.

COMMENT

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.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

1 BY AN ABSOLUTE MAJORITY, APPROVES the Mid Year Review of the budget for the 2009/10 financial year;

2 In accordance with Local Government (Financial Management) Regulation 33A PROVIDES a copy of the 2009/10 annual budget review and determination to the Department of Local Government;

3 BY AN ABSOLUTE MAJORITY, APPROVES the increase in proposed loan borrowings for the Craigie Leisure Centre 50m Pool Project from $4,600,000 as provided in the adopted 2009/10 Budget to $5,800,000 as a result of no borrowings taking place in 2008/09 as originally intended and that all loan borrowings are to take place in 2009/10;

4 BY AN ABSOLUTE MAJORITY, APPROVES the transfer of an additional $400,000 from the Domestic Cart Refuse Collection Reserve to enable the City of Joondalup's contribution to the upgrade of the Materials Recovery Facility as a result of the upgrade not taking place in 2008/09 as originally intended;

5 APPROVES the change in the payment limit on credit card transactions from $5,000 per transaction to $5,000 per card per year with the new limit to commence from 1 July 2010.

Appendix 12 refers

To access this attachment on electronic document, click here: Attach12agn200410.pdf

CJ067-04/10 CONFIDENTIAL REPORT – LEGAL MATTER

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

This Item is Confidential - Not for Publication

A full report will be provided to Elected Members under separate cover.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO 1 – MAYOR TROY PICKARD – PROPOSAL TO ESTABLISH A THIRD AUSTRALIAN FOOTBALL LEAGUE TEAM IN WESTERN AUSTRALIA

In accordance with Clause 26 of the Standing Orders Local Law 2005, Mayor Troy Pickard has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 20 April 2010:

"That Council ENDORSES the following position statement relating to the formation of a third Australian Football League team in Western Australia:

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

REASON FOR MOTION:

Mayor Pickard has submitted the following comments in support of his motion:

"Australian Football League (AFL) Chief Executive Andrew Demetriou was recently reported as indicating the possibility of a third Western Australian (WA) football team by 2030. WA Football Commission Chief Executive Wayne Bradshaw has acknowledged and concurred with Mr Demetriou's statement.

Whilst a third team is some way into the future, it is important that the Council establish the foundations for a potential future licence bid.

It is considered that the northern metropolitan region, and the City of Joondalup, is an ideal location for a third team licence for a number of reasons, though not limited to:

- The northern metropolitan region is expected to grow substantially over the next 25 to 30 years, further strengthening the position of Joondalup as a strategic city centre. The estimated population for the North-West Corridor is expected to rise from 294,000 to over 350,000 by 2021 and more than 415,000 by 2031.

- The required sporting infrastructure is already in place at Arena Joondalup. Located on the edge of the City Centre, Arena Joondalup offers a full range of sports and fitness activities and is already home to the West Perth Football Club.

- Joondalup is serviced by the Mitchell Freeway and the Joondalup light passenger rail line which provides high volume transport connections. In addition to the rail network, the Northern Suburbs Rapid Transit System includes various integrated bus routes.

- The southern metropolitan area (ie Fremantle region) currently has a football team located within the region. As such, it would be logical to locate any additional team within the northern metropolitan area where a potentially larger support base lies, rather than another in the southern region.

It is proposed that the Council adopts a position statement to demonstrate its willingness to fully support any bid for a third licence within WA, and to allow the City to lobby its position where considered appropriate."

OFFICER'S COMMENT

The recommendation is supported.

NOTICE OF MOTION NO 2 – MAYOR TROY PICKARD – 2010 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT – CALL FOR MOTIONS

In accordance with Clause 26 of the Standing Orders Local Law 2005, Mayor Troy Pickard has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 20 April 2010:

"That Council SUBMITS the following motion for inclusion in the 2010 National General Assembly of Local Government Business Papers, under the theme of 'Population':

That this National General Assembly calls upon the Australian Government to establish a comprehensive framework that will assist local governments plan for sustainable development, inclusive of necessary social infrastructure and services, to meet community needs, as a result of changes in population predicted by the Australian Government's Australia to 2050 Future Challenges."

REASON FOR MOTION:

Mayor Pickard has submitted the following comments in support of his motion:

"Local governments are encouraged to submit motions for the 2010 National General Assembly (NGA), to be held in Canberra from 14 to 17 June 2010.

The Australian Local Government Association ALGA has identified three themes under which motions should be submitted. These address key priority areas for the Australian Government to develop policy under and are areas which complement and build on existing ALGA and local government positions. The themes for motions in 2010 are:

- Population;
- Productivity;
- Participation.

To be eligible for inclusion in the National General Assembly Business Papers motions must:

1 fall under one of the themes – population, productivity, participation;
2 be relevant to the work of local government nationally;
3 complement or build on the policy objectives of state or territory association; and
4 have the endorsement of either full Council and/or the Mayor/Chairman, where appropriate powers are delegated.

Motions must be received by 5pm Friday 30 April 2010.

Motions that are carried by the National General Assembly become resolutions. These resolutions are then considered by the ALGA Board when setting national local government policy and will also feed into the Australian Council of Local Government processes.

It is proposed that the Council submit a motion under the theme of 'Population' given the release in January 2010 of the Australian Government's *Australia to 2050 Future Challenges.* The report is the third in a series of Intergenerational Reports which have been prepared by the Australian

Treasury to provide a comprehensive analysis of the challenges that Australia will face over the next forty years.

The ALGA's Discussion Paper Population, Participation and Productivity - refer to: http://nga.alga.asn.au/event/2010/publications/discussionpaper.pdf

The *Intergenerational Report 2010* (IGR3) shows that demographic and other factors will pose substantial challenges for economic growth and long-term fiscal sustainability (for the Australian Government). Some key projections included in IGR3 are:

- the population will increase from the current 22 million to 35.9 million in 2050;
- it is expected that the number of older people (65 to 84 years) will more than double and the numbers of people over 85 years will more than quadruple over the next 40 years;
- the number of traditional working aged people to support each retiree is expected to fall from 5 people to 2.7 people by 2050;
- the annual growth of real GDP per person is expected to slow to 1.5 per cent by 2050, compared to an average of 1.9 per cent for the previous 40 years;
- substantial fiscal pressures will emerge due to projected increases in spending, particularly in the areas of health, age pensions and aged care.

Whilst a larger population can provide social and economic opportunities, there is also a cumulative effect on the needs of the community and continued sustainable development, including requirements for the necessary social infrastructure and services, sustainable planning and development, accessible transport links, opportunities for economic development, and enhanced citizenry and community development.

It is proposed that the National General Assembly call upon the Australian Government to establish a framework that will assist local governments adequately plan for the future given the predicted changes in population expected by 2050. Federal government has a responsibility to assist state and local governments in ensuring that impacts on local communities are dealt with accordingly and ensure that societal needs are satisfactorily met."

OFFICER'S COMMENT

The recommendation is supported.

13 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

14 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* ** Delete where not applicable*
Extent of Interest	
Signature	
Date	

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

> *"A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:*
>
> *(a) in a written notice given to the CEO before the meeting; or*
>
> *(b) at the meeting immediately before the matter is discussed.*

QUESTION TO BE ASKED AT BRIEFING SESSION/COUNCIL MEETING

TITLE *(Mr/Mrs/Ms/Dr)*	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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

STATEMENT TO BE MADE AT BRIEFING SESSION/COUNCIL MEETING

TITLE *(Mr/Mrs/Ms/Dr)*	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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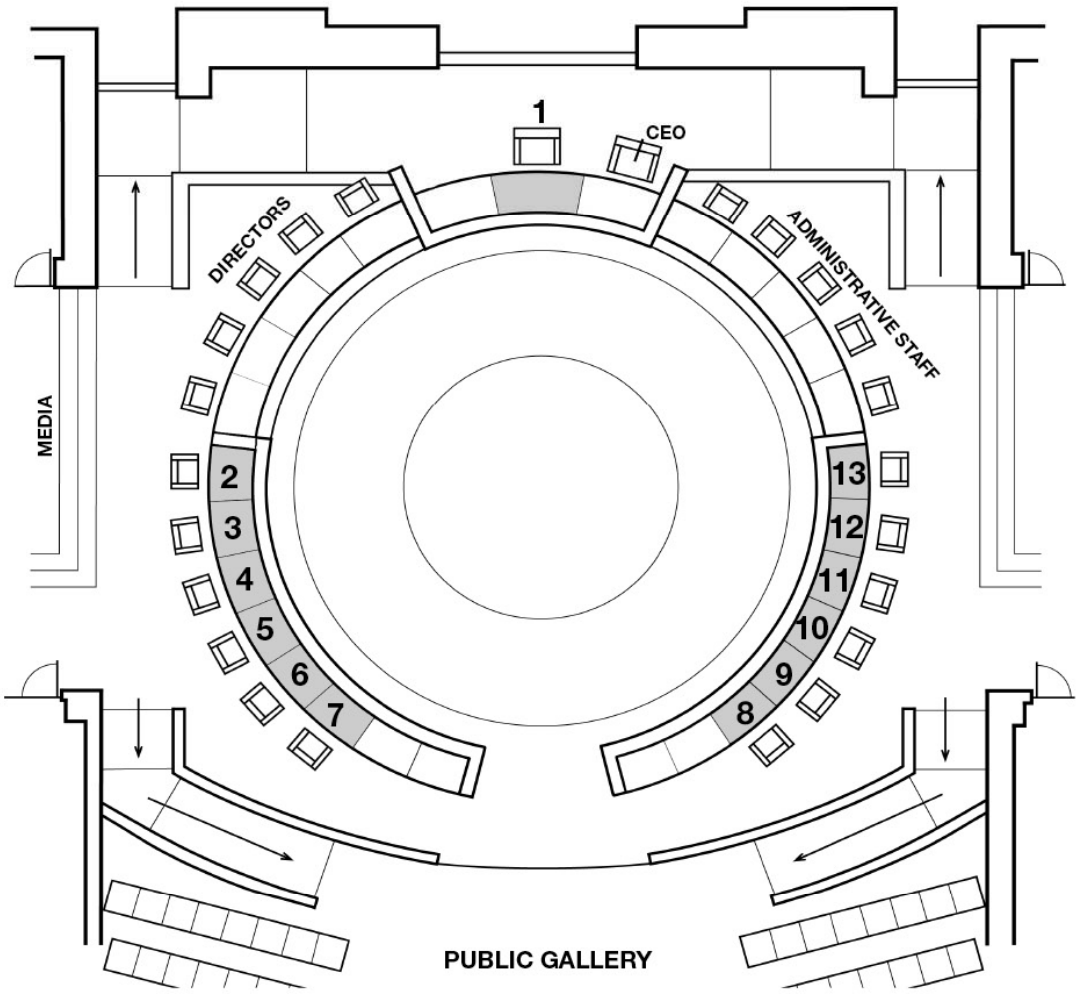
Please submit this form at the meeting or:

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

Please note that:

- 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

Council Chamber – **Seating Diagram**



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/13)

North Ward

2 Cr Kerry Hollywood (Term expires 10/13)
3 Cr Tom McLean (Term expires 10/11)

North-Central Ward

4 Cr Philippa Taylor (Term expires 10/13)
5 Cr Trona Young (Term expires10/11)

Central Ward

6 Cr Liam Gobbert (Term expires 10/13)
7 Cr Geoff Amphlett (Term expires10/11)

South-West Ward

8 Cr Christine Hamilton-Prime (Term expires 10/13)
9 Cr Mike Norman (Term expires 10/11)

South-East Ward

10 Cr John Chester (Term expires 10/13)
11 Cr Brian Corr (Term expires 10/11)

South Ward

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

City of Joondalup Boas Avenue Joondalup WA 6027 PO Box 21 Joondalup WA 6919 T: 9400 4000 F: 9300 1383 **www.joondalup.wa.gov.au**