



**MINUTES OF COUNCIL MEETING
HELD ON 4 APRIL 2006**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 4 APRIL 2006

DECLARATION OF OPENING

The Chairman declared the meeting open at 1905 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

CMR J PATERSON - Chairman
CMR P CLOUGH - Deputy Chairman
CMR M ANDERSON
CMR S SMITH *Absent from 2013 hrs to 2014 hrs*
CMR A FOX *from 1917 hrs*

Officers:

| | | |
|--|-------------|---|
| Chief Executive Officer | G HUNT | <i>Absent from 2040 hrs to 2044 hrs</i> |
| Director, Planning and Community Development: | C HIGHAM | |
| Director, Corporate Services: | P SCHNEIDER | |
| Director, Infrastructure Services: | D DJULBIC | |
| Director, Governance & Strategy: | I COWIE | |
| Manager, Marketing Communications & Council Support: | M SMITH | |
| Manager Approvals, Planning Environmental Services | C TERELINCK | |
| Media Advisor: | L BRENNAN | |
| Committee Clerk: | J HARRISON | |
| Minute Clerk: | L TAYLOR | |

There were 25 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 14 March 2006:

Mr S Kobelke, Sorrento:

Re: Item CJ035-03/06 – Financial Activities Statement for the period ending 31 January 2006, Appendix 3.

Q1(a) *Has the overspend in item (f) of \$114,000 been saved from Item (j) where several minor projects have been underspent by \$189,000?*

A1(a) The overspend in item (f) of \$114,000 (Ocean Reef Road/Lighting) will be funded by savings from projects within the Council's portion of the Major Roads Programme, such as Item (i) Joondalup Drive, and not from Item (j) where several minor projects have been underspent by \$189,000.

Q1(b) *If so, was one of the minor projects the traffic calming strategy for the Sorrento area that has not been started?*

A1(b) Refer to response A1(a).

Dr V Cusack, Kingsley:

Q1 *I refer you to question 3 of my questions tonight where it says in the summary that if there is a conflict between the District Planning Scheme and the Structure Plan, the District Planning Scheme prevails.*

A1 The answer given to Question 3 (Council Meeting, 14 March 2006) is confirmed in that, it is not believed that there are any conflicting provisions between the Woodlake Retreat Structure Plan No 3 and the City's DPS2.

Mr S Magyar, Heathridge:

Re: Page 13 of Attachments – Payments made by the City to various organisations

Q1 *Electronic Funds Transfer of \$65,000 to Turf Masters Facility Management. How much does the City annually pay to Turf Masters Facility Management and how does the City ensure that it gets value for money out of this organisation?*

A1 Total work expenditure for 2004/05 Budget period was \$492,214.77. It is a requirement of the contract that the work is undertaken in accordance with the contract specifications, and the City monitors this contract to ensure compliance.

Q2 *Electronic Funds Transfer of \$8,000 to Watts Woodhouse. Is any of this money going to Watts Woodhouse for advice that they gave during the process of formulating the new standing orders?*

A2 Yes. A portion of the electronic funds transfer of \$8,000 to Watts Woodhouse related to advice on the Standing Orders Local Law review.

The following questions were submitted in writing prior to the Council meeting on 4 April 2006

Ms C Mackintosh, Kallaroo:

PREAMBLE STATEMENT TO COUNCIL

I am writing to you in relation to the article that appeared in the Joondalup Community News on 18 March 2006 "Ratepayers to cover Mayor's legal fees".

Ratepayers and Electors, view the payment to Donald Stanley Carlos, a disgraceful inappropriate and ill-founded decision. Since when have a Local Government Authority had the authority to use ratepayers money to bankroll the personal debts of a former elected or appointed member?

The Commissioners, upon thorough examination of the facts, would find that the Writ taken out by former CEO Denis Smith was served on Mr Donald Stanley Carlos, in Mr Carlos' private capacity NOT in his capacity as Mayor.

They would also find, that in 2002, when I (as former elected member) invited debate (via Notice of Motion) into issue of Councillors obtaining funding in relation to defamation attacks on them by members of the public; the Motion was defeated unanimously. The idea was heavily criticised in the press and in particular by Cr Carlos, Walker and their known supporters (the names of who you are very well aware).

Commissioner Anderson (in the article) clarifies the position that the payout refers to the defamation case and not the Inquiry. This only serves to ask another question, as I understand a comment was made, that the Council would hope to recoup the funds from the City's Insurers.

During the Inquiry, MIBS Insurers met the legal fees of Councillors and staff member who made application to them. The legal fees were met on the proviso that no adverse findings were made against the claimants. Why, one asks, did Mayor Carlos (as indeed did most of his minority "faction" in Crs Walker, Hart and Caiacob) not pursue this avenue, which was available to him?

I understand that amounts of \$5000 "plus" were paid to now dismissed former Crs Walker, Hart and Caiacob by the City for their legal fees, although no legal representative appeared on their behalf during the whole lengthy Inquiry, apart from Mr Heaver-Wren entering appearance for them on the Directions day held in Joondalup Council Chambers in July 2004.

All the above begs the following series of questions, which I would appreciate being voiced and answered at your next meeting of Council.

Q1 Why have Commissioners, using City of Joondalup ratepayers funds agreed to bankroll "the personal legal fees" of Mr Donald Stanley Carlos of Ocean Reef?

A1 The decision of the Council of 14 March 2006 was reimbursement of legal fees to Mr Carlos in defending a Writ served by the former CEO.

Q2 *Initial amounts of \$5,000 (and later additional amounts) were paid by the City to Crs Walker, Hart and Caiacob for legal representation, during the City of Joondalup Inquiry. It was stated frequently at the Inquiry, that these Councillors were representing themselves and were permitted therefore, to question the witnesses. No legal representation was named or was present at the Inquiry for these three Councillors, apart from the Directions sessions. Therefore, to which law firm was this money paid?*

A2 Amounts were considered by the Council in accordance with the policy upon application from former members. The following law firms were paid:

Glenn Barristers & Solicitors
Phillips Fox

Q3 *Were invoices received from legal practitioners acting for these three Councillors?*

A3 Yes.

Q4 *What legal services were provided?*

A4 Various legal advices were provided relation to witness preparation.

Q5 *Why did these three Councillors not avail themselves of the City of Joondalup Insurers (MIBS) for legal funding, rather than using ratepayer's funds?*

A5 Persons involved with seeking legal assistance relating to the Joondalup Inquiry had three (3) options:

- Council assisted, via Policy 2.2.8
- Availing assistance through insurance
- Meeting the costs personally

This was an individual decision.

In relation to an article in the Community News on 15 December 2005 "MPA to wear bill of \$10,000" where the Commissioners have determined they will reduce the debt to the Commissioners at ratepayers expense!!), I ask the following questions:

Q6 *What method do the Commissioners intend to use to recoup these funds?*

A6 The CEO is actioning the matter in accordance with the Council decision.

Q7 *Has a judgement of debt from the Joondalup Court been issued in respect of each of the members of the Mullaloo Progress Association and how many members are there?*

A7 No. The Mullaloo Progress Association is a separate incorporated body and operates independently to the City.

Q8 *Will the debt (which is reported as being intended to be collected over a period of five years) be attached to the rate notices of these said members or be covered by a caveat on their properties?*

A8 No.

Q9 *Given to understand that there may be presently only 20 active members in the year the court action (writ) was taken, has the Membership Register, required pursuant to the Association Incorporation Act 1987, been delivered to the City as part of the settlement?*

A9 No.

Q10 *Will the debt be restricted only to those members or will the City of Joondalup be collecting the debt from long-standing or dormant members or members who have joined since?*

A10 The action is against the Association.

Q11 *Finally, given the Commissioners “charitable actions” to Mr Carlos, former Councillors Hart, Walker and Caiacob and members of the Mullaloo Progress Association, will you recommend your “generous ways” to the incoming Council, that is to extend cash benefits to all members of the community who find themselves in financial difficulty? I trust your response to Question 11 will be in the negative.*

A11 No.

Mr R Privilege, Edgewater:

I refer to the forthcoming City of Joondalup Local Government Elections. I also refer to the merits of giving our newly elected Councillors and Mayor a clean slate and a new start for our City.

Q1 *Will the Commissioners resolve to conduct a forensic audit in respect of all of the expenses claimed by the former Councillors and Mayor (including child care and babysitting expenses and the Mayor’s ratepayer funded credit card)?*

A1 No. There is no proposal before the Council to consider such a request. The Council previously received monthly reports on expenses claimed per Council.

Q2 *If not, why not?*

A2 See response above.

I refer to the Commissioners’ half a million dollar payout to the former CEO.

Q3 *Will the Commissioners table the Deed of Settlement with the former CEO in the interests of open and accountable Local Government?*

A3 The Deed of Settlement was dealt with by the Joondalup Inquiry and may be included in the chronology of evidence.

The position of the City is that it still may be contractually bound by the confidentiality clause of the deed and will not table the document.

Q4 *If not, why not?*

A4 See response above.

Q5 *I refer to the McIntyre Report’s conclusion that the City was not obliged to pay the former CEO, the Commissioners’ half a million dollar payout.*

Q5(a) *Will the Commissioners now repay that sum to the City and its ratepayers?*

A5 (a) The conclusion drawn by the McIntyre Report was:

'The evidence available in June 2003 was, therefore, sufficient to ground a prima facie case of criminal fraud, an election by the City to rescind the contract of employment for misrepresentation and dismissal for gross misconduct.'

The report does not identify a conclusion that the City was not obliged to pay the former CEO a settlement.

Q5(b) *Will the Commissioners seek to recover that sum from the lawyers, who advised that the payment be made?*

A5(b) No.

Q5(c) *Which law firm advised that the payout be made?*

A5(c) Fiocco's Lawyers.

Q5(d) *Did the former CEO's Deed of Settlement with the City contain a mutual release clause and if so, has that clause affected the City's capacity to recover the Commissioner's payout from the former CEO?*

A5(d) Legal advice on this question would be required before a definitive answer can be given.

Q5(e) *If so, why was that release clause incorporated into the Deed?*

A5(e) See response to (d).

Q6 *I refer to the Commissioners resolution of Tuesday 14 March 2006 to pay dismissed Mayor Carlos legal fees incurred by him in defending the former CEO's defamation Writ and ask:*

Q6(a) *Are the Commissioners aware that their previous half a million settlement payment to Denis Smith also included a sum of money attributed to Mr Carlos alleged defamation of the former CEO?*

A6(a) The response to this and other portions of these questions are constrained by the provisions of the Deed of Release signed between the City and the former CEO Mr Denis Smith. The negotiated settlement between the City and the former CEO did contain an amount in respect to settlement of the legal proceedings and threatened defamation against the City, not an action against an individual elected member.

Q6(b) *Why did the City pay this particular component of the settlement payment rather than insist that Mr Carlos do so?*

A6(b) The negotiated settlement was an overall agreement between the City and the former CEO.

Q6(c) *Has the City taken any steps to recover this payment from Mr Carlos or to offset it against the legal fees claimed by Mr Carlos?*

A6(c) No.

Q6(d) *Prior to voting in support of the resolution, did the Commissioners seek legal advice regarding whether Mr Carlos' legal fees were recoverable under any of the City's insurance policies and if not, why not?*

A6(d) Prior to voting on the motion, legal advice was not obtained however the CEO did have preliminary discussions with the insurer. As a result, the resolution of the Council was as follows:

"That Council:

- 1 *APPROVES reimbursement of the amount of \$16,075.52 to Mr Don Carlos for costs incurred in defending the Defamation Writ initiated by Mr Denis Smith, a former Chief Executive Officer of the City of Joondalup;*
- 2 *REQUESTS the Chief Executive Officer to pursue recovery of the amount of \$11,075.52 under the City's Council and Officers Liability Policy."*

Q6(e) *Are the Commissioners aware of any specific exclusions in respect of any of the City's insurance policies, concerning claims for legal fees incurred in defending defamation actions?*

A6(e) No. The claim for payment has been submitted to the insurers for consideration.

Q6(f) *Are the Commissioners aware that when being cross-examined by Barrister Gail Archer of Francis Burt Barristers Chambers during the McIntyre Inquiry, Mr Carlos admitted that he had not previously told the truth to the Upper House (Legislation Council Inquiry) and McIntyre Inquiry into the City of Joondalup when he had previously stated on oath that during the interviews for the former CEO's position, he had asked each candidate questions concerning their tertiary qualifications?*

A6(f) The question does not relate to a matter affecting the City of Joondalup, but relates to the operations and proceedings of the McIntyre Inquiry.

Q6(g) *Will the Commissioners deduct from the amount claimed by Mr Carlos for his legal fees, the amount expended by him by his use of the ratepayer/Council funded Mayoral credit card in paying to fly dismissed Cr Sue Hart from Canberra to Perth, to enable her to attend at the last Council Meeting of the former Council?*

A6(g) No, but there was a credit for the original amount paid by the City for that air fare.

Q6(h) *Has the said sum been repaid by Mr Carlos?*

A6(h) No.

Q6(i) *What action, if any, have the Commissioners taken regarding Mr Carlos' self confessed false evidence (see above) to the Upper House Inquiry and the McIntyre Inquiry?*

A6(i) This is a matter that should be addressed to the Parliament and the McIntyre Inquiry.

Q6(j) *Will the Commissioners release to ratepayers an itemization of the legal fees/invoice claimed by Mr Carlos' lawyers?*

A6(j) These invoices have been referred to the City's insurers and are not able to be released to the public.

Q6(k) *Are the Commissioners aware that after the former CEO served his Writ upon Mr Carlos, Mr Carlos responded by publicly stating that any good lawyer worth his salt would have the Writ thrown out in five minutes?*

A6(k) No.

Q6(l) *How did Mr Carlos incur an excess of \$10,000 in defending a Writ that should have taken five minutes to “throw out”?*

A6(l) The City is not able to respond.

Q6(m) *Did the mover of the motion giving rise to the said resolution, Commissioner Clough, declare any financial or non-financial interest in the motion?*

A6(m) No.

Q6(n) *Did Commissioner Clough disclose any interest reasonably likely to affect his impartiality, namely Mr Carlos’ and Mr Clough’s active support for the election of failed Labour Candidate for Moore, Mr Kim Young at the last Federal Election?*

A6(n) This is not a question that relates to a matter affecting the City.

Q6(o) *Did any of the Commissioners discuss with Mr Carlos his claim for legal fees before the said resolution, if so when, where and what was discussed?*

A6(o) This question will need to be posed to the individual Commissioners for comment.

Q6(p) *Are the Commissioners aware of Mr McIntyre’s adverse finding against Mr Carlos that he should have resigned as Mayor?*

A6(p) The Council is aware of the contents of the McIntyre Report.

Q6(q) *Are the Commissioners aware that Mr Carlos gave false testimony at the McIntyre Inquiry where he swore an oath at the McIntyre Inquiry that he voted in support of former Cr Baker’s motion calling upon the Minister for Local Government to suspend the Council and conduct an inquiry?*

A6(q) This is a matter that should be directed to the McIntyre Inquiry.

Q6(r) *Have the Commissioners read the submission to the McIntyre Inquiry from the City’s lawyers Minter Ellison Lawyers, regarding Mr Carlos’ threats to a current staff member of the City of Joondalup?*

A6(r) This is a matter that relates to the McIntyre Inquiry. The Council is aware of the contents of the McIntyre Report.

Q6(s) *Why was the motion included in the agenda as a late item without due process?*

A6(s) The convening of the Council meeting held on 14 March 2006 was done so in accordance with the Local Government Act 1995 and the City’s Standing Orders Local Law 2005.

- Q6(t) *Why was the decision made to include it as a late item?*
- A6(t) The matter had been outstanding for some time and was requiring a resolution of the Council.
- Q6(u) *Had Mr Carlos been consulted on its inclusion as a late item?*
- A6(u) No.
- Q6(v) *Were the ratepayers of the City also consulted?*
- A6(v) No.
- Q7 *I refer to Mr McIntyre's adverse finding that it was inappropriate for dismissed Cr Sue Hart to have entered the former CEO's office, unannounced, with a TV camera crew.*
- A7 There is no question to respond to.
- Q8 *Do the Commissioners condone such conduct?*
- A8 This question does not relate to a matter affecting the City.
- Q9 *Are the Commissioners aware that as a direct result of dismissed Cr Hart's conduct, the City paid out a Worker's Compensation claim by the former CEO?*
- Q10 *How much was paid by the City and/or its insurers to the former CEO, as a result of Ms Hart's behaviour?*
- A9-10 With the termination of employment of the former CEO, the City did settle an outstanding workers compensation claim with the former CEO. The details of the claim cannot be released due to a confidentiality clause.
- Q11 *Has the City sought to recover the whole of any part of the said payout from Ms Hart?*
- A11 No.
- Q12 *Has she offered to pay for the whole or part of the said payout?*
- A12 No.
- Q13 *Given the adverse finding against her, will she be required to repay to the City the legal fees paid on her behalf to her lawyer?*
- A13 The payment of funds to assist members in legal representation relating to the McIntyre Inquiry was in accordance with Council policy.
- Q14 *Given the Corruption and Crime Commission and the Director of Public Prosecution's decisions not to charge the former CEO with fraud:*
- Q14(a) *Will the Commissioners acknowledge that any person, including each of them or the City, has standing to bring a private prosecution against the former CEO as a local government body or fraud?*

A14(a) Section 9.24 of the Local Government Act 1995 details who may commence prosecution, which states:

- (1) *A prosecution for an offence against this Act may be commenced by -*
 - (a) *the Departmental CEO or a person authorised by the Departmental CEO to do so;*
 - (b) *a person who is acting in the course of his or her duties as an employee of a local government or a regional local government; or*
 - (c) *a person who is authorised to do so by a local government or a regional local government.*

- (2) *A prosecution for an offence against a local law may be commenced by —*
 - (a) *a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or*
 - (b) *a person who is authorised to do so by the local government or regional local government that made the local law.*

Q14(b) *In the interests of justice and the ratepayers, will the City and/or the Commissioners institute such a prosecution?*

A14(b) The CEO is examining the options available.

Q14(c) *Will the Commissioners indemnify the ratepayers of our City for their decision to pay the former CEO over half a million dollars?*

A14(c) No.

Q14(d) *Are the Commissioners surprised by the CCC's/DPP's decision?*

A14(d) The Council acknowledges the right of independent law enforcement bodies to make decisions on matters.

Q15 *I refer to the difficulties being encountered by the Connolly Residents' Association Inc. in seeking to recover from several members of its former committee of management (including Mr David Davies), various documents including Minutes of its Committee of Management meetings, and bank statements. What assistance can the City provide to this important local Community group in that regard?*

A15 The Connolly Residents Association is a separate incorporated body and the City has no involvement with its management operations.

Q16 *I refer to the letter attached to this written question which:*

- (a) *is printed on the letterhead of the dismissed Mayor's office;*
- (b) *purports to be signed by the dismissed Mayor, Mr Carlos;*
- (c) *is countersigned by a Mr David Davies;*

- (d) *purports to authorise the payment to the Connolly Residents Association Inc. of a sum of money;*
- (e) *is dated 8 July 2003;*
- (f) *is addressed to an officer of Landcorp.*

I ask:

Q16(i) *Did the former Council of the City authorise Mr Carlos to sign the letter?*

A16(i) An initial search of the City's records has not revealed a Council decision.

Q16(ii) *What was the form of the said authority?*

A16(ii) See (i) above.

Q16(iii) *Why was it necessary for Mr Carlos to sign the letter?*

A16(iii) The City is unable to respond to the question.

Q16(iv) *Why did he do so and in what capacity?*

A16(iv) The City is unable to respond to the question.

Q16(v) *Who typed the letter?*

A16(v) The City is unable to respond to the question.

Q16(vi) *Was the money paid by Landcorp as the Carlos' directive?*

A16(vi) The question needs to be directed to LandCorp.

Q16(vii) *When was the money paid?*

A16(vii) See response to (vi).

Q16(viii) *How was it expended?*

A16(viii) The City is unable to respond to the question.

I refer to Mr McIntyre's finding that there were no party political factions on the former Council and to the merits of a non-political Council:

Q17 *Has any Commissioner recently participated in party political conduct in any recent State or Federal Election, including the distribution of How to Vote Cards;*

Q18 *If so, who did, who was the candidate and which party endorsed the candidate?*

Q19 *Is the Chairman of Commissioners aware of a recent editorial article in the Wanneroo Times claiming that the major political parties were putting up candidates for the Mayor's position in the forthcoming Council elections in Joondalup?*

Q20 *Is the Chairman aware of which political parties are supporting any of the candidates?*

A17-20 These are not questions that relate to the operations of the City of Joondalup. Any allegations of breaches of the electoral provisions should be directed to the Returning Officer.

Mrs A Hine, Wanneroo & Mr A Lloyd, Beldon:

In reference to our letter of 1 February 2006 to Community Newspapers that is repeated below. Could these questions be put and recorded for your full Council Meeting on 4 April 2006?

Q1 *In regards to the Denis Smith affair, as an interested outsider and an interested local ratepayer, could we ask the Commissioners of the City of Joondalup did they seek legal advice in regards to the payment of \$500,000 and all his legal expenses?*

A1 Yes.

Q2 *If so, did they seek more than one legal opinion?*

A2 Yes.

Q3 *If so, how did they come to the conclusion they should pay Mr Smith such a huge sum of money?*

A3 The Deed of Settlement with the former Chief Executive Officer was arrived at following legal advice.

Q4 *Why did they feel impelled to pay him considering, by what we understand, you did not get permission from your ratepayers?*

A4 The Deed of Settlement with the former Chief Executive Officer was carried out in order to manage any further possible costs to the City.

Considering Mr Smith had admitted that his CV was incorrect before a Parliamentary Committee, when he put the blame on his wife for incorrectly typing his CV prior to the McIntyre Inquiry, the Commissioners must have known about Mr Smith's false credentials and known that Mr Carlos and his four supporters were correct from the word go.

Q5 *Could we ask if Mr Carlos has been reimbursed for all his expenses incurred in his search for the truth?*

A5 The recent Council decision of 14 March 2006 reimbursed an amount of \$16,075.52, which was the costs claimed by Mr Carlos.

Q6 *We want to know the reason why the Commissioners could even consider paying \$500,000 to Mr Smith, a man who had lied to the public and Parliament and cost the ratepayers such a huge sum of money?*

A6 The Deed of Settlement was negotiated with the former Chief Executive Officer based on many contributing factors and in order to manage any further possible costs to the City.

Q7 *How was it that Don Carlos and his four supporters were able to make such clear decisions all through this debacle? Why then did the Commissioners not use such wise discretion as Mr Carlos and his supporters did?*

A7 The City is unable to respond to this question.

Q8 *The Commissioners should be held totally accountable for this money and repay it out of their own pocket for such an abuse of power. It was an insult to the fantastic ratepayers of Joondalup who were completely ignored throughout this whole episode.*

A8 The City is unable to response to this as it is a statement.

Mrs L McDougall, Kingsley:

Q1 *Can the Council please provide residents with an indication of the nature of progress on the Woodlake Retreat Aged Care Facility?*

A1 There have been extensive negotiations and discussions with both the applicants and the Government departments and agencies. The major issue to be resolved relates to access and traffic management to the site. A report will be presented to Council when all the relevant information is available.

Q2 *What was the outcome of the residents' representations in relation to concerns with the insufficient acid sulphate soils testing?*

A2 The Department of Environment has advised that it is satisfied with the Acid Sulphate Soil (ASS) Assessment Report prepared for the subject site. The Department has advised that if ASS is identified on site, then work should cease, further investigations be carried out and an Acid Sulphate Soil Management Plan (ASSMP) should be developed in accordance with relevant standards.

Q3 *Has any agreement been reached to extend the Woodlake Retreat road? If yes, what is the nature of that agreement and where will the road be located?*

Q4 *If an agreement on the road extension has been reached, will that agreement be formalised and will the extension be completed before operation of the aged care facility commences?*

A3-4 It is understood that the key State Government departments are generally supportive of the option to extend Woodlake Retreat.

Mr S Kobelke, Sorrento:

Q1 *Is the City of Joondalup responsible for the beach sand sweeping within the Hillarys Boat Harbour?*

A1 The removal of beach sand within the Hillarys Boat Harbour is the responsibility of the Department for Planning and Infrastructure.

Q2 *Can Council elaborate on why the beach sand sweeping has been stopped on Sorrento Beach?*

- A2 Beach cleaning operations continue to occur at Sorrento Beach at a reduced frequency to assist with sand drift control during windy conditions. Cleaning is only undertaken following an inspection to determine if it is essential. There was evidence that the previous twice weekly cycle was creating a soft fluffy sand surface, which drifted north with the southerly winds.
- Q3 *Can Council advise on the latest developments in the planned tavern and bridge across the Boat Harbour to the northern car park proposed by the Wylie Group?*
- A3 The proposed development was approved by the Western Australian Planning Commission on 27 July 2005. No further details have been received in regard to the timing of the construction.
- Q4 *Further to my question last month regarding the DPI marine division's announcement of upgrade expenditure of about \$4 million. Is it possible for Council to obtain this information from them? One would have thought that Council would want to know.*
- A4 The Chief Executive Officer will request an explanation of the proposed works and forward the Department's advice to Mr Kobelke.

By way of an update, no advice has been received about the nature of the upgrade other than that the money is to be used for improvements to the harbour. If those works require the planning approval of the Western Australian Planning Commission (WAPC), Council will receive a formal development application to consider, before forwarding its comments onto the WAPC.

Dr V Cusack, Kingsley:

- Q1 *I refer to the former report No TP71-02/95 to the Wanneroo Council and quote the recommendation from the Water Authority of Western Australia, which stated:*
- “for adequate flood protection, a minimum building floor level of RL29.00 metres AHD is advised.”*
- Considering that the 29.00 metres AHD is the “minimum” as specified by the responsible regulatory authority at that time, will the city of Joondalup do the right thing and prohibit any excavation below 30 metres AHD on the environmentally sensitive lot 550 Woodlake Retreat Kingsley?*
- Q2 *If not, why not?*
- Q3 *Does Council agree that such a sensible decision would virtually eliminate any risk of flooding, and equally importantly, virtually eliminate the expensive risk of generating acid sulphate soils?*
- A1-3 Documentation relating to the issue is stored off-site and needs to be sourced and assessed. These questions will therefore be taken on notice.

Mr M Sideris, Mullaloo:

I have been advised that the City of Joondalup withdrew its 'Order to Comply' objection against Tolman Holdings, Mullaloo Tavern, for its non compliance to approved building plans and did so with consent. Can you advise?

- Q1 *On what day did the City make the decision that it was going to withdraw from the SAT process?*

- Q2 *On what specific day did the City advise the Presiding Member of State Administrative Tribunal that it was withdrawing its objection?*
- Q3 *The specific day the Presiding Member agreed to this matter being withdrawn?*
- Q4 *On whose authority the City Officers acted to withdraw the formal Order to Comply?*
- Q5 *When was this authority to withdraw this matter brought before Council, and the Commissioners give such consent to this action being taken?*
- Q6 *How the withdrawal of the Order to Comply ensured that the matters raised by local residents before the Presiding SAT Member were satisfied, as this was the primary reason for not allowing members of the public to be adjointed to the process?*
- A1-6 The City did not withdraw the action made under section 401 of the Local Government (Miscellaneous Provisions) Act 1960. The matter was considered by the State Administrative Tribunal (SAT) and the appellant's request for appeal was upheld on 20 October 2005.
- Q7 *What action is now being pursued by the City to ensure that this non complying building meets all the requirements of its Development Approval; meets its Building Licence plans as submitted at the time the Licence was issued; and meets the other lawful conditions imposed by this Council?*
- A7 Legal advice is in the process of being obtained to finalise actions in respect to this matter.

Mr D Biron, Mullaloo:

Noise Policy from the AGM - Motion No 10 - Implementation of Noise Policy re: answers to questions 21 February 2006 and previous Council meeting.

MOVED Mr K Zakrevsky, 49 Korella Street, Mullaloo SECONDED Mr M Sideris, 12 Page Drive, Mullaloo that a Noise Policy is long overdue and should be implemented as quickly as possible.

The Motion was Put and CARRIED.

Officer's Comment

The control of noise is governed by the Environmental protection Noise Regulations 1997, which provide clear methods for noise assessment and control, providing certainty to industry and the community as to what standard is expected. This clear guidance makes for effective enforcement where noise emissions are excessive. As such it is considered that a "noise policy" is not required.

While the officers of the COJ state in this report to Council that a Noise policy is not required it is clear from numerous COJ documents that the officers of the COJ routinely do not follow the *Environmental Protection Noise Regulations 1997* in a large number of critical ways. Rather the Officers of the COJ prefer to adopt and follow their own separate noise policies, which they employ in a very individual manner whenever they so choose. These policies are clearly documented in individual ratepayer correspondence and bear little relation to the clear methods for noise assessment and control as specified in the *Environmental Protection Noise Regulations 1997*.

In the answer to my Q1 presented to Council on the 21 February, the COJ presented no answer to the question. Instead they only quoted the relevant section of the relevant Act in order to conceal the secret noise policies as practised by the City of Joondalup. They also ignored the differing content of COJ letters to me as quoted and supplied in the same set of questions.

At the last meeting of Council the COJ in order to avoid yet again making a proper reply to this question used the idea that it was never the intention of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations to measure any noise from voices that were reasonable. I agree with this, however that was not the question lodged.

The Environmental Protection Act 1986 and the Environmental Protection Act set out clear limits on the levels of noise allowed to be made in residential areas at certain times of day. The City of Joondalup, however, refuses to measure the noise from voices that exceed these legally prescribed levels as made clear by Chris Terelinck. This is not reasonable noise, as it exceeds the set limits: as it exceeds the set limits the voices are of an unreasonable nature. It is a secret, unlawful, and unreasonable policy of the officers of the City of Joondalup.

Accordingly I repeat question 1 again:

Q1 Where in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations does it state or infer that only noise from a stereo, radio or other equipment can be controlled under the Environmental Protection Act 1986 since this is the clearly documented position of the City of Joondalup?

To help the City of Joondalup out with their answer this time I again provide some of Chris Terelinck's comments on the ways in which the City of Joondalup noise policy is operated.

'Furthermore we also advised that the City has not and does not intend to measure noise from voices although technically again, no exemption for this noise exists in the Regulations'. Chris Terelinck

A1 The Act does not preclude the extent of noise controls.

Environmental Health Officers, with appropriate training are authorised for the purposes of enforcing the Regulations within their community and such accreditation requires frequent dialogue with the Department of Environment about the Noise Regulations.

The intent in prescribing statewide noise regulations is to control noise from equipment, and these regulations are not intended as the ultimate solution for dealing with all noise issues. The Act is not intended to control the normal and reasonable behavioral activity of people enjoying the use of their own property (i.e. talking, children playing, family gatherings etc). For this reason, noise from voices or noise considered to be normal for residential type activities are not measured.

Q2 With regards to my previous questions on the City's Noise Policy, and the answers previously given to questions over the last 2 Council meetings, can you now advise me of the specific section of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations which enables this City to not ensure compliance with the prescribed Noise Level Limits?

- Q3 *With regards to my previous questions on the City's Noise Policy, and the answers previously given to questions over the last 2 Council meetings, can you now advise me of the specific section of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations which advise how recorded levels of nuisance noise in excess of the prescribed limits set out in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations emanating from any noise source can be modified, altered, or subsequently adjusted by the City or any agent of the City, to reduce those recorded levels of noise by removing all the noise from voices.*
- Q4 *With regards to my previous questions on the City's Noise Policy, and the answers previously given to questions over the last 2 Council meetings, can you now advise me of the specific section of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations which advise how recorded levels of nuisance noise in excess of the prescribed limits set out in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations containing noise from voices can be modified, altered, or subsequently adjusted by the City or any agent of the City, to reduce those recorded levels of noise by removing all the noise from voices, on the basis that the level of the voices contained in such recordings are reasonable despite the recording levels exceeding the prescribed levels set out by law, making them obviously unreasonable?*
- A2-4 Due to the extensive nature and complexity of the questions and the amount of staff resources required to respond, these questions will be taken on notice.

Mrs S Hart, Greenwood:

- Q1 *What is the figure in total that the City spent on advertising the Joondalup festival? Please break down that total into separate advertising areas ie Liftout in the West Australian, the liftout the City distributed, radio, television, other etc.*
- A1 The City spent approximately \$26,000 on advertising the Joondalup Festival. This expenditure was distributed between the Community newspapers, radio stations and Express magazine. In addition to the \$26,000 an amount of \$10,000 was contributed by the festival budget for the specific festival content included in the West Australian lift out.
- The City secured a large amount of free press through various publications and press articles.
- Q2 *Where can I find these expenses in the Warrant of Payments?*
- A2 The aforementioned companies' names would be identifiable in the warrant of payments.
- Q3 *The City had partnerships in the advertising material for the Joondalup Festival, who were they and what was their contribution to the advertising cost? Did partners with the City contribute anything towards the Festival?*
- A3 The City had a number of partners and sponsors that contributed either financially or in-kind to the staging of the 2006 festival.

The City was fortunate enough to have as sponsors:

Lotterywest
Healthway
Joondalup Learning Precinct
The Good Guys – Joondalup
Community Newspaper Group
The West Australian
Arena Joondalup
ECU
Water Corporation
Joondalup Resort

Q5 *I would assume that the City worked to a budget for the Festival.*

A5 Yes, a budget was set for the 2006 Joondalup Festival.

Q6 *Can the City please publish the budget for the Festival, including the budget amount and actual amount spent?*

A6 The total budgeted amount for expenditure on the festival was \$274,752 with a budgeted revenue of \$112,500.

At this time it is not possible to provide details on actual figures as there remain a number of outstanding amounts.

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Ms M Macdonald, Mullaloo:

Q1 *In the Sunday Times on 2 April 2006 it is stated that Mr Bombak made the following statement:*

“Mr Smith uncovered alleged criminal activity, he got rid of the cronyism, he got rid of jobs for the boys and the fear that existed in the Administration.”

Is the City aware of any criminal activity uncovered by Mr Smith and if so, what criminal activity?

A1 No documentation has been identified to the City that suggests that there was any criminal or corrupt activity other than what appeared in the McIntyre Inquiry.

Q2 *Given that statement, will the City inquire further?*

A2 No.

Mr M Caiacob, Mullaloo:

Q1 *Re: CSIRO Structure Plan – I refer the Commissioners to Table 1 of the DPS2 and the answer to my question at the Briefing Session. Land use class of Residential as stated in the answer to my question does not exist, so why is it in the structure plan at the officer’s request when it should be labelled Single Residential as listed in Table 1? This is the intended land use in the new urban development zone, which is soon to become a residential zone?*

A1 There is a term for “residential” as a zoning, but not “residential” as a used class, as Mr Caiacob correctly raised at the Briefing Session. In response to this particular issue, that structure plan is a draft that is intended to go out for public consultation. An issue like that would come up through the submission period. In the interim as the City has had early advice, the structure plan has been amended, so there is no opportunity for confusion in that regard.

Q2 *Re: Mullaloo Tavern Carparking – I forwarded to the Commissioners last night a photograph of the signage in the Tavern basement stating “small cars”. Council’s lawful order CJ204-08/02 was for the car bays to be 5.4 metres long and 2.5 metres wide and end bays to be 2.8 metres wide. I do not believe that these small car bays comply with the dimensions approved by Council and I would like to know:*

(i) *How approval has been given that does not conform to the lawful orders?*

(ii) *Who approved the smaller bays?*

A2 These smaller bays have not been approved, this is one of the key issues of contention between Council and the operators of the Tavern. The development, in regard to that aspect, has not been constructed in accordance with the requirements of the approval as the City understands it.

Mrs S Hart, Greenwood:

Q1 *Will the City consider holding a forum for Mayoral candidates and/or ward candidates?*

A1 It would be inappropriate for the City to hold a mayoral forum. The City would be contravening provisions of the Local Government Act 1995 and Electoral provisions.

Q2 *Could I have details of the part of the Act in question?*

A2 The City staff are not allowed to participate in any way in the election programme.

Q3 *Would the City provide space for a forum?*

A3 The City cannot do anything in relation to the Elections. A hall that belongs to the City may be hired.

Q4 *With regard to Marie Macdonald’s question about the article in the Sunday Times. Can the City inform me of the alleged criminals, what alleged criminal activity took place, were these matters referred to authorities, the outcomes of any subsequent investigations and if the City will be referring it on?*

A4 The City is not aware of any allegations of corruption. If there were any allegations, the City would refer them to the appropriate authority.

Ms M Moon, Greenwood:

Q1 *Re: CJ058-03/06 – When will the rezoning of Lot 61 Leach Road, Marmion from Urban Development Zone to Local Reserve and Residential Zone be initiated as per 9.82?*

A1 The rezoning has already occurred.

Mr A Bryant, Craigie:

Q1 *I ask what steps, if any, have been taken, or are being taken to ascertain if Council can legally proceed to recover the amount of \$500,000 paid to the former Chief Executive Officer, Mr Denis Smith?*

A1 The City has initiated discussions with lawyers to ascertain the answer to that question, and the City hopes to submit a report to the last Council meeting in April.

Q2 *I have been a member of this Council's Seniors Advisory Committee for about six years and over these years the meeting Agendas are required to be in the Committee members' hands one week before the scheduled meeting. This is not happening. The agenda for the meeting at 9.30am on 5 April 2006 was hand delivered to me at lunchtime today. Why cannot the members have the agenda a week before the meeting?*

A2 The City apologies and has advised the relevant staff to have the agendas distributed in sufficient time for the members to read and avail themselves of any information they may need.

Ms D Eisenhammer, Hillarys:

Q1 *Re: Craigie Leisure Centre – In June 2005 the City chose a modified design for the new production bore. What was this design and how did it differ from others?*

A1 The design was a geothermal bore, which takes water from considerable depths of the aquifer. The water is hot, it is taken up into the pool, recycled through the pool and then it goes back into a recharge bore back to the aquifer. That was deemed by decisions at the time to be the most appropriate form of heating the pool.

Q2 *It was chosen after attempts at the others not succeeding, it was the third option in the June 2005 meeting?*

A2 The decision to go with the geothermal bore was made before that at an early stage of the project. The decision of Council in June 2005 in relation to additional funds and arrangements concerning the geothermal bore, because there were problems with bores collapsing at that stage.

Q3 *Have you taken core samples of the new drill site to ensure the same problems, swelling clay, does not occur again?*

A3 The City is not sure about your statement regarding swelling clay. The geothermal bore is down to over 700 metres and water is coming out reasonably close to the required temperature. The City hopes to have this all resolved soon and the Chairman will make an announcement tonight about the proposed opening date.

Cmr Fox entered the Chamber, the time being 1917 hours

Mr M Sideris, Mullaloo:

Q1 *In response to a question that I submitted in writing, it stated: "The appellant's request for appeal was upheld." Can Council please explain this sentence?*

A1 It means that the appellant's appeal was successful.

Q2 *In light of questions submitted by a former elected member of this Council regarding legal expenses paid to various Councillors, including the Mayor, Crs Caiacob, Hart etc. Can you advise me how much money has been paid to those individual Councillors who made claims under this City's insurance policies?*

A2 The City is not at liberty to give information about individuals who made claims under the insurance policy and the amounts they claimed.

The amounts where suspended Councillors were paid funds were all done by individual decisions of Council. The amount was initially \$5000. Additional funds of up to \$2500 were paid to some individuals. To make a claim under the Council and Officer's Insurance Policy, a payment of \$5000 or the excess had to be made in the first instance, it could have been made either by Council on behalf of the individual or the individual could have made the first payment themselves and then subsequently lodged a claim with the insurance company against that policy.

C14–04/06

EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Clough, **SECONDED** Cmr Smith that public question time be extended for a period of ten minutes.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Mr S Magyar, Heathridge:

Q1 *Re: Late Report 1 – CEO's Performance Review Committee, Recommendation 2 which states that the amendments to the contract are to remain confidential. Why does it have to remain confidential if the Local Government Act says that the CEO's employment contract is a document that the public is allowed to inspect?*

A1 There are certain sections of the CEO's contract that are public information, but there are restrictions on other parts of the contract.

Q2 *Re: CJ061-04/06 Tender 047-05/06 Provision of Legal Services for the City of Joondalup - Minter Ellison Lawyers are listed on the panel. Mr McIntyre made comments regarding Minter Ellison saying that they should be more careful when giving advice to local governments, the difference between legal advice and strategic advice. What safeguards have been put in place to ensure that you only receive legal advice and no strategic advice from any of the law firms concerned?*

A2 Arising from the Inquiry into the City of Joondalup, both the City of Joondalup and the whole of local government have learnt a lot about how to seek advice and how to be careful about the extent and purpose of the advice that is being sought. All requests for legal advice go through the Chief Executive Officer's office to ensure that similar previous advice has not been sought, and to clarify the purpose, intent and use of the advice.

Mr S Kobelke, Sorrento:

Q1 *The RAC call centre in Joondalup provides work for 250 people, 200 of whom reside in the City of Joondalup. Can Council advise what progress has been made with the provision of more free parking to service the centre?*

A1 The City has made two changes to parking in the past twelve months in relation to that particular area in the vicinity of the Court and police complex and the City is also looking at alternative parking in the nearby area.

There were changes to the parking on the northern side of Shenton Avenue to allow for more parking in that location, the City is also in discussions with Landcorp in relation to land on the other side of the railway line, which is where the RAC site backs on to. The City is currently undertaking a major study on parking for the whole of the CBD.

Q2 *Re: Ratepayers of Padbury, Duncraig and Sorrento and Marmion who have no access to Broadband technology. Will Council consider supporting the ratepayers in those areas who are affected by lobbying the group, Telstra?*

A2 Yes.

Ms M John, Marmion:

Q1 *Can Council confirm the statutory requirements for the public advertising period of the draft structure plan for Lot 61 Leach Street, Marmion?*

A1 The recommendation within the report is twenty-one (21) days and the Scheme requires public advertising to be not less than twenty-one (21) days.

Q2 *Is this twenty-one (21) days minimum a rout to get the decision through the current Council before the election of the new Council? The community would like to request that at least the full forty-two (42) days is given to us for full public consultation on what has been a very long-standing and vexatious planning issue for the south ward?*

A2 Following the twenty-one (21) days advertising period, it would be impossible for the City to submit the report for the last meeting of Council where the Commissioners are in attendance. The report would be presented to a meeting of Council in June.

Q3 *Do we have Council's confirmation that the advertising period will be the full forty-two days (42)?*

A3 It is open to Council tonight to change the recommendation.

PUBLIC STATEMENT TIME

The following statements were submitted verbally at the meeting; a summary of each statement is shown below:

Mr M Caiacob, Mullaloo:

Mr Caiacob spoke about the inclusion of structure plans into the height and scale report and public submissions and also about structure plans and small areas being referred to as Urban development rather than residential.

Ms M Moon, Greenwood:

Ms Moon spoke about structure plans, rezoning and land uses.

Mr S Magyar, Heathridge:

Mr Magyar spoke about the need to lobby State Government to change the Electoral rules regarding the code of conduct for prospective local government candidates.

Mr S Kobelke, Sorrento:

Mr S Kobelke spoke about candidates being involved in local festivities and also about coastal height controls and the need for an alliance with other local governments.

Response provided to questions submitted by Mr Privilege:

The Chief Executive Officer referred to the response that had been provided to questions from Mr Privilege. He stated that an amended response would be provided to question 6(g) as it was considered the previous answer was incomplete.

(Note: This correction has been made to Page 7).

APOLOGIES AND LEAVE OF ABSENCE

Nil.

CONFIRMATION OF MINUTES

C15-04/06

MINUTES OF COUNCIL MEETING – 14 MARCH 2006

Within the minutes of the Council meeting held on 14 March 2006, the date of Confirmation of Minutes on page 14 has been incorrectly stated as 14 March 2006. This should read 21 February 2006.

MOVED Cmr Clough, SECONDED Cmr Anderson that the minutes of the Council meeting held on 14 March 2006 be confirmed as a true and correct record, subject to the following correction:

page 14 of the minutes – Confirmation of Minutes be amended to read 21 February 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

CRAIGIE LEISURE CENTRE

It is pleasing to be able to announce tonight that the City's negotiations with Perkins Builders over completion of the Craigie Leisure Centre project have been successful.

Work has begun to complete the two new heated pools to the standard required by the City.

The \$10.3 million refurbishment is expected to be ready for handover to the City in approximately six weeks and an opening date will be announced as soon as possible.

JOONDALUP FESTIVAL

The eighth annual Joondalup Festival "The Gathering" was a great success, attracting some 70,000 residents and visitors.

Congratulations to the Community who took part and attended and to the staff who worked hard to organise the event.

The theme "The Gathering" was fitting because for thousands of years, the shores of Lake Joondalup have been a gathering place for Aboriginal tribes.

One of the highlights was the presentation by the Nyoongar community of a message stick to Commissioner Peter Clough at the opening ceremony.

Commissioner Clough presented the Message Stick to Cmr Paterson, Chairman of Commissioners in order that it is officially accepted by the City.

NEW DIRECTOR

It gives me great pleasure to announce the appointment of Mr Ian Cowie to the newly created position of Director Governance and Strategy.

Ian held the position of Director Strategies and Legislation with the Department of Local Government and Regional Development from 2001.

Before that, he was Director of Local Government Development with the Department.

Ian has extensive experience in the Local Government sector and was instrumental in developing the philosophy and policy for the 1995 Local Government Act.

Welcome to the City of Joondalup and your first Council meeting, Ian.

FAREWELL – MR PETER SCHNEIDER

Chief Executive Officer advised this evening was the last Council meeting of Mr Peter Schneider, Director Corporate Services.

Peter joined the City in October 2002 and served the City initially as Director, Corporate Services and Resource Management, more recently Director Corporate Services.

Peter is an individual of very strong principles and has a very high standard of professional performance. He has been a significant contributor to the Executive team and has overseen the business units of Financial Services and Information Management, and more recently human resources.

Peter leaves the City to take up an executive role with one of the regional local governments and the City wishes him and his family well for the future.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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.

| | |
|---------------------------|---|
| Name/Position | Cmr S Smith |
| Item No/Subject | CJ054-04/06 – Brookmount Ramble, Padbury (Western Section) Proposed Closure to vehicular traffic |
| Nature of interest | Financial |
| Extent of Interest | Cmr Smith owns a property in Padbury. |

| | |
|---------------------------|--|
| Name/Position | Mr Garry Hunt – Chief Executive Officer |
| Item No/Subject | C16-04/06 – Minutes of the CEO Performance Review Committee meeting held 28 March 2006 – (Item 1 – CEO Employment Contract Review) |
| Nature of interest | Financial |
| Extent of Interest | This item relates to Mr Hunt's contract of employment. |

Disclosure of interest affecting impartiality

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

| | |
|---------------------------|---|
| Name/Position | Cmr S Smith |
| Item No/Subject | CJ054-04/06 – Brookmount Ramble, Padbury (Western Section) Proposed Closure to vehicular traffic |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cmr Smith's son resides in Padbury. |

| | |
|---------------------------|---|
| Name/Position | Cmr A Fox |
| Item No/Subject | CJ054-04/06 – Brookmount Ramble, Padbury (Western Section) Proposed Closure to vehicular traffic |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cmr Fox lives in close proximity to Brookmount Ramble. |

| | |
|---------------------------|--|
| Name/Position | Mr Garry Hunt - Chief Executive Officer |
| Item No/Subject | CJ061-04/06 – Tender 047-05/06 – Provision of Legal Services |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Jackson McDonald is providing advice to Council on the CEO's Contract of Employment |

| | |
|---------------------------|--|
| Name/Position | Mr Peter Schneider – Director Corporate Services |
| Item No/Subject | C16-04/06 – Minutes of the CEO Performance Review Committee Meetings held on 21 and 28 March 2006 |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Due to the nature of his employment relationship with the CEO |

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

Nil.

PETITIONS

Nil.

CJ042 - 04/06 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

CJ060328_BRF.DOC:ITEM 1

PURPOSE

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 16 November 2005 to 7 March 2006.

EXECUTIVE SUMMARY

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

BACKGROUND

Not Applicable.

DETAILS

Document: Covenant
Parties: City of Joondalup and Roman Catholic Archbishop of Perth
Description: Restrictive Covenant to satisfy condition of approval re vehicular access for Stage 13A, Phase 1, Iluka
Date: 16.11.05

Document: District Planning Scheme (DPS) Amendment
Parties: City of Joondalup
Description: Final approval of DPS Amendment 30 – rezoning, Lot 200 Kinross Drive, Kinross
Date: 16.11.05

Document: District Planning Scheme (DPS) Amendment
Parties: City of Joondalup
Description: Final approval of DPS Amendment 24 – rezoning of Lot 61 (14) Leach Street, Marmion
Date: 22.11.05

Document: Local Law
Parties: City of Joondalup
Description: Standing Orders Local Law
Date: 06.12.05

Document: Copyright
Parties: City of Joondalup and Bob Ruscoe
Description: Recording of historical importance
Date: 06.12.05

Document: Covenant
Parties: City of Joondalup and Roman Catholic Archbishop of Perth
Description: Restrictive covenant (vehicular access restriction) – Stage 13A, Phase 2, Iluka
Date: 06.12.05

Document: Notification
Parties: City of Joondalup and P and L Milton
Description: Section 70A Notification – 134 Dampier Avenue, Mullaloo
Date: 06.12.05

Document: Covenant
Parties: City of Joondalup and Investa Residential
Description: Restrictive covenant for vehicular access – Lot 124 (92) Cook, Avenue, Hillarys
Date: 13.12.05

Document: District Planning Scheme (DPS) Amendment
Parties: City of Joondalup
Description: DPS Amendment 32 – Council adoption only – height and scale of development in non-residential zones
Date: 16.12.05

Document: District Planning Scheme (DPS) Amendment
Parties: City of Joondalup
Description: DPS Amendment 34 – Council adoption only – increase of retail floor space – Kinross Shopping Centre
Date: 23.12.05

Document: Establishment Agreement
Parties: Tamala Park Regional Council Establishment Agreement
Description: Tamala Park Establishment Agreement – Cities of Joondalup, Wanneroo, Stirling, Perth, Towns of Vincent, Victoria Park, Cambridge. “Newly created Regional Council for the sale of Mindarie Land Holdings
Date: 06.01.06

Document: Section 70A
Parties: City of Joondalup and F and J Moodie
Description: Notification under S70A – Ancillary accommodation – 10 Monterey Drive, Woodvale
Date: 19.01.06

Document: Copyright
Parties: City of Joondalup and Sandy Biagioni
Description: Recording of historical importance
Date: 19.01.06

Document: Caveat
Parties: City of Joondalup and Robert Winter
Description: Temporary withdrawal of caveat to enable mortgage registration – 40 Raleigh Road, Sorrento
Date: 19.01.06

Document: Caveat
Parties: City of Joondalup and Boudra P/L
Description: Withdrawal of Caveat to enable mortgage registration – Lot 7 (265) Eddystone Avenue, Beldon
Date: 30.01.06

Document: Lease
Parties: City of Joondalup and Cities of Perth, Stirling and Wanneroo, Towns of Cambridge, Victoria Park and Vincent
Description: Deed of Extension, Variation and partial surrender of lease – Tamala Park, Marmion Avenue, Mindarie
Date: 08.01.06

Document: Section 70A
Parties: City of Joondalup and Rencana Pty Ltd
Description: Notification under S70A – Ancillary accommodation – 13 Alice Drive, Mullaloo
Date: 17.02.06

Document: Restrictive Covenant
Parties: City of Joondalup and Minister for Training (DET)
Description: Vehicle access onto Grand Boulevard – No 35 (Lot 500) Kendrew Crescent, Joondalup
Date: 17.02.06

Document: Copyright
Parties: City of Joondalup and Keith Field
Description: Recording of historical importance
Date: 07.03.06

Document: District Planning Scheme (DPS) Amendment
Parties: City of Joondalup and Western Australian Planning Commission (WAPC)
Description: Amendment 33 to DPS 2 and Structure Plan No 7 – Lot 4 (25) Sheppard Way Marmion and Lot 1 (23) Whiley Road, Marmion
Date: 07.03.06

Document: Modifications – Joondalup City Centre Development Plan and Manual
Parties: City of Joondalup and Western Australian Planning Commission (WAPC)
Description: Adoption of modifications to Joondalup City Centre Development Plan and Manual
Date: 07.03.06

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Clough that the schedule of documents executed by means of affixing the Common Seal for the period 16 November 2005 to 7 March 2006 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

CJ043 - 04/06 REVIEW OF LOCAL LAWS – [05885]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

CJ060328_BRF.DOC:ITEM 2

PURPOSE

To advise the Council of the completion of the review of a number of local laws in accordance with Section 3.16 of the Local Government Act 1995.

EXECUTIVE SUMMARY

The Council resolved at its meeting of 13 December 2005 in accordance with Section 3.16 of the Local Government Act 1995 to undertake a period review of the following local laws:

- 1 Animal Local Law 1999
- 2 Bushfires Prevention and Control Local Law 1998
- 3 Extractive Industries Local Law 1998
- 4 Health Local Law 1999

- 5 Local Government and Public Property Local Law
- 6 Parking Local Law 1998
- 7 Private Property Local Law 1998
- 8 Signs Local Law 1999; and
- 9 Trading in Public Places Local Law 1999

This review is now complete with no public submissions made to the City during the period 20 December 2005 to 24 February 2006. All public notifications were adhered to with notices appearing in the West Australian and the Wanneroo Times.

BACKGROUND

The local laws of the former City of Wanneroo became the local laws of the City of Joondalup on its creation on 1 July 1998. During 1998 and 1999 a concerted effort was undertaken to review the local laws of the former City of Wanneroo to ensure that the City of Joondalup had a revised set of enforceable and modern local laws. The review also saw the drastic reduction from approximately thirty-five (35) by-laws of the former City of Wanneroo to a far more manageable number of ten (10) local laws for the City of Joondalup.

The following are the current local laws operated by the City of Joondalup:

- Animal Local Law 1999 (gazetted 15 January 2002);
- Bushfires Prevention and Control Local Law 1998 (gazetted 8 January 1999);
- Extractive Industries Local Law 1998 (gazetted 8 March 1999);
- Health Local Law 1999 (gazetted 27 August 1999);
- Local Government and Public Property Local Law (gazetted 18 January 2000);
- Local Law S5 – Standing Orders (repealed by the Council at its meeting held on 22 November 2005);
- Parking Local Law 1998 (gazetted 9 November 1998);
- Private Property Local Law 1998 (gazetted 8 March 1998);
- Signs Local Law 1999 (gazetted 27 August 1999); and
- Trading in Public Places Local Law 1999 (gazetted 27 August 1999).

On 18 January 2000 a local law was gazetted on behalf of the City of Joondalup that repealed all of its obsolete local laws following the split from the former City of Wanneroo.

These were as follows:

- By Law B3: Relating to Building Lines, published in the Government Gazette - 16 January, 1963;
- By Law E1: Eating Houses, published in the Government Gazette – 12 August 1988;
- By Law H2: Holiday Accommodation No 18, published in the Government Gazette - 21 February, 1975;
- By Law M3: Construction, Establishment, Operation and Maintenance of Motels, published in the Government Gazette - 27 October, 1960;
- By Law O1: Removal and Disposal of Obstructing Animals or Vehicles, published in the Government Gazette – 29 August 1963;
- By Law O2: Old Refrigerators and Cabinets, published in the Government Gazette - 1 May, 1962;
- By Law P3: Pest Plants, published in the Government Gazette - 18 March, 1985;
- By Law R1: Deposit of Refuse and Litter, published in the Government Gazette - 12 April, 1967;
- By Law R2: Removal of Refuse and Rubbish, published in the Government Gazette - 20 July, 1979;

- By Law R4: Payment of Rates, published in the Government Gazette - 19 May, 1989;
- By Law R5: Removal of Refuse, Rubbish or Disused Material, published in the Government Gazette - 21 December, 1990;
- By Law S1: Sewerage, published in the Government Gazette - 13 April 1973.
- By Law S4: Stallholders, published in the Government Gazette - 31 October 1986.

Since the gazettal of the revised local laws, two (2) amendment local laws have been gazetted that made various amendments to the local laws of the City of Joondalup.

Amendment Local Law 2000 (gazetted 10 July 2000)

The purpose of this local law was to amend various clauses in the City of Joondalup Parking, Private Property, Signs, Animals, Trading in Public Places and Health Local laws, to remove difficulties identified in their application and better clarify the requirements of the local laws.

Amendment Local Law 2001 (gazetted 15 January 2002)

The purpose of this local law was to amend various clauses in the Parking, Private Property, Animals, Local Government and Public Property, Health and Bushfire Prevention and Control Local Laws to ensure information was current with prevailing legislation and better clarify the requirement of the local laws.

The Council resolved at its meeting of 22 November 2005 in accordance with Section 3.16 of the Local Government Act 1995 to undertake a period review of the following local laws:

- 1 Animal Local Law 1999
- 2 Bushfires Prevention and Control Local Law 1998
- 3 Extractive Industries Local Law 1998
- 4 Health Local Law 1999
- 5 Local Government and Public Property Local Law
- 6 Parking Local Law 1998
- 7 Private Property Local Law 1998
- 8 Signs Local Law 1999; and
- 9 Trading in Public Places Local Law 1999

This review is now complete with no public submissions made to the City during the period 20 December 2005 to 24 February 2006. All public notifications were adhered to with notices appearing in the West Australian and the Wanneroo Times.

DETAILS

Issues and options considered:

The Local Government Act 1995 places a statutory obligation on the City to conduct periodic reviews of its local laws. At the conclusion of the public submission period, the Council may determine to retain, repeal or amend any or all of its local laws.

Amending a local law in accordance with Section 3.12 of the Local Government Act 1995 does not constitute a periodic review as required by Section 3.16 of the Local Government Act.

The review of local laws seeking public submission was advertised in the West Australian on 21 and 30 December 2005 and the local newspaper on 20 December 2005. Public Submissions were open for a period of 10 weeks and during that time the City has received no public submissions for the review of the local laws.

Link to Strategic Plan:

Outcomes:

The City of Joondalup is an interactive community.

Objectives:

4.3 To ensure the City responds to and communicates with the community.

Strategies:

4.3.3. Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 3.16 of the Local Government Act 1995 states:

3.16 Periodic review of local laws

- (1) *Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.*
- (2) *The local government is to give Statewide public notice stating that:*
 - (a) *the local government proposes to review the local law;*
 - (b) *a copy of the local law may be inspected or obtained at any place specified in the notice; and*
 - (c) *submissions about the local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given.*
- (2a) *A Notice under subsection (2) is also to be published and exhibited as if it were a local public notice;*
- (3) *After the last day for submissions, the local government is to consider any submissions made and cause a report of the review to be prepared and submitted to its council.*
- (4) *When its council has considered the report, the local government may determine* whether or not it considers that the local law should be repealed or amended.*

** absolute majority required.*

Following the completion of the review of the local law, if the Council determines that the local law is to be amended or repealed it must commence the process as required by Section 3.12 of the Local Government Act 1995, which states:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2) *At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to:*
 - (a) *give Statewide public notice stating that:*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarised in the notice;*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*
- (3a) *A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.*
- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.*

** absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister, and if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.*
- (6) *After the local law has been published in the Gazette the local government is to give local public notice:*
 - (a) *stating the title of the local law;*
 - (b) *summarising the purpose and effect of the local law(specifying the day on which it comes into operations); and*
 - (c) *advising that copies of the local law may be inspected or obtained from the local government's office.*
- (7) *The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.*

(8) *In this section:*

“making” in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Risk Management considerations:

The risk associated with not undertaking the periodic reviews as required by the Local Government Act 1995 will result in the City of Joondalup being non-compliant with the legislation and may question the validity of the local law.

Financial/Budget Implications:

| | |
|-----------------------|--------------------------------|
| Account No: | 1.1320.3702.0001 9999 |
| Budget Item: | Advertising – Public Statutory |
| Budget Amount: | \$10,000 |
| YTD Amount: | \$4,433 |
| Actual Cost: | \$500 |

The initial costs associated with the review as required by Section 3.16 of the Local Government Act 1995 are related to general advertising.

Policy implications:

Not applicable.

Regional Significance:

There is no regional significance as a result of undertaking the review, as the local laws are only applicable to the district of the City of Joondalup.

Sustainability implications:

A revised and current set of local laws for the City of Joondalup will greatly assist in the lifestyle for the residents of the City.

Consultation:

The level of consultation will be dictated by the requirements of the Local Government Act 1995. Advertising of the periodic review is by notice in the stateside and local newspapers and made available on the City’s website.

COMMENT

The review of the City’s nine local laws is now complete and no public submissions were received.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 NOTES that no submissions were received as part of the review of the City's nine local laws being:**

**Animal Local Law 1999;
Bushfires Prevention and Control Local Law 1998;
Extractive Industries Local Law 1998;
Health Local Law 1999;
Local Government and Public Property Local Law;
Parking Local Law 1998;
Private Property Local Law 1998;
Signs Local Law 1999;
Trading in Public Places Local Law 1999;**

as undertaken in accordance with Section 3.16 of the Local Government Act 1995;

- 2 AGREES not to amend or repeal any of the local laws as detailed in (1) above at this point in time.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson, Smith and Fox

CJ044 - 04/06 KEY PERFORMANCE INDICATORS – [20560]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of CEO

CJ060328_BRF.DOC:ITEM 3

PURPOSE

To provide the Council with a report on recommendations for a revised set of Key Performance Indicators for the Strategic Plan 2003 – 2008.

EXECUTIVE SUMMARY

On 30 August 2005 the Council requested that the Chief Executive Officer provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced.

The Strategic Plan Key Performance indicators have been developed to provide an assessment of achievement against the outcomes included in the Strategic Plan 2003 – 2008. The Key Performance Indicators are outcome measures, and in addition to these measures, the organisation collects a range of operational level data to ensure that performance is on track, and that early remedial action can be taken where necessary.

The current number of Strategic Plan Key Performance Indicators (63) is arguably too high to present a clear and succinct picture of progress against the Strategic Plan, and this report recommends a significant reduction in the number of Strategic Plan Key Performance Indicators.

The development of Key Performance Indicators based on consolidation of those Key Performance Indicators with parallel objectives would require significant rework, as the construction of composite indicators would involve assigning weightings to each indicator in the formula.

Given that the Strategic Plan is due for a major review due to commence in 2006/07, at which time the Key Performance Indicators will also be reviewed, it is considered that this is the appropriate time to undertake a review of the Strategic Plan Key Performance Indicators (including consideration of consolidation of indicators with parallel objectives).

This report provides the Council with a revised (and reduced) list of Key Performance Indicators against the Strategic Plan 2003 – 2008 as an interim measure, and recommends that Council receive a further report following the review of the Strategic Plan.

BACKGROUND

At the meeting of 14 December 2004, Council endorsed a new *Corporate Reporting Framework* that incorporated:

- Regular progress reports against the Annual Plan;
- Key Performance Indicators against the Strategic Plan, and annual reports on the achievement of the Strategic Plan Key Performance Indicators. (*Item CJ307-12/04 refers*).

The Council received the first quarterly progress report against the Annual Plan in March 2005 (*Item CJ029-03/05 refers*) and have continued to receive progress reports on a quarterly basis.

The Council received the initial report against the Strategic Plan Key Performance Indicators on 30 August 2005 and at that time accepted the report and requested that the Chief Executive Officer provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced. (*Item CJ 171 – 08/05 refers*)

The key performance indicators have been developed to measure overall performance against the outcomes articulated in the Strategic Plan. It is recognised that the measurement of some of the key performance indicators are influenced by outside factors however these measures are considered necessary to enable tracking of overall progress against the Strategic Plan vision and outcomes.

The key performance indicators against the Strategic Plan are one part of a suite of performance measures. Measures against project milestones are provided to the Council via the Quarterly Progress Reports against the Annual Plan. A range of operational reports are also prepared containing performance measures to assist operational performance.

The Strategic Plan Key Performance Indicators are reported on an annual basis, project milestones on a quarterly basis, and a range of more operational performance measures are also reported on a monthly and quarterly basis to the CEO.

The Quarterly Progress Reports against the Annual Plan relate to projects and programs and focus on the milestones developed in project plans. The reports provide the Council and the community with information on whether milestones and associated target dates have been met.

The format for the Quarterly Progress Report has been recently revised and the Council received the most recent report in February (*CJ 001 – 02/06 refers*). It is not intended to make alterations to these Reports as they are providing the Council and the community with regular reports against project and program milestones and explanations where targets have not been met.

DETAILS

There are currently sixty-three key performance indicators to measure progress against the Strategic Plan. A triple bottom line approach has been applied and therefore each of the indicators have been categorised as social, economic and/or environmental.

Issues and options considered:

Issues

The Strategic Plan Key Performance Indicators have been deliberately designed to provide the Council and the community with an overall assessment of progress towards strategic priorities as articulated in the current Strategic Plan 2003-2008. Council endorsed the Key Performance Indicators and feedback from the community was positive.

Considerable effort has gone into presenting the key performance indicators in an accessible format through the use of:

- Rationale for the Indicators;
- Collection Methodology;
- Graphical Representation (including comparison with previous year's performance where available); and
- Commentary to provide an explanation to provide the CEO and Council with useful additional information particularly when targets are not being met.

The Strategic Plan Key Performance Indicator reports are supplemented by the Quarterly Progress Reports against the Annual Plan that have been designed to provide the Council and the community with regular reports on progress against the annual priorities in the delivery of projects, programs and activities. The Quarterly Progress Reports provide the Council with information on progress against pre-determined milestones.

Performance measurement is a vital component to improving service delivery. The suite of performance reports developed as part of the Corporate Reporting Framework have been developed to provide the Council and the CEO with the information they need to monitor progress, and to make any necessary adjustment to the delivery of services or to the operations of the organisation.

The Strategic Plan Key Performance indicators have been developed to provide a clear picture of overall performance. The Key Performance Indicators are outcome measures, and in addition to these measures, the organisation also collects operational level data for managers to use to ensure that performance is on track, and that early remedial action can be taken where necessary.

It is important that the Strategic Plan Key Performance Indicators do measure the overall progress against the Strategic Plan outcomes, and are used for accountability purposes to the Council and the community. The Strategic Plan Key Performance Indicators should provide a balanced picture of achievement of all outcomes in the Plan.

The number of Strategic Plan Key Performance Indicators (63) is arguably too high to present a clear and succinct picture of progress against the Strategic Plan. Whilst it is important for a range of performance indicators to be collected to manage the operations of the organisation the Strategic Plan Key Performance Indicators need to be limited in order to provide clarity for the Council and the community.

This Report does not attempt to group common indicators with parallel objectives, but rather reduces the indicators to a set of more strategic measures. The development of the new Strategic Plan will present Council with an opportunity to review all key performance indicators, and at that time, to consider grouping similar indicators and developing composite ratings.

In order to provide meaningful Key Performance Indicators based on consolidation of those Key Performance Indicators with parallel objectives, the City would be required to undertake significant rework. The construction of composite indicators involves ascribing weightings to each indicator in the formula, and this can be contentious and the interpretation of composite indicators can also mask differences in performance of the areas clustered together.

Options

Given that the Strategic Plan is due of review (to commence in 2006/07) it is considered prudent, in the short term, to reduce the number of indicators in order to provide the Council with a clearer and more concise report on outcomes achieved as set out in the Strategic Plan 2003 – 2008, and to look at using composite or illustrative indicators when the new Strategic Plan (and therefore revised Key Performance Indicators) are being developed.

The Strategic Plan is due for a major review that will commence in 2006/07. At this time it will be necessary to review the Key Performance Indicators to ensure alignment with the new Council priorities and strategies. It is considered that this review will provide the Council with the ideal opportunity to review and rationalise the Strategic Plan Key Performance Indicators. The Customer Satisfaction Monitor (which is used to provide data for a number of the Key Performance Indicators) is also currently under review and it is likely that some questions will be deleted, and additional questions will be included which will impact on the Strategic Plan Key Performance Indicators.

In summary, It is achievable, to review the current set of Key Performance Indicators for the Strategic Plan 2003 – 2008 with a view to rationalising them in order to achieve a more succinct picture of progress against the current Strategic Plan. The current set of Key Performance Indicators includes a number of indicators that can be best utilised for operational purposes, and it is therefore recommended that these indicators be removed from the Strategic Plan KPIs. (*These KPIs are shown as Attachment 2 to this report*).

The Strategic Plan 2003 – 2008 is delivered via three interrelated Key Focus Areas:

- Community Wellbeing
- Caring for the Environment
- City Development

These Key Focus Areas are supported by responsible management of the organisation and delivered through the Key Focus Area, Organisational Development.

The outcomes articulated in the current Strategic Plan relate to:

Community Wellbeing

- Lifelong learning
- Cultural Centre
- Provision of Social Opportunities
- Safe and Healthy City of Joondalup

Caring for the Environment

- Environmental Responsibility
- Well maintained assets and build environment

City Development

- Tourism
- Meeting changing community needs
- Effective integrated transport system
- Investment and business development opportunities

Organisational Development

- Financial responsibility
- Quality and efficient service delivery
- Interactive community
- Community pride and identity
- Being a preferred employer

Broadly speaking, it is recommended that the following be applied to measure the outcomes for the Key Result Areas in the Strategic Plan:

Community Wellbeing

- Levels of community satisfaction with services and lifestyle characteristics of the City
- Levels of usage and/or participation of City Services/Events
- Quality and Efficient service delivery
- Achievement of public health standards

Caring for the Environment

- Level of community satisfaction with the City's natural environment
- Effective management of waste

City Development

- Level of community satisfaction with the City's built environment
- Level of usage of the City's community facilities
- Tourism visits
- Level of community satisfaction with economic development of the City
- Employment levels
- Level of investment in the City

Organisational Development

- Adherence to long term financial plans and budget
- Adherence to Customer Service Standards
- Community satisfaction with communication/participation
- Positive media items
- Levels of staff satisfaction

A number of the current Key Performance Indicators against the Strategic Plan are more appropriate for use in managing the operations of the organisation rather than demonstrating achievement against the Strategic Plan outcomes, and as such have been removed from the Strategic Plan Key Performance Indicators however will still be collected and utilised to manage the operations of the City. Council will continue to receive information in relation to many of these indicators as they form part of the City's Annual Customer Satisfaction Monitor.

The revised set of Key Performance Indicators is shown as *Attachment 1* to this report. The format for the presentation of the Key Performance Indicators with the methodology, source, and categorisation as social, economic and/or environmental is recommended for continuation.

Link to Strategic Plan:

Key Focus Area 4: Organisational Development

Outcome:

The City of Joondalup is a sustainable and accountable business

Objective 4.1:

To manage the business in a responsible and accountable manner

Strategy 4.1.2:

Develop a corporate reporting framework based on sustainable indicators

Legislation – Statutory Provisions:

The Local Government Act 1995 provides a framework for the operations of Local Governments in Western Australia.

Section 1.3(2) states:

This Act is intended to result in:

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

Section 2.7 states:

The role of the council:

(1) *The council:*

- (a) *directs and controls the local government's affairs; and*
- (b) *is responsible for the performance of the local government's functions;*

(2) *Without limiting subsection (1), the council is to:*

- (a) *oversee the allocation of the local government's finances and resources; and*
- (b) *determine the local government's policies.*

Risk Management considerations:

It is important that the Council and the community have a clear understanding of how the Council is performing and whether it is meeting its objectives.

Equally, it is critical that Council reviews the performance against objectives with a view to improving outcomes for the community.

The Strategic Plan Key Performance Indicators should:

- Measure progress towards achieving corporate outcomes and objectives;
- Promote accountability to the community and other stakeholders and the publication of the Indicators can raise awareness in the community of the levels of services received, and whether the organisation is meeting its commitments; and
- Compare performance with previous years to identify opportunities for improvement

Financial/Budget Implications:

Nil

Policy implications:

The stated objective of Council's Communication Policy 2.3.2 is:

To indicate the City's high level of commitment to public consultation and to provide good, open and accountable government.

Regional Significance:

Not Applicable

Sustainability implications:

The Strategic Plan Key Performance Indicators have been categorised as social, environmental and/or economic and are therefore applying a sustainable approach to the measurement of progress against the Strategic Plan 2003 – 2008.

Consultation:

Not Applicable

COMMENT

The Strategic Plan Key Performance Indicators are intended to focus on the overall performance of the organisation and progress towards achievement of the Strategic Plan outcomes. These Key Performance Indicators are complemented by the quarterly progress reports against the Annual Plan that provide measurement against project milestones.

The major review of the Strategic Plan that is scheduled to commence in 2006/07 will provide the Council with an opportunity to develop a new set of Key Performance Indicators (and targets) to align with the revised priorities and associated outcomes and objectives of the new Strategic Plan.

It is, however, important to regularly refine Key Performance Indicators to ensure that the original indicators are still relevant and meaningful, or to ascertain whether new and better data has become available.

As an interim measure, the current list of Key Performance Indicators (63 in total) has been reviewed and rationalised to allow the Council to simply and succinctly communicate the successes/challenges and progress towards sustainability to the Joondalup community.

In the long term, and as part of the review of the Strategic Plan, the Key Performance Indicators and associated targets will be reviewed with the Council to measure the achievement of the Strategic Plan and therefore progress towards sustainability of the Joondalup community. This is also the ideal time for Council to consider developing a consolidated set of key performance indicators with parallel objectives.

The revised Key Performance Indicators are shown as Attachment 1 to this report.

The Key Performance Indicators recommended for deletion from the Strategic Plan Key Performance Indicators are shown as Attachment 2 to this report.

ATTACHMENTS

| | |
|--------------|---|
| Attachment 1 | Revised Key Performance Indicators. |
| Attachment 2 | List of Key Performance Indicators recommended for deletion |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 APPROVES the revised set of Key Performance Indicators to measure progress against the Strategic Plan 2003 – 2008 shown as Attachment 1 to Report CJ044-04/06;
- 2 RECEIVES a further report on a new set of Key Performance Indicators following development of the new 20-Year Strategic Plan.

MOVED Cmr Anderson, **SECONDED** Cmr Smith that Council:

- 1 **APPROVES** the revised set of Key Performance Indicators to measure progress against the Strategic Plan 2003 – 2008 shown as Attachment 1 to Report CJ044-04/06;
- 2 **REQUESTS** the Chief Executive Officer to prepare a report that identifies those KPIs that are within the City's sphere of influence and are thus effective measures;
- 3 **REQUESTS** the Chief Executive Officer to prepare a set of KPIs that measure the City's performance against each of the City's corporate strategic plans, for example the Cultural Plan;
- 4 **RECEIVES** a further report on a new set of Key Performance Indicators following development of the new 20-Year Strategic Plan.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn280306.pdf](#)

CJ045 - 04/06 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2006 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Director Corporate Services

CJ060328_BRF.DOC:ITEM 4

PURPOSE

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

EXECUTIVE SUMMARY

The February 2006 year to date report shows an overall variance (under spend) of \$14.1m when compared to the year to date revised budget approved by Council at its meeting of 21 February 2006 (CJ029-02-06).

This variance can be analysed as follows:

- The **Operating** Surplus is \$27.9m compared to a budgeted surplus of \$24.4m at the end of February 2006. The \$3.5m variance is primarily due to interest income and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from government grants and subsidies.

- **Capital Expenditure** is \$12.3m against the year to date budget of \$22.9m. The \$10.6m under spend is due to delays in purchasing heavy and light vehicles and in the construction of infrastructure assets.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 28 February 2006 as shown in Attachment 1 to Report CJ045-04/06.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 28 February 2006 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy implications:

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

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 21 May to 20 June 2005.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2005/06 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 28 February 2006.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that Council NOTES the Financial Activity Statement for the period ended 28 February 2006 as shown in Attachment 1 to Report CJ045-04/06.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf280306.pdf](#)

CJ046 - 04/06 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2006 – [09882]

WARD: All

RESPONSIBLE DIRECTOR Mr Peter Schneider
Corporate Services

CJ060328_BRF.DOC:ITEM 5

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of February 2006, totalling \$5,257,951.94.

It is recommended that Council NOTES the CEO's list of accounts for February 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to Report CJ-04/06, totalling \$5,257,951.94.

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 2006. A list detailing the payments made is appended as Attachment A. The vouchers for the month are appended at Attachment B.

| FUNDS | DETAILS | AMOUNT |
|-------------------|--------------------------------------|-----------------|
| Municipal Account | Cheques 74352 - 74632 & | 3,285,487.91 |
| | EFT 5271 - 5543 | |
| | Vouchers 132A-135A, 137A-138A | 1,972,464.03 |
| Trust Account | | Nil |
| | | \$ 5,257,951.94 |

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2005/06 Annual Budget as revised by Council at its meeting of 21 February 2006, or approved in advance by Council.

Policy Implications:

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

Sustainability Implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2005/06-2008/09 which was advertised for a 30 day period with an invitation for submissions in relation to the plan.

COMMENT

All expenditure included in the list of payments is in accordance with the 2005/06 Annual Budget as revised by Council at its meeting of 21 February 2006, or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A CEO's Delegated Payment List for the month of February 2006
Attachment B Municipal Fund Vouchers for the month of February 2006

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council NOTES the CEO'S List of Accounts for February 2006 paid under delegated power in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 at Attachments A and B to Report CJ046-04/06, totalling \$5,257,951.94.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf280306.pdf](#)

CJ047 - 04/06 BORROWINGS FOR THE SORRENTO BEACH FORESHORE ENHANCEMENT PROJECT – [67573]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Peter Schneider
Corporate Services

CJ060328_BRF.DOC:ITEM 6

PURPOSE

To seek the approval of Council to borrow \$900,000 to partially fund the Sorrento Beach Foreshore Enhancement project

EXECUTIVE SUMMARY

During the 2005/2006 budget process, Council identified the need to fund 50% of the Sorrento Beach Foreshore project by borrowings and a new \$900,000 loan for this purpose was included in the budget.

The City obtained funding quotations for the loan from three financial institutions, being the Commonwealth Bank of Australia, Westpac Banking Corporation and the WA Treasury Corporation (WATC) and the preferred institution was determined to be the WATC.

It is therefore recommended that Council:

- 1 *CHOOSES WA Treasury Corporation as the provider of a fixed interest loan of \$900,000.00 for a period of ten years, under their normal lending conditions;*
- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to accept the quoted rate of 5.73% inclusive of the state government guarantee fee provided by WA Treasury Corporation, which may be varied on the day of funding, subject to the rate not exceeding a maximum increase of 0.50% and to execute the relevant loan documentation accordingly.*

BACKGROUND

The 2005/06 adopted budget includes borrowings of \$900,000.00 to fund 50% of the Sorrento Beach Foreshore Enhancement project. The project timetable indicates that these funds will be required between April and June 2006.

The City invited three financial institutions to quote for the provision of the loan. Invitations were extended to the Commonwealth Bank of Australia, Westpac Banking Corporation (our current bankers) and the WA Treasury Corporation and quotations were received from all three organisations.

DETAILS

Issues and options considered:

The timetable and projected cash flow for the Sorrento Beach Foreshore Enhancement project indicates that loan funding will be required between April and June 2006.

The City requested and received quotations for the loan from the Commonwealth Bank of Australia, Westpac Banking Corporation and the WA Treasury Corporation. The fixed interest rates quoted by each of the above corporations ranged from 5.73% to 6.10% with the lowest rate being that of WATC. The WA Treasury Corporation rate of 5.73% includes a Guarantee Fee charged by the Department of Treasury and Finance, collected by WATC. The fee is currently levied at 0.10% per annum and is subject to change according to government policy. The guarantee fee is indicative only, although it has not changed since its introduction in 1989, and does not form part of the WATC's agreed fixed lending rate, i.e. WATC lending rate is 5.63% exclusive of the guarantee fee.

Interest rates quoted are indicative only and may vary with changes in market conditions on the day of funding. It is clear however that borrowing through WATC is more economical with simpler documentation than borrowing from other financial institutions

Link to Strategic Plan:

4 Organisational Development

Objective 4.1

To manage the business in a responsible and accountable manner.

Strategy 4.1.1

Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

Council is empowered to borrow money under section 6.20 of the Local Government Act 1995 (the Act). Section 6.21 of the Act as amended provides that the Security offered for the borrowings by a local government is limited to security over “general funds” which is defined to mean revenue from general rates, government grants which were not given to the local government for a specific purpose; and such other sources as prescribed. Local Government no longer requires the Treasurer’s approval to obtain credit.

Risk Management considerations:

By taking out a fixed interest rate loan the City is able to mitigate the risk of future upward movements in interest rates.

Financial/Budget Implications:

The 2005/06 revised budget provides for an interest expenditure accrual of \$10,825 related to the Sorrento Beach Foreshore Enhancement loan, covering the period from the expected draw down date in mid April till the end of the current financial year, as calculated based on the quotation received from WATC.

It is expected that the loan will not be drawn before mid April with the first quarterly repayment due mid July in the 2006/07 financial year.

The total interest payable on this loan at the WATC quoted interest rate of 5.73% is estimated to be \$288,183 over the ten year period, which may differ depending on the interest rate applicable on the funding date.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

The City's financial projections have considered the need to borrow funds to complete the Sorrento Beach Foreshore Enhancement project. The repayment of principal and interest over a 10-year period effectively spreads the costs of the project over the period during which the community is expected to benefit from it.

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 21 May to 20 June 2005.

COMMENT

WATC has been identified as the lowest cost provider of loan funds to the City for the Sorrento Beach Foreshore Enhancement Project and is therefore recommended. The WA Treasury Corporation quoted a fixed interest rate of 5.73% (as at 24 February 2006) for 10 years, inclusive of the 0.10% State Government Guarantee Fee.

Following Council's approval, the City will seek a firm quotation on the day of funding before completing the contractual documents and drawing down the funds. Whilst the actual contracted interest rate will differ from the rate quoted above, it is unlikely that such a change will result in a significant variance to the total cost of the loan, all finance providers will be impacted by interest rates change (if any) in the same way and the comparative advantage of WATC, as evidenced from this quotation, is expected to be maintained.

It is proposed that a 10-year fixed interest loan with a quarterly repayment of principal and interest would be most suitable for this purpose. The consensus view among economists and market commentators is that interest rates will remain steady for the remaining part of this calendar year and that any possible movement in rates is likely to be up rather than down. Fixed interest rate borrowings under these circumstances, is therefore recommended.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Smith that Council:

- 1 **CHOOSES** WA Treasury Corporation as the provider of a fixed interest loan of \$900,000.00 for a period of 10 years, under their normal lending conditions;
- 2 **AUTHORISES** the Chief Executive Officer (CEO), on behalf of the City, to accept the quoted rate of 5.73% inclusive of the state government guarantee fee provided by WA Treasury Corporation, which may be varied on the day of funding, subject to the rate not exceeding a maximum increase of 0.50% and to execute the relevant loan documentation accordingly.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

CJ048 - 04/06 TENDER 028-05/06 SUPPLY & DELIVERY OF VARIOUS SIGNS WITHIN THE CITY OF JOONDALUP –[76576]

WARD: All

RESPONSIBLE DIRECTOR: Mr D Djulbic
Infrastructure Services

CJ060328_BRF.DOC:ITEM 7

PURPOSE

This report is to seek the approval of Council to choose Sunny Sign Company Pty Ltd as the successful tenderer for the Supply & Delivery of Various Signs within the City of Joondalup (Tender 028-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 03 December 2005 through statewide public notice for the Supply & Delivery of Various Signs within the City of Joondalup. Tenders closed on 21 December 2005. Four submissions were received from:

- Compac Marketing Pty Ltd;
- Deneffe Signs;
- Jason Signmakers;
- Sunny Sign Company Pty Ltd.

It is recommended, in relation to Tender Number 028-05/06 that Council:

- 1 *CHOOSES Sunny Sign Company Pty Ltd as the successful tenderer for the Supply & Delivery of Various Signs within the City of Joondalup (Tender 028-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ048-04/06;*

- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a Contract with Sunny Sign Company Pty Ltd in accordance with its submitted tender, subject to minor variations that may be agreed between the CEO and Sunny Sign Company Pty Ltd;*
- 3 *DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the Contract not to exceed three (3) years.*

BACKGROUND

The scope of Services is for the Supply & Delivery of Various Signs to the City of Joondalup. The City installs Road and Traffic Safety Signage and maintains the signage in a condition that ensures, to the highest degree possible, the safety of vehicles and pedestrians. Signage damaged by vehicle accidents or vandalism is replaced as a priority and additional or modified signage is installed as a result of the City's traffic and pedestrian management procedures and also, following investigation and confirmation, as a result of community concerns.

DETAILS

Tenders were advertised on 03 December 2005 in the West Australian newspaper with the tenders closing on 21 December 2005. Four submissions were received from:

- Compac Marketing Pty Ltd;
- Deneffe Signs;
- Jason Signmakers;
- Sunny Sign Company Pty Ltd.

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

All four submissions received were considered compliant and remained for further consideration.

The four submissions met all the essential requirements for Supply & Delivery of Various Signs were therefore carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then discussed their assessments, leading to their recommendation to award the tender.

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

The Selection Criteria for Tender Number 028-05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company
- The structure of the business
- Specialised equipment used
- Safety policy and procedures

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment
- Maintain or increase arrangements with local service providers
- Provide value added services to the City

Demonstrated Experience in Completing Similar Projects

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

The Evaluation Panel carried out the evaluation of the above Submission in accordance with the Qualitative Criteria and concluded that the Offer submitted by Sunny Sign Company Pty Ltd represented value for money to the City.

Issues and options considered:

The City has a requirement for both traffic and pedestrian signage to cater for traffic flows, population increases, road and path modifications and temporary signage to facilitate a variety of works projects and also to cover all works and weather related conditions plus emergencies.

Link to Strategic Plan:

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

3 City Development.

Objective 3.1

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

Strategy 3.1.1

Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Strategy 3.1.2

Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Strategy 3.1.3

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

Legislation – Statutory Provisions:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. Whilst the expected base consideration for this contract is not estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000, if there is a need for additional signs above the estimated requirement, then this Contract may well exceed the delegated authority of the Chief Executive Officer, hence the approval of Council is sought.

Risk Management considerations:

It is considered that the contract will represent a low risk to the City based on previous experience with the provision of similar goods from the recommended supplier. Referee checks support this view with comments that their prices are competitive, the quality of good provided is high and delivery times are prompt.

The Sunny Sign Company Pty Ltd is also providing signs to a number of State and Local Government Authorities.

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's Maintenance budgets (code 4620 External Services), as authorised by Council annually and reviewed periodically. The budget amount allocated for this requirement is \$83,000 per annum.

The total cumulative Contract value over the three (3) years of the Contract is approximately \$250,000 (excluding GST) based on previous requirements.

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Sunny Sign Company Pty Ltd located in Malaga achieved the highest weighted score in the evaluation process and is a WA manufacturer of Road and Traffic Safety Signage.

They are currently providing signs to a number of WA Local Government and State Authorities, and has an established satisfactory performance with the City. This has been confirmed by referee checks with other WA Local Government and State Authorities who have indicated that their prices are competitive; the quality of the Goods are of a high standard and the delivery times are excellent. For example, referees have stated that the turn around time and delivery for emergency requirements is less than one day from the placement of a purchase order.

The Evaluation Panel considered that the Sunny Sign Company Pty Ltd have the capability, expertise and associated resources to provide the required signs on a value for money basis and therefore recommend them as the preferred supplier.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

Following a query raised by Cmr Anderson, the CEO undertook to consider a “buy local” policy as part of the economic development review currently being undertaken.

MOVED Cmr Smith, SECONDED Cmr Anderson that Council, in relation to Tender 028-05/06:

- 1 CHOOSES Sunny Sign Company Pty Ltd as the successful Tenderer for the Supply & Delivery of Various Signs within the City of Joondalup (Tender 028-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ048-04/06;**
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a Contract with Sunny Sign Company Pty Ltd in accordance with its submitted tender, subject to minor variations that may be agreed between the CEO and Sunny Sign Company Pty Ltd;**
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the Contract not to exceed three (3) years.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf280306.pdf](#)

CJ049 - 04/06 BROADBEACH PARK LAKE NO 2, HILLARYS - WATER QUALITY MANAGEMENT – [01525]

WARD: South West

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

CJ060328_BRF.DOC:ITEM 8

PURPOSE

To provide the Council with the Consultant's report for Broadbeach Park Lake No 2, Hillarys - Water Quality Management.

EXECUTIVE SUMMARY

In accordance with the recommendation of the Broadbeach Park Lake No 2 Water Quality Management Report of 15 March 2005, the Consultant's report recommendations were distributed to involved residents for comment.

Two resident responses were received.

The Consultant's report provides a number of Management Options for consideration to reduce the nutrient loading.

It is recommended that Council:

- 1 *RECEIVES the Consultant's report for Urban Lakes Water Quality Management for Broadbeach Park Lake No 2;*
- 2 *LISTS for consideration as part of the 2006/07 Draft Budget deliberations, modified practices as recommended in the report;*
- 3 *UNDERTAKES an awareness and educational programme involving local residents within the Broadbeach Park catchment area in relation to nutrient loading practices within residential gardens.*

BACKGROUND

Council, at its meeting of 22 February 2005, received a petition from 132 residents of Hillarys requesting that Council:

- 1 Return the lake known as Broadbeach Park Lake No 2, in Hillarys to a clean and healthy state and eradicate the algal bloom as soon as possible. At present this is a health hazard to all of us who live or walk in this area.
- 2 Reinstall the fountain or similar aeration device to this lake to maintain the water quality.
- 3 Find a solution to the problem of the direct entry of the storm water drain on the west side of the lake, which is causing the algae to bloom in spring and summer.

The report to the Council Meeting of 15 March 2005 (Report CJ034-03/05 refers) recommended that a suitably qualified and experienced groundwater hydro geologist be engaged on behalf of the City to undertake such a study, and that a petitioners' representatives group be consulted on the study findings before reporting to Council on the outcomes.

"It is recommended that Council:

- 1 *ENDORSE a groundwater hydro geologist be engaged to undertake a review of current best practices in managing water quality for Broadbeach Park Lake No 2;*
- 2 *ADVISE the petitioners accordingly and seek their comments on the study outcomes prior to reporting to Council on the finding."*

Consultant, Connell Wagner Pty Ltd, was engaged to investigate and prepare an Urban Lakes Water Quality Management Report for Broadbeach Park Lake No 2.

The City of Joondalup requested that the Consultant to undertake a number of tasks:

- 1 Project implementation, management and community consultation.
- 2 Collation of available data and literature review.
- 3 Background investigation of the lake hydrology and sediment chemistry.
- 4 Assessment of local groundwater hydrology.
- 5 Specification of management/monitoring programmes.
- 6 Reporting and study presentation.

DETAILS

Issues and options considered:

The Consultant's report was received on 21 September 2005 (refer Attachment 1 – Summary of Report). The recommendations were distributed to 125 local residents to inform them of the study results and requesting any comment on the recommendations.

Two written comments were received and both acknowledged that "fertiliser" application is the primary problem for long-term improvements.

The report encompasses a number of factors:

- Environmental description
- Methodology
- Results
- Management options
- References

The recommended Management Options have been reviewed by officers as follows:

5.1 General

No comments/agreed.

5.2 Catchment Management

5.2.1 Reduction in Nutrient Loading to Urban Lawns and Gardens

Fertiliser input from residential property will continue to be a problem as residents offset irrigation with fertiliser to maintain aesthetic appearance of turf. Community education is being addressed by various sections of the Turf industry and Water Corporation. This topic will also be covered in future community information brochures distributed by the City.

5.2.2 Removal of Parkland Lawn Clippings

- (a) This would require replacement of existing tractor mowers as existing units are not designed for picking up leaf thatch.
- (b) Identify a process and facility to dispose of clippings / cartage process.
- (c) Alternatively, mow a specific area around the lake with a purpose built mower / catcher system. This would need to be expanded for all 7 groundwater lakes within the City.

5.3 Lake Biology Management

5.3.1 Remediation of Water Fowl Numbers

This is a seasonal problem and numbers vary subject to water in Lake Joondalup. There is limited opportunity to control migration. Public assistance in "No Feeding" would be progressed.

5.3.2 Removal of Exotic Fish

This has been achieved and monitoring will continue.

5.4 Chemical Control

5.4.1 Removal of existing Lake Sediments

Work has been programmed for April 2006. Excavated material requires a specific disposal plan and this is currently being investigated.

5.4.2 Chemical Dosing with Aluminium Sulphate

Application proposed in accordance with water analysis results. Water monitoring occurs every quarter and January 2006 results will be available late February 2006.

5.4.3 Application of Barley Straw

This proposal requires further investigation in regard to supply and handling options. Various other local authorities have trialled this option with mixed results.

5.5 Lake

Management Schedule

Timeframes for treatment were agreed and will be implemented in 2006.

Link to Strategic Plan:Key Focus Areas**2. Caring for the Environment**

Outcome: The City of Joondalup is environmentally responsible in its activities.

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

2.1.1 Maintain and protect natural assets to retain biodiversity.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Lake water quality is of concern in regard to algae bloom and public health issues should a member of the public enter the water.

Where analysis identifies a problem the sample is referred to the Health Department of Western Australia for confirmation and signage is erected if the analysis confirms blue/green algae are present.

Financial/Budget Implications:

The impact on the operational budget is yet to be determined and will be listed for consideration as part of the 2006/07 Draft Budget deliberations.

Policy implications:

Not Applicable

Regional Significance:

Groundwater management is an issue for all local authorities along the Swan Coastal Plan.

There are various studies in progress within the metro area that will be monitored to assist with long-term management of groundwater lakes within the City's boundaries.

Sustainability implications:

Enhancements in catchment management involving an education and awareness programme for local residents and modified operational practices by the City are the suggested way forward in improving the long-term viability of lake water quality and appearance.

Consultation:

Property owners who link to the Broadbeach Park No 2 lake stormwater catchment will continue to be informed of all maintenance works. This may assist in increasing long-term awareness of the problems associated with nutrient runoff.

COMMENT

The Consultant's report has confirmed various factors:

- (a) Nutrient loading from residential properties will continue to require an education and awareness programme by the City to mitigate this issue.
- (b) There are limited options to modify the existing stormwater inflows due to area and in ground drainage systems, however modified operational practices by the City will assist in mitigating this issue.
- (c) Programmed excavation in a 3-5 year cycle will provide a cost effective solution.

ATTACHMENTS

Attachment 1 Summary Extract from Urban Lakes Water Quality Management Report - Broadbeach Park Lake No 2

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 RECEIVES the Consultant's report for Urban Lakes Water Quality Management for Broadbeach Park Lake No 2;
- 2 LISTS for consideration as part of the 2006/07 Draft Budget deliberations, modified practices as recommended in Report CJ049-04/06;
- 3 UNDERTAKES an awareness and educational programme involving local residents within the Broadbeach Park catchment area in relation to nutrient loading practices within residential gardens.

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 **RECEIVES the Consultant's report for Urban Lakes Water Quality Management for Broadbeach Park Lake No 2;**
- 2 **LISTS for consideration as part of the 2006/07 Draft Budget deliberations, modified practices as recommended in Report CJ049-04/06;**
- 3 **UNDERTAKES an awareness and educational programme involving local residents within the Broadbeach Park catchment area in relation to nutrient loading practices within residential gardens;**
- 4 **THANKS the residents for their responses and comments provided to the consultant in the preparation of this report.**

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson, Smith and Fox

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf280306.pdf](#)

CJ050 - 04/06 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD ON 22 FEBRUARY 2006 – [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure and Operations

CJ060328_BRF.DOC:ITEM 9

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee held on 22 February 2006 for endorsement by Council.

EXECUTIVE SUMMARY

The intention of this report is to inform Council of the proceedings of the Conservation Advisory Committee Meeting held on the 22 February 2006.

There was one report on the February agenda, Standing Orders Local Law 2005 (01369).

An overview on the local law and the implications it will have on the workings of the Conservation Advisory Committee was provided.

Members expressed concerns that the Standing Orders Local Law (01369) will restrict debate and discussion on issues raised at the Conservation Advisory Committee.

The Committee resolved the following recommendation:

- 1 *That the Conservation Advisory Committee is of the opinion that the interpretation of the Standing Orders Local Law is extremely restrictive and interferes with the ability of the Committee to perform its functions, therefore the Committee requests the Commissioners to review Section 14(2) of the Standing Orders Local Law and its interpretation to allow the Committee to include an additional item in the order of business to allow exchange of information and progress reports.*

It is recommended that Council NOTES:

- 1 *the unconfirmed Minutes of the Conservation Advisory Committee held on 22 February 2006 forming Attachment 1 to Report CJ050-04/06;*
- 2 *that the Conservation Advisory Committee is of the opinion that the interpretation of the Standing Orders Local Law is extremely restrictive and interferes with the ability of the Committee to perform its functions, therefore the Committee REQUESTS the Commissioners to review Section 14(2) of the Standing Orders Local Law and its interpretation to allow the Committee to include an additional item in the order of business to allow exchange of information and progress report;*
- 3 *that the Standing Orders Local Law 2005 was recently significantly amended, which established protocols for the control of Council and Committee Meetings and DOES NOT SUPPORT the request to alter the order of business for Committee Meetings.*

BACKGROUND

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

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

DETAILS

Issues and options considered:

At the 22 February 2006 Conservation Advisory Committee Meeting, members expressed concern that the recently introduced Standing Orders Local Law 2005 will "restrict debate and have a deleterious influence on the effectiveness of the Committee". Discussion amongst the members centred on the fact that the Standing Orders Local Law 2005 does not contain a provision for General Business, and that with the new agenda format there would not be an opportunity to discuss the range of items that had been included under the provisions of the previous Standing Orders.

These concerns are acknowledged and informed members that the Standing Orders Local Law 2005 encompassed Council meetings as well as Advisory Committee Meetings and that the local law had been based on best practice principles with the intent to "*assist in the good conduct of meetings of the Council, of Committees and of the electors*"

Link to Strategic Plan:

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

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

Strategies

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:Environmental

Conservation Advisory Committee objective - "To make recommendations to Council for the Conservation of the City's natural biodiversity".

Social

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

Consultation:

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

COMMENT

The review of the Standing Orders Local Law 2005 was completed after many years of review and research. The review was completed in accordance with the Local Government Act 1995, which included a six (6) week public comment period with only three (3) submissions received during that period. The Council subsequently considered the submissions and resolved to adopt a revised set of Standing Orders on 22 November 2005, which were subsequently gazetted on 20 December 2005.

The order of business contained within the Standing Orders follows very closely to that as recommended by the then Department of Local Government (now Department of Local Government and Regional Development - DLGRD). The advice from the DLGRD is not to include an item of business titled 'general business' as it allows for at times irrelevant debate and issues to be raised on the spot and debated without adequate background information, which may lead to ill informed decisions being made.

The revised Standing Orders Local Law provides a well-structured items of business listing for Council and Committees that allows for an efficient and effective meeting and subsequently leads to good decisions/recommendations being made.

The order of business allows for reports to be presented to the committee prior to it formulating a recommendation to the Council. This allows the committee to remain focused on the reports that are within the agreed terms of reference.

ATTACHMENTS

Attachment 1 Minutes of the 22 February 2006 meeting of the Conservation Advisory Committee.

VOTING REQUIREMENTS

Simple Majority

Following a query from Cmr Anderson, the Chief Executive Officer advised guidelines on the Standing Orders Local Law 2005 were currently being prepared and these would be made available to committees.

Cmr Anderson requested that committees be assisted in how to use the item on the agenda that relates to the calling for future reports.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council NOTES:

- 1 the unconfirmed Minutes of the Conservation Advisory Committee held on 22 February 2006 forming Attachment 1 to Report CJ050-04/06;**
- 2 that the Conservation Advisory Committee is of the opinion that the interpretation of the Standing Orders Local Law is extremely restrictive and interferes with the ability of the Committee to perform its functions, therefore the Committee REQUESTS the Commissioners to review Section 14(2) of the Standing Orders Local Law 2005 and its interpretation to allow the Committee to include an additional item in the order of business to allow exchange of information and progress report;**
- 3 that the Standing Orders Local Law 2005 was recently significantly amended, which established protocols for the control of Council and Committee Meetings and DOES NOT SUPPORT the request to alter the order of business for Committee Meetings.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf280306.pdf](#)

CJ051 - 04/06 DAVALLIA KINDERGARTEN AND CHILD HEALTH CENTRE PROPOSED CAR PARK, 487L (LOT 159) BEACH ROAD, DUNCRAIG – [09127] [03398]

WARD: South

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

CJ060328_BRF.DOC:ITEM 10

PURPOSE

The purpose of this report is to present Council with the background to the proposed car park, the consultation process undertaken with the user groups and adjacent property owners and the final proposed concept for the car park.

EXECUTIVE SUMMARY

The Council approved as part of the Capital Works Program the construction of a car park for the Davallia Kindergarten and Child Health Centre. The City commenced preliminary concept design and consultation in January 2005. However, local residents in Juniper Way whose properties back onto the reserve adjacent to the Kindergarten Site objected to the proposal.

The City has undertaken extensive investigation and consultation and this report outlines the consultation process and steps taken to mitigate the residents concerns whilst addressing the needs of the user groups.

In view of the outcomes of the investigation and consultation this report recommends that Council:

- 1 *APPROVES the construction of a 10 bay lockable car park on 487L (Lot 159) Beach Road, Duncraig;*

- 2 *ADVISES the residents and user groups accordingly.*

BACKGROUND

A proposed 18 bay car park for the Davallia Kindergarten and Child Health Centre was approved in the Five-Year Capital Works Program. The user groups consisting of the Davallia Kindergarten and Child Health Centre requested the car park as there is no dedicated parking for this centre and users were required to park in the adjacent shopping centre car park, which is privately owned.

Investigations were carried out to determine the most suitable location and access for the car park and the long-term needs of the user groups. It was determined that the most appropriate location would be on the western side of the building where the land parcel is zoned Local Reserve for Public Use. This was considered an appropriate use of the land, and more importantly provided appropriate access to the building for the user groups, which consist of young children and mothers with babies, with regard to the access to the building.

Lot 159 is zoned for Public Purposes-School and the building is owned by City of Joondalup and is leased by Department of Education and Training for Davallia Kindergarten and an area of the 'pre-school building' is used as a child health clinic.

The land to the north, west and east of this lot is Juniper Reserve, Crown Land under City of Joondalup Management (refer Attachment 1).

Lot 739 south of the kindergarten is zoned Commercial and was developed for car parking as a requirement of the development of the Network Video premises (Lot 10).

The commercial complex is a seven-day a week shopping centre with a pedestrian count of approximately 43,000 per week (as provided by shopping centre management). The swimming pool, which is adjacent to the Kindergarten/Child Health Centre, is very busy particularly between the hours of 7.30am to noon and then 3pm to 7.30pm, with the pool open for public swimming from noon to 3 pm weekdays. Swimming classes are 30 minutes and there is a changeover period at the end of each batch when students for the next class arrive. This compounds the parking problem.

Parking is considered to be at a premium throughout the commercial centre by users and the various owners. Parents attending the Kindergarten and/or Child Health Centre have complained about lack of parking for the facility.

Funding for this project was approved in the 2004/05 Budget and the City began consultation to develop the concept for the car park in November 2005.

In March 2005 four of the residents whose properties back onto Juniper Reserve, adjacent to the Kindergarten building, raised objections to the proposed car park.

In order to address their concerns, the City undertook to investigate various issues that were raised following site meetings and written submissions.

A site meeting was held on 9 December 2005 at the Kindergarten with the affected residents, user group representatives, City representatives and MLA for Carine Ms Katie Hodson-Thomas. At this meeting the proposed car park design was discussed in detail. The City was asked to investigate additional issues, including the possibility of a path through the vegetated area in the Carine Tavern Car Park, security lighting for the reserve and car park, redesign of the car park and fencing. Attachment 2 provides an aerial view of the area.

These areas were subsequently investigated and a modified proposal was presented to all 6 affected stakeholders. Attachment 3 shows the proposal as presented to the stakeholders.

The final feedback for this has shown mixed support in that 3 residents continued to object to the proposal whilst the Kindergarten, Child Health centre and one adjacent resident supported the proposal.

In addition a 71-signature petition from the clients of the Kindergarten and Child Health Centre in support of the car park development was tabled at the Council meeting of 21 February 2006.

The owners of the adjacent shopping centre, swimming pool, tavern and Network Video support the proposed car park.

DETAILS

Issues and options considered:

Initial investigations prior to listing of the project in the Capital Works Program included options to provide access from Plumosa Mews with the car park on the eastern side of the building, on street parking in Juniper Way and a car park on the western side of building with access off existing car park in the shopping centre complex. However, this option was not considered acceptable, as it required the car park to be constructed on Juniper Reserve and the access would also have impinged on parkland.

The project approved in the 2004/05 Budget was to provide parking bays (based on the user groups needs) on the western side of the Kindergarten building with access from lot 739.

Link to Strategic Plan:

3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Legislation – Statutory Provisions:

The land on which the Kindergarten building is located is zoned Local Reserve for Public Use. It was transferred to the City on 10 September 1973, as freehold land for the purposes of a Kindergarten, by the developer as required under the conditions of subdivision (known as lot 159).

Noting the age of the building, there was no particular car-parking requirement under COW Town Planning Scheme 1. Coupled with the shopping centre development at the same time, it was considered acceptable that the Kindergarten parking would be met through the shopping centre parking provisions.

Due to growth and development of the area, parking provisions for the Kindergarten and Child Health Centre are now considered necessary and under DPS2 provision of parking is required to be provided to service the use of the building.

Therefore construction of a dedicated car park for the users of the existing facility on Lot 159 is considered consistent with the intention of the zoning of Local Reserve for Public Use.

Risk Management considerations:

There is a significant demand for the car parking facility dedicated to the Kindergarten and Child Health Centre. Occupational Health and Safety requirements for Child Care Services require that no child is to be left unattended in vehicles whilst dropping off or picking up children from the facility and in addition children are required to be dropped off inside the classroom under duty of care.

The user groups have requested a safe drop off and pick up location where the conflict zone with other shopping centre traffic is limited.

A car park is a requirement for any new facility being developed. Providing a car park for this facility would bring it in line with requirements of District Planning Scheme 2.

Financial/Budget Implications:

| | |
|-----------------------|----------|
| Account No: | 6656 |
| Budget Item: | |
| Budget Amount: | \$55,000 |
| YTD Amount: | \$ |
| Actual Cost: | \$ |

Policy implications:

The building currently has no dedicated car park. However, Urban Design and Policy has advised that a maximum of fifteen (15) bays would be required under the District Planning Scheme 2 for this type of facility. However, given that the Kindergarten runs two batches of 20 students each the maximum number of bays could be reduced to ten (10) bays.

Regional Significance:

The Davallia Primary School and Kindergarten takes admissions from within their catchment area of south Duncraig and East Carine. The boundary for the catchment is Mitchell Freeway, Warwick Rd, east of Dava St, Beach Rd, Duffy Rd and the north side of North Beach Rd. In addition the school has 41% of its admissions from outside of the catchment area from suburbs as far as Woodvale, Sorrento and Kingsley.

The Child Health Clinic services the suburbs of Carine, Marmion, North Beach, Trigg, Waterman and the south-eastern part of Duncraig.

As this facility is located on the boundary of the City of Joondalup and the City of Stirling, it provides services to the communities of both councils. The majority of the catchment for this clinic is such that clients have to use vehicles to get there.

Sustainability implications:

Encouraging residents to walk and cycle to such facilities is desirable and there are paths provided for access through Juniper Reserve. The only other access for pedestrians is through the privately owned shopping centre and tavern car parks. However, as there are many users of this facility from outside the immediate catchment area the mode of transport most used is vehicular.

Consultation:

The consultation process undertaken by the City included meetings with all stakeholders and the local MLA, and proposed concept plans and consultation forms distributed for feedback and comment. The comments and feedback has been incorporated into each revised concept plan in an attempt to mitigate the majority of the concerns of the residents.

Once funding had been approved as part of the 2004/05 budgeted Capital Works Program, a more detailed concept plan was developed and consultation with residents, user groups, and adjacent commercial property owners was undertaken.

The approach road to the proposed car park is through Lot 200, the swimming pool. Access to the car park is off the existing car park, Lot 739. In order to provide an access that met with design standards one car-parking bay would be lost from Lot 739, currently owned by the Marshall's (owners of Network Video).

The concept was discussed at site meetings with the owners of Lot 200 and 739 to ensure acceptance of the access details. The owners of Lot 739 advised that the loss of one car-parking bay in their property would be acceptable, however, they required an assurance that they would not be penalised for this in any future development applications for Lot 10. [Lot 739 is a car park built as part of the development requirements of Lot 10 (Network Video)]

Once access was finalised the plan was shown to user groups to ensure it met with their needs. It was then presented to the four residential properties behind the reserve adjacent to the proposed car park for their comments and feedback.

The residents were concerned about the impact of the car park on their properties, in particular the “antisocial” behaviour of people who may use it at night, as well as the noise and pollution of cars close to their back yards. Some questioned the need for the car park and pointed out that there was ample parking in Lot 739 and the Tavern car park for the times when the Kindergarten was in use. They also suggested an alternative location for the car park, on the eastern side of the Kindergarten building away from their properties, but with Juniper Reserve.

The City agreed to investigate their suggestions and concerns and to follow up on various planning issues that arose out of the discussions. The City also proposed additional vegetation and screen planting between the car park and the residents back property fences.

In the meantime the City received a 35-signature letter in May 2005 in support of the speedy construction of the proposed car park from the users of the facility.

A second meeting was held in December 2005 between the City and the residents, user groups and local MLA, to present the modified concept and proposals to mitigate the concerns of the residents and to discuss any other issues.

At this meeting the Kindergarten pointed out the duty of care and occupational health and safety concerns for the childcare centres when dropping off and picking up children to the facility because of the lack of parking adjacent to the building.

The residents raised concerns about security, the size of the car park and the necessity for the car park. In addition they requested the City to investigate the option of constructing a path through the vegetated area (refer Attachment 2) in the Carine Tavern (Lot 12) to provide a direct access for parents to the Kindergarten and Child Health Centre if they parked in the Tavern car park.

A final concept was sent to the residents and user groups and the added features to address the concerns of residents and user groups are shown in Table 1 below:

| Concern/Issue | Proposal to address |
|--|---|
| Cars driving through car park into Juniper Reserve | Bollards installed around car park |
| Anti social behaviour in park as a result of the car park providing a “space” for people to loiter | Security lighting of car park and the corner of Juniper reserve adjacent to 30 Juniper Way |
| Path through Juniper reserve will be too close to properties because of car park | Path will be relocated from the north east corner of car park to link into existing keeping it away from the properties |
| Car park will be used at night by tavern customers and during the day by shopping centre users | The car park can be locked after hours and weekends and only opened when the facility is in use. Bays can be dedicated, for daytime use only. The management of the car park access will be by the Kindergarten and Child Health Centre |

| | |
|---|---|
| Original proposal impinges into Juniper reserve | The Car park layout has been optimised and the number of bays reduced, noting that it is now all located within Lot 159, which is zoned Local Reserve for Public Use and as such a car park is considered an appropriate use. |
| Car Park not necessary | 35-signature letter from user group received May 2005 in support of car park construction Refer to 71 signature petition from user groups tabled at Council meeting 21 February 2006 |

TABLE 1: Issues and proposals to address issues

The feedback from this proposed concept showed mixed support in that 3 residents continued to object to the proposal on the basis that it was not necessary, whilst the Kindergarten and Child Health Centre supported the proposal fully. One adjacent resident supported the proposal subject to some additional security lighting to be continued along the public access way in Juniper Reserve. In addition, a 71-signature petition from the user groups in support of the construction of the proposed car park was tabled at Council Meeting held on 21 February 2006.

COMMENT

The City has continued a dialogue with all stakeholders with regard to the proposed car park since late 2004, and investigated each issue raised. The last proposal sent to stakeholders for approval, addressed most of the concerns of the residents. The City had previously stated that screen planting would be provided in consultation with the residents. In addition, the request for security lighting to be continued along the path in Juniper Reserve has been investigated and will be listed for budget consideration in 2006/07.

In response to the suggestion from the residents that the car park be located to the east of the building it was found that the land to the east of the Kindergarten fence is zoned Parks and Recreation and would require rezoning to permit a car park. Access to a car park on the eastern side, if possible, would require the loss of at least 2 bays from the existing car park in Lot 739. There is a PAW strip restricting access to Juniper Reserve east of Lot 159 from Lot 739 as shown in Attachment 1. Finally the number of bays suggested by the residents (6-8), was less than required based on the advice of the City's Urban Design and Policy Unit.

The proposal to construct a path through the vegetated area in Carine Tavern to allow easier access for users of the Kindergarten and Child Health Centre facility, when parking in the tavern car park, was not acceptable to the user groups due to safety concerns.

It is acknowledged that there may be times when there are bays available in Lot 739 for the user group parking, however, parking availability is sporadic and in any case this does not address the safety concerns for the drop off and pick up of children from Family Day Care and Child Care Centres. Reciprocal parking occurs throughout the entire complex as people park where possible to access the various shops and facilities in the area, and it is generally recognised that parking is at a premium in this area.

A dedicated lockable car park for this facility is in keeping with the zoning of Lot 159 and would improve the safety and accessibility for the centre. The concerns raised by the residents have been incorporated into the final proposal. The City has extended the consultation to try and mitigate all the concerns of the four adjacent residents.

This year the Kindergarten received more applications than they had positions for and had to turn students away. It is a popular school. The Child Health Centre provides services to a number of suburbs from Joondalup and Stirling and is of regional significance.

On 20 February 2006 the City received a 71-signature petition from the user group requesting the Joondalup Council to progress the construction of the dedicated Kindy/Child Health Centre Car Park.

This indicates an identified need for the car park and thus it is recommended that the construction of a lockable 10 bay car park, as depicted in Attachment 3, be progressed as soon as practically convenient.

ATTACHMENTS

- Attachment 1 Plan of area showing lot numbers
- Attachment 2 Aerial view of site
- Attachment 3 Proposed 10 bay car park

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 APPROVES the construction of a 10 bay lockable car park on 487L (Lot 159) Beach Road, Duncraig;**
- 2 ADVISES the residents and user groups accordingly.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf280306.pdf](#)

CJ052 - 04/06 LEASE OF LAND AND CONSTRUCTION OF A WORKS DEPOT – [80513] [58498]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

CJ060328_BRf.DOC:ITEM 11

PURPOSE

To consider proceeding with the development of a new works depot on land proposed to be leased from the Water Corporation.

EXECUTIVE SUMMARY

The City has entered into a lease agreement with the City of Wanneroo for operating from the depot in Ashby since 27 June 2000. The requirements for the proposed depot were reviewed identifying that a site of 2.5 to 3.0 hectares would be suitable. A review of available sites either within or in close proximity to the City has revealed that the most suitable site is a Water Corporation site located on Ocean Reef Road that forms part of the Water Corporation waste treatment site known as Beenyup. The land is currently vested with Water Corporation. Water Corporation has advised that they are looking for a tenant for the proposed site however are not prepared to transfer the vesting or sell the site to the City.

Council at its meeting held on 13 December 2005 resolved that the site at Beenyup was the preferred site for a works depot.

A Business Plan was developed and advertised in The West Australian and Joondalup Community Newspaper with a closing date of 3 April 2006. To date no written submissions have been received.

It is noted that it would be inappropriate to formulate the officers' recommendation prior to the closure of the public comment period for the advertised Business Plan scheduled for 3 April 2006. Accordingly the officers' recommendation will be presented to Council at its meeting scheduled for 4 April 2006.

BACKGROUND

The City has entered into a lease agreement with the City of Wanneroo for operating from the depot in Ashby since 27 June 2000.

The City has sought to address the long-term need for the establishment of a Works Depot within the City of Joondalup.

While the lease agreement with the City of Wanneroo for part use of the Wanneroo Works Depot has addressed the immediate need, that lease agreement only provides facilities until 30 June 2008 assuming available options are exercised. Due to the expected growth of the Wanneroo region and subsequent demands on depot facilities, there are no guarantees that these existing facilities will be made available by the City of Wanneroo for lease in the longer term.

In addition, there is potential for efficiency gains in having a centrally located depot within the City of Joondalup.

DETAILS

The matter was last considered by the Council at its meeting held on 13 December 2005 (CJ295-12/05 refers) when it was resolved that Council:

- 1 *DETERMINES that the Water Corporation site of approximately 2.5 hectares known as Beenyup on Ocean Reef Road Craigie is the preferred site for the proposed works depot;*
- 2 *AUTHORISES the Chief Executive Officer to negotiate the terms and conditions of the lease with the Water Corporation and to finalise and advertise a business plan inviting public comment;*
- 3 *NOTES that LandCorp has agreed to pay the City \$648,098 in relation to interest on the Normalisation Agreement payments.*

Prior to investigating alternative sites a review of the depot requirements was undertaken which revealed that a 2.5 hectare site would be suitable for current needs. Based on this information a review of available sites was undertaken identifying a site on Hodges Drive and the Water Corporation site on Ocean Reef Road that forms part of the Water Corporation's waste treatment plant known as Beenyup were the most appropriate sites.

Water Corporation have advised that they are looking for a suitable tenant for the Beenyup site however are not prepared to sell or transfer the vesting of the site to the City. Water Corporation has prepared a draft lease for the site for the City's consideration. The site has been valued based on the proposed lease and use of the site at \$8.00/sqm. The lease of 2.5 hectares will initially cost the City \$200,000 per annum. The City currently pays the City of Wanneroo \$80,810 per annum for the Ashby lease. The Ashby site has also been identified as having operational inefficiencies of \$536,000 per annum, which are expected to increase over time.

The proposed Beenyup site was previously used by the Water Corporation as a depot and over the past couple of years by a demolition company. There are a number of buildings and sheds on the site that vary in condition but would require substantial works if retained.

The pertinent terms and conditions of the proposed lease are summarised as follows:

- The proposed Lessor is Water Corporation of 629 Newcastle Street, Leederville, Western Australia.
- The proposed Lessee is City of Joondalup of 90 Boas Avenue, Joondalup, Western Australia.
- The City of Joondalup is to prepare a diagram identifying the proposed lease area and which is to be surveyed at the Lessor's expense. This area is identified on the plan attached to this report and is estimated to contain an area of approximately 2.5 hectares.
- The lease term is to be limited to 21 years. The lease is to contain a clause dealing with future use of the site and both parties' intentions to enter into a further lease of the premises.
- The proposed date of commencement for the lease is 1 July 2006.
- The leased premises are to include all buildings and structures on the land.
- Prior to commencement of the lease, the Water Corporation at its own expense, will conduct an environmental survey and take any action required to remediate pre-existing contamination. In the event that the projected cost of remediation is such that it is not financially viable, the Corporation reserves the right not to proceed with the matter.
- The Corporation will also arrange for removal of substances containing harmful asbestos.
- In the event that the Corporation is unable to conclude remediation of contamination and removal of asbestos prior to the proposed commencement date of 1 July 2006, commencement date of the lease is to be postponed until such time as remediation and asbestos removal works are completed.

- Rent free of 12 months to apply from commencement date of the lease and the Lessee undertakes to take possession of the premises in “as is” condition (subject to above).
- The Lessee shall construct buildings/improvements as required by the Lessee’s operation and having obtained prior Lessor’s approval.
- At termination of the Lessee’s occupancy, the Lessor may require at the Lessor’s discretion, that certain improvements be removed by the Lessee and the area be cleaned up to the Lessor’s reasonable satisfaction.
- Base rent has been determined by a jointly appointed valuer. The cost of the valuer determining a fair market rent is to be paid by the City of Joondalup however, half of such cost is to be refunded by the Corporation once the formal lease agreement is entered into by the parties.
- The initial rent as determined is to be fixed for the first two years and then followed by annual CPI adjustments, except after six years, and every five years thereafter when reviews to market shall apply.
- The Lessee shall pay all statutory outgoings assessed by the relevant authorities in relation to the lettable area.
- The Lessee shall reimburse the Corporation for legal costs involving preparation of the formal lease document.
- The first rental payment is due on the anniversary of the Commencement Date, with each succeeding payment being due and payable on the first day of each month during the Term.
- To the extent that any supply made under or in connection with the lease is a taxable supply, the consideration for the supply is increased by the rate at which GST is imposed in respect of the supply.

Water Corporation has commenced an environmental survey of the site and have agreed to take any action required to remediate any contamination including removal of any asbestos. Water Corporation has reserved the right not to proceed with the lease for a depot should the cost of removal not be financially viable.

Issues and options considered:

A review of available sites for the proposed works depot has identified two options being the purchase of a Hodges Drive site and the lease of the Beenyup site. Base NPV indicated that the lease option was the preferred financial option however the City would not own the land and would have to negotiate a new lease at the expiry of the proposed lease or find an alternative location. Both these sites are located close to the centre of the City.

Staying at the current Ashby site is not a long-term option. The construction of residential properties adjacent to the boundary of the City’s leased area will hasten the push to close the depot operation.

The City has also investigated other sites within the City or within close proximity of the City over the past few years however no sites were pursued.

Link to Strategic Plan:

Development of the a new works depot will be consistent with each of the four key focus areas of the City's Strategic Plan as follows:

Caring for the Environment: The concept plan for the new depot will be designed taking into account the latest Environmentally Sensitive Design principles where the Ashby depot is 30 years old and is in need of a major overhaul.

Community Wellbeing: The development of a new depot will assist in providing a more efficient and environmentally friendly service to the community.

City Development: A new depot within the City boundaries will encourage local employment and economic development.

Organisational Development: Manage the development to provide a maximum return on the investment to benefit the City's ratepayers and community by the reduction in operational inefficiencies that have been identified with the depot in Ashby.

Legislation – Statutory Provisions:

The proposed lease transaction is an exempt land transaction however it is considered appropriate to comply with the provisions of Section 3.59 of the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996. Section 5.42 of the Local Government Act 1995 allows a local government to delegate some of its powers and duties to the Chief Executive Officer.

Risk Management considerations:

At some stage in the future the City will be moving out of the Ashby site and without an available parcel of land, acquiring a location within the City would be difficult. The current lease with the City of Wanneroo expires in June 2007.

The lease of the Beenyup site is for a fixed period of 21 years. At that point negotiations with Water Corporation would be required if the City wanted to remain on the site or a new site may be required. Additionally Water Corporation may determine that the cost of any required remediation on the site is not financially viable to continue with the proposed lease to the City.

Financial/Budget Implications:

Hodges Drive – Original Project Estimates - endorsed by Council on 20 July 2004

| ITEM | Original Budget 4 Hectare Site \$ |
|--|---|
| Building Works (rate per sq. metre) | 2,665,000 |
| Communication cabling, IT items, Two Way Radio and Reticulation Control. | 150,000 |
| Gateway Allowance (strategic location) | 250,000 |
| Site Works (significant cross fall) | 2,970,000 |
| Environmentally Sensitive Design Allowance | 200,000 |
| Escalation (to July 04) | 200,000 |
| Escalation Premium due to Market Condition | 150,000 |

| | |
|--|-------------------|
| Consultant Fees | 600,000 |
| Land Acquisition | 2,800,000 |
| FF&E (furniture, fittings and equipment) | 600,000 |
| HV Relocation | 415,000 |
| TOTAL: | 11,000,000 |

Cost estimate for Construction of Depot at Beenyup

| ITEM | Beenyup Budget 2.5 Hectare Site \$ |
|--|---|
| Building Works (rate per sq. metre) | 2,250,000 |
| Site Works (including parking, lighting, security, landscaping etc.) | 1,400,000 |
| Escalation (to September 2006 - construction commencement) | 250,000 |
| Consultant Fees | 400,000 |
| FF&E (furniture, fittings and equipment, relocation costs) | 500,000 |
| Project Contingency | 200,000 |
| TOTAL: | 5,000,000 |

After reviewing the current buildings and site conditions Quantity Surveyor, Ralph Beattie Bosworth has advised that a budget of \$5.0 million will be sufficient for this project.

Delegating to the Chief Executive Officer the power to accept tenders within budget will help limit the impact of construction market escalation.

The lease fee for the site will commence at \$200,000 increasing annually to CPI with a market valuation review in year six and each five years after. The City currently pays a lease fee of \$80,810 to the City of Wanneroo for the current depot site in Ashby.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Remaining at Ashby depot for a period of at least ten years is not considered to be a sustainable solution to the requirements of the City. The City of Wanneroo has advised that they have a ten-year plan to remain at their current location. With residential development reaching the southern boundary of the Ashby depot site it is a matter of time before complaints are received about noise levels.

The new depot will be designed taking into account the latest Environmentally Sensitive Design principles where the Ashby depot is 30 years old and is in need of a major overhaul. The Ashby site has been identified as having operational inefficiencies of \$536,000 per annum, which are likely to increase over time. The Ashby site has no potential for expansion to meet future needs unless the City of Wanneroo move out of their site.

Consultation:

A business plan was advertised in The West Australian and Joondalup Community Newspaper with a closing date of 3 April 2006. To date no written submissions have been received.

COMMENT

The City has sought to address the long-term need for the establishment of a Works Depot within the City of Joondalup.

While the lease agreement with the City of Wanneroo for part use of the Wanneroo Works Depot has addressed the immediate need, that lease agreement only provides facilities until 30 June 2008 assuming available options are exercised. Due to the expected growth of Wanneroo and subsequent demands on depot facilities, there are no guarantees that these existing facilities will be available for lease in the longer term.

In addition, there is potential for efficiency gains in having a centrally located depot within the City of Joondalup.

Delegating to the Chief Executive Officer the power to accept tenders within budget will help limit the impact of construction market escalation.

It is noted that it would be inappropriate to formulate the officers' recommendation prior to the closure of the public comment period for the advertised Business Plan scheduled for 3 April 2006 forming Attachment 1 to this Report. Accordingly the officers' recommendation will be presented to Council at its meeting scheduled for 4 April 2006.

ATTACHMENTS

Attachment 1 Business Plan as advertised

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: To be submitted to the Council Meeting to be held on 4 April 2006.

ADDITIONAL INFORMATION

The Business Plan for the proposed Lease of Land and Construction of a Works Depot was advertised in The West Australian and Joondalup Community Newspaper with a closing date of 3 April 2006. One written submission, received from an adjacent resident, noted difficulties experienced with the previous lessee of the site. The resident commented that the depot site should be thoughtfully laid out with consideration for the welfare of residents and welcomed the proposal, looking forward to a satisfactory relationship with the City.

Accordingly, the officer's recommendation is as follows:

That Council:

- 1 NOTES that one submission was received in relation to the Business Plan advertised on 18 February 2006 and thanks the resident that submitted comments;
- 2 BY AN ABSOLUTE MAJORITY, ADOPTS the Business Plan;

- 3 PROCEEDS with the lease of the Water Corporation site of approximately 2.5 hectares known as Beenyup on Ocean Reef Road, Craigie and approves a total project budget of up to \$5,000,000;
- 4 BY AN ABSOLUTE MAJORITY, AUTHORISES the Chief Executive Officer to invite tenders for the construction of the works depot;
- 5 DELEGATES to the Chief Executive Officer in accordance with section 5.42 of the Local Government Act 1995 the authority to accept tenders for the construction of the works depot subject to the price of the tenders being within budget;
- 6 AUTHORISES the Chief Executive Officer to enter into a lease with the Water Corporation for the subject site known as Beenyup on Ocean Reef Road, Craigie based generally on the terms and conditions highlighted in Report CJ052-04/06.

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 **NOTES that one submission was received in relation to the Business Plan advertised on 18 February 2006 and thanks the resident that submitted comments;**
- 2 **ADOPTS the Business Plan;**
- 3 **PROCEEDS with the lease of the Water Corporation site of approximately 2.5 hectares known as Beenyup on Ocean Reef Road, Craigie and approves a total project budget of up to \$5,000,000;**
- 4 **AUTHORISES the Chief Executive Officer to invite tenders for the construction of the works depot;**
- 5 **DELEGATES to the Chief Executive Officer in accordance with section 5.42 of the Local Government Act 1995 the authority to accept tenders for the construction of the works depot subject to the price of the tenders being within budget;**
- 6 **AUTHORISES the Chief Executive Officer to enter into a lease with the Water Corporation for the subject site known as Beenyup on Ocean Reef Road, Craigie based generally on the draft lease agreement and terms and conditions highlighted in Report CJ052-04/06, noting that it is desirable to the Council to achieve from the negotiations the first right of refusal for lease extension options should they be deemed necessary as part of the future operational requirements.**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (5/0)**

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf280306.pdf](#)

CJ053 - 04/06 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – FEBRUARY 2006– [07032] [05961]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060328_BRF.DOC:ITEM 12

PURPOSE

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

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

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

The normal monthly report on Town Planning Delegations identifies:

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

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of February 2006 (see Attachment 1 and 2 respectively) for those matters identified in points 1-3 above.

BACKGROUND

The number of development and subdivision applications determined for February 2006 under delegated authority and those applications dealt with as an "R-code variations for single houses" for the same period are shown below:

| Approvals Determined Under Delegated Authority – Month of February 2006 | | |
|--|---------------|---------------------|
| Type of Approval | Number | Value (\$) |
| Development Applications | 100 | \$10,813,248 |
| R-Code variations (Single Houses) | 37 | 2,598,495 |
| Total | 137 | \$13,411,743 |

In addition, there were 5 development applications determined by Council during this month at a value of \$2,035,000.

The number of development applications received in February 2006 was 105 (This figure does not include any applications that may become the subject of the R-Code variation process).

| Subdivision Approvals Determined Under Delegated Authority – Month of February 2006 | | |
|--|---------------|---------------------------|
| Type of Approval | Number | Potential new Lots |
| Subdivision Applications | 6 | 114 residential lots |
| Strata Subdivision Applications | 1 | 2 strata residential lots |

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

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 13 December 2005 considered and adopted the most recent Town Planning Delegation.

DETAILS

Issues and options considered:

Not Applicable

Link to Strategic Plan:

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Legislation – Statutory Provisions:

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 100 development applications determined during February 2006, consultation was undertaken for 30 of those applications. Of the 7 subdivision applications determined during February 2006, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

COMMENT

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

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

ATTACHMENTS

| | |
|--------------|--|
| Attachment 1 | February 2006 decisions – Development Applications |
| Attachment 2 | February 2006 decisions – Subdivision Applications |

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, **SECONDED** Cmr Smith that Council **NOTES** the determinations made under delegated authority in relation to the:

- 1 development applications described in Report CJ053-04/06 for the month of February 2006;
- 2 subdivision applications described in Report CJ053-04/06 for the month of February 2006.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf280306.pdf](#)

Disclosure of Financial Interests

| | |
|---------------------------|---|
| Name/Position | Cmr S Smith |
| Item No/Subject | CJ054-04/06 – Brookmount Ramble, Padbury (Western Section) Proposed Closure to vehicular traffic |
| Nature of interest | Financial |
| Extent of Interest | Cmr Smith owns a property in Padbury. |

Disclosure of interest affecting impartiality

| | |
|---------------------------|---|
| Name/Position | Cmr S Smith |
| Item No/Subject | CJ054-04/06 – Brookmount Ramble, Padbury (Western Section) Proposed Closure to vehicular traffic |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cmr Smith's son resides in Padbury. |

| | |
|---------------------------|---|
| Name/Position | Cmr A Fox |
| Item No/Subject | CJ054-04/06 – Brookmount Ramble, Padbury (Western Section) Proposed Closure to vehicular traffic |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Cmr Fox lives in close proximity to Brookmount Ramble. |

Cmr Smith left the Chamber, the time being 2013 hrs.

CJ054 - 04/06 BROOKMOUNT RAMBLE, PADBURY - (WESTERN SECTION) PROPOSED CLOSURE TO VEHICULAR TRAFFIC – [76556]

WARD: South-West

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060328_BRF.DOC:ITEM 13

PURPOSE

The purpose of this report is for Council to consider submissions received during the advertising period, and to consider the closure of the western portion of Brookmount Ramble to vehicles.

EXECUTIVE SUMMARY

The City has received complaints from residents who have properties which back onto or are in close proximity to the western section of Brookmount Ramble, Padbury, near the North City Christian Centre. There is a cul-de-sac at the western end of Brookmount Ramble that has a record of misuse for antisocial car driving behaviour.

The proposed closure does not seek to alter the tenure of the land, however seeks to facilitate the erection of lockable bollards approximately 150 metres east of the cul-de-sac, along with an associated traffic calming treatment, which would assist to curtail the current antisocial activity occurring. The location of the proposed treatment is shown in Attachment 1. The bollards, once erected and locked, it will restrict vehicular access of the 150 metre western section of Brookmount Ramble.

Council at its meeting of 22 November 2005 (CJ255-11/05 refers) resolved to initiate the road closure for public advertising. A total of thirteen (13) submissions were received of which one (1) submissions was an objection to the proposal, and twelve (12) submissions were in support of the closure. It should be noted that there was originally two objections, however, as a result of discussions with one of the objectors, that objection was withdrawn and is now considered to be in support of the closure.

The remaining objection relates to potential increased traffic on Walter Padbury Boulevard. The Al Hiyada Mosque would be provided with a key to the lockable bollards, enabling them to open Brookmount Ramble to vehicles. Other landowners such as the North City Christian Centre could also be provided with a key if required.

It is recommended that Council:

- 1 *SUPPORTS the closure of the western portion of Brookmount Ramble as shown in Attachment 1 to Report CJ054-04/06 in accordance with section 3.50 (1a) of the Local Government Act;*
- 2 *ADVISES that in accordance with section 3.50 (2) of the Local Government Act, the road as shown in Attachment 1 to Report CJ054-04/06 will be closed for vehicular access, except for events on adjacent land or for access by service (including emergency service) authorities;*

- 3 *COMMUNICATES its decision to Main Roads WA in accordance with Clause 3.50 (5) of the Local Government Act;*
- 4 *Considers and NOTES the submissions received and ADVISES the submitters of Council's decision accordingly.*

BACKGROUND

Brookmount Ramble was originally constructed to alleviate traffic and parking issues which were being experienced by residents in Walter Padbury Boulevard and Chadlington Drive, Padbury by providing an alternative route for vehicles to access places of worship that have been developed along Chadlington Drive. The places of public worship are the Anglo Indian Association, North City Christian Centre and Al Hidayah Mosque.

Brookmount Ramble is located in an isolated location that backs onto remnant bushland on its northern side and has little passive surveillance available from the places of public worship located on its southern side. Brookmount Ramble a long and straight section of road and it is experiencing antisocial driver behaviour which can be evidenced through the existence of several 'burn out' tyre marks upon the road. The cul-de-sac head located at the western end of the road is subjected to vehicles doing 'donuts' and vandalism to infrastructure in this area.

Following consultation with residents backing onto this cul-de-sac head and representatives from the Al Hiyada Mosque, it was agreed that the installation of lockable bollards approximately 150 metres east of the cul-de-sac head, along with an associated traffic calming treatment, would assist to curtail the current antisocial activity occurring. The location of the proposed treatment is shown in Attachment 1. The proposal includes a provision that the mosque would be supplied with keys for the bollards to allow access to its rear driveway and car park. Other adjacent landowners, such as the North City Christian Centre, could also be provided with a key upon request.

DETAILS

Issues and options considered:

A number of options, including the installation of additional traffic management treatments and increased patrols by City Watch were explored, however closure to vehicular traffic at the western section of Brookmount Ramble is deemed the most appropriate course of action.

Link to Strategic Plan:

The proposal is in line with adopted strategies as follows:

- 1.4 To work with the community and enhance safety and security in a healthy environment
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.2 To provide quality services with the best resources

Legislation – Statutory Provisions:

Although the road is not a dedicated public road, under the Local Government Act 1995 (Section 3.50) the Local Government may, by public notice, order that a thoroughfare that it manages be closed to the passage of vehicles for a period exceeding 4 weeks.

Before Council resolves to make an order to close any thoroughfare it manages to the passage of vehicles, it is required to give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission. It is also required to give written notice to adjoining landowners and is obligated to allow a reasonable time for submissions to be made and to consider such submissions.

Once Council resolves to make an order to close the thoroughfare, it is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the public notice.

It should be noted that should Council make such an order, this Council report, attachments and minutes of the Council meeting pertaining to this item are intended be sent to the Commissioner of Main Roads for information purposes.

Risk Management considerations:

As a risk management strategy, the partial closure will exclude vehicles from a location, which due to its remote location, is experiencing antisocial driver behaviour and property damage.

Financial/Budget Implications:

The installation of lockable bollards and associated traffic calming treatment is estimated at \$5000.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

The proposed closure has been advertised for a period of 35 days. Adjacent owners were notified in writing and signs were placed at the entrance of the road. An advertisement was also placed in the community newspaper and on the City's website. A total of thirteen (13) submissions were received, one (1) of which objected to the proposal and twelve (12) of which supported it. The submissions have been summarised in the schedule (Attachment 2) and all submissions are available in the Councillors reading room for information.

COMMENT

Due to the isolated location of Brookmount Ramble and the limited impact on the general public using this road, a closure to vehicular traffic along its western section is considered the most appropriate treatment to alleviate the problems being encountered by nearby residents and organisations.

Most of the submissions supported the closure, however the objection received related to concerns that traffic may increase on Walter Padbury Boulevard. The means by which Brookmount Ramble would be closed to vehicles is via lockable, removable bollards. The Al Hiyada Mosque would be supplied with keys for the bollards to allow access to its rear driveway and car park. Accordingly, it is not expected that there will be increased traffic on Walter Padbury Boulevard.

It is noted that a submission of objection was initially received from the Al Hiyada Mosque, however correspondence has now been received from the Mosque that accepts the proposal to install lockable bollards.

Given that a non objection and objection were initially received from the mosque, the author of the objection was contacted and the intent of the proposal explained in further detail. As a result of those verbal discussions, written confirmation has been received that the objection is now to be withdrawn, provided the closure is effected by lockable bollards and a key is issued to the mosque occupant so that the road could be opened for access and egress to and from the car park for events.

This is in accordance with the intent of the officer recommendation, therefore it is considered that the mosque now supports the proposed closure.

ATTACHMENTS

| | |
|--------------|-------------------------|
| Attachment 1 | Location Plan |
| Attachment 2 | Schedule of Submissions |

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Clough that Council:

- 1 SUPPORTS the closure of the western portion of Brookmount Ramble as shown in Attachment 1 to Report CJ054-04/06 in accordance with section 3.50 (1a) of the Local Government Act 1995;**
- 2 ADVISES that in accordance with section 3.50 (2) of the Local Government Act, the road as shown in Attachment 1 to Report CJ054-04/06 will be closed for vehicular access, except for events on adjacent land or for access by service (including emergency service) authorities;**

- 3 **COMMUNICATES its decision to Main Roads WA in accordance with Clause 3.50 (5) of the Local Government Act 1995;**
- 4 **Considers and NOTES the submissions received and ADVISES the submitters of Council's decision accordingly.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf280306.pdf](#)

Cmr Smith entered the Chamber, the time being 2014 hrs.

CJ055 - 04/06 PROPOSED AMENDMENT TO APPROVED PLANS FOR A THREE-STORY OFFICE DEVELOPMENT - LOT 458 (10) REID PROMENADE, JOONDALUP – [61509]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060328_BRF.DOC:ITEM 14

PURPOSE

To request Council's determination of an amended application for planning approval for a multi-storey office development at Lot 458 (10) Reid Promenade, Joondalup including a request for a cash-in-lieu payment for a shortfall of 2 car bays.

EXECUTIVE SUMMARY

A three-storey commercial building, incorporating 20 offices, was approved by Council at its meeting held on 15 March 2005 (CJ040 – 03/05 refers). As part of this approval it was acknowledged that there was a shortfall on 9 car bays. The determination of Council resolved that a cash-in-lieu payment of \$72,900 for the 9 car parking bays was appropriate. The applicant has submitted amended plans requesting an increase in the car parking shortfall on the site, from 9 car bays to 11.

The reason for the loss of 2 additional car bays is due to the requirement for a Western Power Transformer and compound to be located on-site, for which the applicant has stated was not a requirement during the design and documentation stage.

It is noted that the three-storey commercial office building is substantially commenced, minimising the possibility for an alternative site to locate the transformer.

It is recommended that Council approve the amended plans, requiring the applicant/owner to pay a further cash-in-lieu component of \$16,200 for the shortfall of 2 car bays.

BACKGROUND

| | |
|-------------------------|--|
| Suburb/Location: | Lot 459 (10) Reid Promenade, Joondalup |
| Applicant: | Meyer Shircore & Associates |
| Owner: | Brian Swain |
| Zoning: | DPS: Centre |
| | MRS: City Centre |
| Site Area: | 0.1395 ha |
| Structure Plan: | Joondalup City Centre Development Plan & Manual (JCCDPM) |

The application was received on 21 December 2005.

The subject development (DA04/0607) was presented to Council on 15 March 2005 (CJ040 – 03/05 refers), where it was resolved to grant planning approval for the proposal, which included the following conditions; that Council:

- 1 *DETERMINES that a cash-in-lieu payment of \$72,900 for 9 car parking bays is appropriate in this instance;*
- 2 *APPROVES the application for Planning Consent dated 6 August 2004, submitted by Meyer Shircore and Associates for an office development comprising 20 office units on Lot 458 (10) Reid Promenade, Joondalup subject to the following conditions:*
 - (f) *the provision of 45 bays to be provided on site, of which, Council is prepared to accept a cash in lieu payment of nine spaces at \$8 100 each.*

Footnote:

- 2 *The cash value that will be accepted for each car parking bay is the sum of the construction cost and land component. A sum of \$8,100 has been adopted for this purpose. Cash-in-lieu parking will contribute towards a fund for the Council to meet future parking demand within the locality;*

DETAILS

The applicant has requested approval for an amendment to the existing development approval that will require the loss of 2 on-site car bays. As part of the original approval 45 bays were required to be provided as per the JCCDPM. The loss of 2 additional car bays would mean that the total shortfall of parking on the site, would be 11 car bays.

Information which has been provided by the applicant, states that 2 car bays are required to be used for the location of a Western Power transformer and compound, consisting of a high-voltage kiosk, low voltage kiosk and transformer. No fencing is proposed around the transformer.

A transformer was not incorporated into the original development proposal as the applicant has stated that Western Power did not require a transformer on site. The applicant has since been advised by Western Power, that an on site transformer is required. To satisfy the requirements of Western Power, the applicant has explained that there is no alternative position deemed to be acceptable. The options are also limited by the fact that the development is nearing completion.

The applicant has suggested that the solution to this issue is to increase the number of cash-in-lieu parking bays from 9 to 11 car bays (2 additional car bays).

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The development will assist the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

The City of Joondalup District Planning Scheme No 2 (DPS2) and Joondalup City Centre Development Plan and Manual (JCCDPM) are relevant documents. The relevant clauses of these documents, are illustrated below:

*City of Joondalup District Planning Scheme No 2 (DPS2)***4.11 CAR PARKING – CASH IN LIEU OR STAGING**

4.11.1 The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council;

4.11.2 Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development;

4.11.3 The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine;

4.11.4 Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by Council.

6.8 Matters to be considered by Council

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*

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

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable

Consultation:

The proposal has not been advertised, as it constitutes a very minor change to the approved development. Additionally, the development reflects the form of development expected in the City Centre as contained in the preferred land-uses stipulated in the JCCDPM.

COMMENT

The location of the proposed Western Power transformer will encompass 2 car bays, reducing the total number of on-site car bays to 34 bays, being a shortfall of 11 car bays (45 bays required). It is considered that as the development is substantially commenced, the opportunities to locate the transformer on-site are limited. Although not ideal, the loss of 2 additional car bays may be the only solution, in this instance. This is due to the limited opportunity and space available on-site as the development has been substantially commenced.

In the previous report to Council (CJ040 – 03/05) for the subject development, it was noted that there are 137 bays available at the existing car parking station to the rear of the site, being accessible from McLarty Avenue. The station is intended to complement the car parking requirements of the lots adjacent, including the subject lot. It is also expected that through eventual redevelopment, the station could include multi-decked parking bays as detailed in the Joondalup City Centre Parking Strategy. The cash-in-lieu payment from this development could be used for the future development of this parking station.

It is also noted that the development is in close proximity to the Joondalup Train Station and public transport (including the new Joondalup CAT bus service), for which the utilisation of these services is encouraged.

The Joondalup City Centre is not currently subject to Council's Planning Policy 7-10, Cash-in Lieu of Car Parking. This area is subject to the Joondalup City Centre Parking Strategy, which aims to meet the specific needs of the City Centre environment. Council is currently considering an amendment to include the Joondalup City Centre area within Council's Planning Policy 7-10 – Cash-in Lieu of Car Parking.

Council at its meeting held on 9 October 2001 (Report CJ354-10/01 refers) resolved that the cash-in-lieu payment for a bay within the Joondalup City Centre would total \$8,100 per bay. The previous approval for the subject development recommended that a cash-in-lieu component of \$72,900 be paid for 9 car parking bays, equaling \$8,100 per bay. In this instance the total cash component for a shortfall of 11 car bays, would equal \$89,100 (addition of \$16,200 for 2 car bays).

In accordance with Clause 4.11 of DPS2, it is recommended that Council determines the proposed car parking provisions and cash-in-lieu payment for the further shortfall of 2 car bays, is appropriate as the nearby car parking station will alleviate demand and will not have an adverse impact upon the occupiers of the development or on the locality. Additionally, the proximity of the development to public transport services will assist in the accessibility of the site to potential occupiers. The construction of the Western Power transformer and compound is therefore recommended for approval subject to a cash-in-lieu payment, calculated at \$8,100 per bay, totaling \$16,200 be applied as a condition of approval.

ATTACHMENTS

| | |
|--------------|-------------------------|
| Attachment 1 | Location Plan |
| Attachment 2 | Site plans, floor plans |

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 NOTES that Western Power requires the applicant to provide the transformer and compound during the course of construction;**
- 2 DETERMINES that a cash-in-lieu payment of \$16,200 for the loss of the two (2) car parking bays is appropriate in this instance;**
- 3 APPROVES the application for Planning Approval dated 21 December 2005, submitted by Meyer Shircore and Associates for the deletion of two car parking spaces and the construction of a Western Power Transformer and Compound as shown on the accompanying plans, for an office development at on Lot 458 (10) Reid Promenade, Joondalup subject to the payment of a cash-in-lieu component for the loss of two car parking spaces.**

Footnote:

- 1 The cash value that will be accepted for each car parking bay is the sum of the construction cost and land component. A sum of \$8,100 has been adopted for this purpose. Cash-in-lieu parking will contribute towards a fund for the Council to meet future parking demand within the locality.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson, Smith and Fox

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf280306.pdf](#)

CJ056 - 04/06 REVIEW OF CASH-IN-LIEU OF CAR PARKING POLICY 7-10 – [72020]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060328_BRF.DOC:ITEM 15

PURPOSE

The purpose of this report is for Council to consider adopting as final the reviewed Cash-in-Lieu of Parking Policy, following advertising, and adopt new car parking bay valuations.

EXECUTIVE SUMMARY

The Cash-in-Lieu of Parking Policy provides parameters for Council to consider the payment of cash-in-lieu of the provision of on-site car parking bays for a proposed development. The funds received through cash-in-lieu payments are intended to contribute to the construction and management of future car parking demand within the vicinity of a proposed development.

It is considered that the policy has been operating adequately, however changes are proposed to update references within the policy to align it with the City's District Planning Scheme No 2 (DPS2) and to review the value of land which is included within the calculation of cash-in-lieu parking.

At its meeting of 13 December 2005 Council resolved to adopt the changes to the policy for public comment. No submissions were received during the advertising period.

It is recommended that Council:

- 1 *ADOPTS as final the revised Cash in Lieu of Car Parking Policy 7-10 outlined in Attachment 1 to Report CJ056-04/06 in accordance with Clause 4.11 of District Planning Scheme No 2, with the following additions:*
 - (a) *Within Clause 2 (b), insert the words “being any lot which is directly opposite the coastal Regional Parks and Recreation reservation.” after the words ‘Beachfront Commercial’;*
 - (b) *Add the following clause:*

6. Sustainability

This policy promotes sustainability by allowing the opportunity for a mix of public and private car parking. Cash-in-lieu of car parking enables public car parking to be provided in strategic locations, and assists in reducing the amount of private land that is given over to car parking, and which could be used for other development.
 - (c) *Amending clause 3 (b) by deleting the words ‘In these instances the Council may require an appropriate area of land to remain undeveloped and/or the provision of additional car parking or the payment of cash-in-lieu if, in Council’s opinion, additional parking is required.’*
- 2 *BY AN ABSOLUTE MAJORITY AGREES to impose a fee relating to cash-in-lieu payments for car parking effective from 17 April 2006, under Clause 4.11 of the District Planning Scheme under the following categories:*

| | |
|--|-----------------|
| <i>Joondalup City Centre</i> | <i>\$25,440</i> |
| <i>Standard District Centres (Services Industrial/Commercial Land)</i> | <i>\$10,750</i> |
| <i>Beachfront Commercial</i> | <i>\$40,750</i> |
- 3 *in accordance with Section 6.19 of the Local Government Act 1995, GIVES local public notice of the fees imposed in (2) above;*
- 4 *DETERMINES that development applications received prior to the date from which the proposed fees in (2) above will be imposed being Monday 17 April 2006, shall be determined in accordance with the policy and cash-on-lieu figures applying at the date of lodgement, except where Council has specifically determined the cash-in-lieu figure applicable to a development application;*
- 5 *REQUIRES that the cash-in-lieu policy and associated fees be reviewed on an annual basis;*
- 6 *NOTES that all funds received from cash-in-lieu payments are placed in a Reserve fund for that specific purpose.*

BACKGROUND

Clause 4.11 of DPS2 allows Council to consider accepting a payment in lieu of the on-site provision of car parking. Cash-in-lieu of car parking provides a potential alternative to the development of on-site car parking should there be a shortfall in the provision of car parking bays as outlined under Table 2 of DPS2. The DPS2 provision does not replace the developers responsibility to provide on-site parking, but rather is a mechanism to enable otherwise desirable developments, for which the full amount of parking cannot be provided

on-site, to proceed. However in accordance with Clause 4.11, there must be an adequate provision for public car parking in the proximity of the proposed development.

The Cash-in-Lieu of Car Parking Policy provides guidance as to when such payment will be accepted and the value of the payment. The contribution rate of cash-in-lieu is based on the appropriate land valuation that is acceptable to the zoning and the estimated cost of construction of a car bay. Both the estimated cost of construction of a car bay and the land valuation is calculated at a per square metre rate.

The current policy was adopted by Council in June 1999 (CJ213-06/99 refers) and it is appropriate that it be reviewed due to parts of the current policy referring to Council's previous Town Planning Scheme No 1 and an increase of land values within the locality.

The Cash-in-Lieu of Car Parking Policy applies to all areas within the City of Joondalup with the exception of the City Centre. Given the specific circumstances and needs relating to car parking within the City Centre, a separate Car Parking Strategy applies to the City Centre. This strategy is currently being reviewed.

DETAILS

Issues and options considered:

Land Valuation Review

The City commissioned an independent licensed land valuer to undertake a study of current commercial and industrial land values within the City of Joondalup. At the completion of the reviewed land valuations within the locality, a report was provided to the City outlining the current land values. The figures forwarded were calculated at a rate per square metre and broken down into three land use categories. These land use categories and per square metre land values are:

- Joondalup City Centre - \$600 per square metre of land
- Standard District Centres (Service Industrial/Commercial Land) - \$300 per square metre of land
- Beachfront Commercial - \$1,300 per square metre of land

The current policy states that a car bay (at-grade) is assumed to require 30m² in area. A bay within a multi-level car park (applicable to the City Centre) requires 32m². Construction costs are also added to the cash-in-lieu figure, which are currently estimated to be \$1,750 for an at-grade bay, and \$19,040 for a bay within a multi-level car park (applicable to the City Centre). Given these parameters, the current value per car bay have been assessed to be:

- Joondalup City Centre - \$25,440
- Standard District Centres (Service Industrial/Commercial Land) - \$10,750
- Beachfront Commercial - \$40,750

In regard to the Joondalup City Centre figure, the land value component has been based on the development of a 3 storey multi-deck car park, whereby the land value would be amortised over the total development. The land value has therefore been reduced one-third (i.e. \$200 m²).

Current Policy

The Cash-in-Lieu of Car Parking Policy supplements DPS2 by providing relevant details with regards to the acceptance and valuation of proposed Cash-in-Lieu car parking arrangements.

This includes:

- Parking Bay Valuations.
- Policy Exceptions.
- Details regarding delegated authority in approving development applications that propose cash-in-lieu payments.
- Car parking requirements for Royce Court, located on the western side of Joondalup Drive, which is zoned 'Service Industrial' under the DPS2.

Whilst the policy is performing satisfactorily, some changes are proposed to provide reviewed land valuations for calculating proposed cash-in-lieu car parking and to align the current policy to the appropriate clauses of DPS2.

The cash-in-lieu figure is contained within the current policy. It is considered more appropriate that such figures are set within the Schedule of Fees and Charges and referenced from the policy.

Proposed Amendments

The amendments proposed to the current policy and car bay valuations are as follows:

- Replacing reference to Part 9 of Council's Town Planning Scheme to read:
Part 4.8 of Council's District Planning Scheme No.2
- Replacing references to Town Planning Scheme to read:
District Planning Scheme No.2
- Omit reference to land values for Residential and General Industrial land.
- Delete reference to car bay valuations within the policy and include revised valuations within the schedule of fees and charges as follows:
Service Industrial/Commercial Land - \$10,750
Beachfront Commercial - \$40,750
- Deletion of the section headed Delegation
- Additional and expanded criteria to Royce Court Policy Statement to read:
Should the applicant provide on-site car parking for the equivalent portion of the proposed development that is above a plot ratio of 0.70, a cash-in-lieu payment is not required.

Separate to the policy amendments, Council is also requested to amend the current cash-in-lieu figure for the Joondalup City Centre from \$8,100 per bay, to \$25,440 per bay.

Link to Strategic Plan:

- Objective 3.1 – To develop and maintain the assets and built environment of the City of Joondalup.
- Strategy 3.1.2 – Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of local planning policies and amendments or additions to policies.

Section 6.16 of the Local Government Act 1995 states:

- (1) *A local government may impose* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

- 2(d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*

Section 6.17 of the Local Government Act 1995 states:

- (1) *In determining the amount of a fee or charge for a service or for goods a local government is required to take into consideration the following factors:*

- (a) *the cost to the local government of providing the service or goods;*
(b) *the importance of the service or goods to the community; and*
(c) *the price at which the service or goods could be provided by an alternative provider.*

- (2) *A higher fee or charge or additional fee or charge may be imposed for an expedited service or supply of goods if it is requested that the service or goods be provided urgently.*

- (3) *The basis for determining a fee or charge is not to be limited to the cost of providing the service or goods other than a service:*

- (a) *under section 5.96;*
(b) *under section 6.16(2)(d); or*
(c) *prescribed under section 6.16(2)(f), where the regulation prescribing the service also specifies that such a limit is to apply to the fee or charge for the service.*

- (4) *Regulations may:*

- (a) *prohibit the imposition of a fee or charge in prescribed circumstances; or*
(b) *limit the amount of a fee or charge in prescribed circumstances.*

Section 6.19 of the Local Government Act states:

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

- (a) *its intention to do so;*
(b) *the date from which it is proposed the fees or charges will be imposed.*

Risk Management considerations:

As Council has the ability to accept cash-in-lieu of the provision of car parking, the dollar amount accepted must reflect the cost to the City of providing that car parking. There is a risk that the City would not be able to fund the provision of car parking should the amount accepted not reflect the costs involved.

Financial/Budget Implications:

The funds received by the City from cash-in-lieu car parking arrangements contributes towards the provision and management of future car parking facilities within the locality.

All funds received from cash in lieu payments are placed in a Reserve fund for that specific purpose.

Policy implications:

To improve the performance of the Cash-in-Lieu of Car Parking Policy by:

- Providing reviewed costs for parking bay valuations.
- To align the current Cash-In-Lieu Policy with DPS2.

Regional Significance:

Not applicable

Sustainability implications:

Cash-in-lieu of car parking enables public car parking to be provided in strategic locations, and assists in reducing the amount of private land that is given over to car parking, and which could be used for other development.

Regulating the amount of car parking in the City Centre will also assist in encouraging other forms of transport to access the Central Business District.

Consultation:

The draft revised policy was advertised for public comment from 19 January to 16 February 2006. The policy was advertised for two consecutive weeks in the local newspaper, and advertised on Council's website. No submissions were received during the advertising period.

COMMENT

The policy has been operating for approximately six (6) years and is considered to function adequately, however it is intended to review the policy to provide current land valuations for calculating proposed cash-in-lieu car parking arrangements. Changes are also proposed to update references within the policy to align it with the City's DPS2.

An addition is proposed to clarify the term 'Beachfront Commercial' used within the policy. It is considered that a Beachfront Commercial lot is any lot that is directly opposite the coastal Regional Parks and Recreation reservation.

It is considered appropriate that a transition period be adopted whereby development applications received prior to the new cash-in-lieu figures coming into effect be subject to be current fees. An exception to this would be where Council has specifically resolved the cash-in-lieu fee that would apply to a particular development.

It is noted that the setting of the cash in lieu valuation figure is not related to a particular development proposal. In regard to the provision of on-site car parking, each development is assessed on its merits.

The intent of Clause (3b) is to allow consideration of a reduction in the required provision of car parking without payment of cash in lieu in circumstances where such a reduction is unlikely to create a car parking shortage. The clause also allows Council to require land to be set aside for future car parking, or the payment of cash in lieu, in the event that a car parking shortfall does occur. It is also considered appropriate to make a minor amendment to (Clause 3b) to clarify the intent of the clause, as follows:

In the case of purpose built developments involving a single occupancy where the parking demand can be estimated with a high degree of confidence, the Council may approve a reduction in required parking without the payment of cash-in-lieu.

It is also proposed to include a sustainability clause within the policy to align with the current policy format.

No submissions were received during the advertising period. It is considered appropriate that Council adopts the revised policy as final and amends the Schedule of Fees and Charges to include the revised car bay valuations.

ATTACHMENTS

Attachment 1 Cash-in-Lieu of Car Parking Policy

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council:

1 ADOPTS as final the revised Cash in Lieu of Car Parking Policy 7-10 outlined in Attachment 1 to Report CJ056-04/06 in accordance with Clause 4.11 of District Planning Scheme No 2, with the following additions:

(a) Within Clause 2 (b), insert the words "*being any lot which is directly opposite the coastal Regional Parks and Recreation reservation.*" after the words 'Beachfront Commercial';

(b) Add the following clause:

6 *Sustainability*

This policy promotes sustainability by allowing the opportunity for a mix of public and private car parking. Cash-in-lieu of car parking enables public car parking to be provided in strategic locations, and assists in reducing the amount of private land that is given over to car parking, and which could be used for other development.

(c) Amending Clause 3 (b) by replacing the words 'and/or' with the word 'for' and replacing the word 'is' after 'additional parking' with 'becomes'.

- 2 BY AN ABSOLUTE MAJORITY, AGREES to impose a fee relating to cash-in-lieu payments for car parking effective from 17 April 2006, under Clause 4.11 of the District Planning Scheme under the following categories:
- | | |
|---|----------|
| Joondalup City Centre | \$25,440 |
| Standard District Centres (Services Industrial/Commercial Land) | \$10,750 |
| Beachfront Commercial | \$40,750 |
- 3 in accordance with Section 6.19 of the Local Government Act 1995, GIVES local public notice of the fees imposed in (2) above;
- 4 DETERMINES that development applications received prior to the date from which the proposed fees in (2) above will be imposed being Monday 17 April 2006, shall be determined in accordance with the policy and cash-on-lieu figures applying at the date of lodgement, except where Council has specifically determined the cash-in-lieu figure applicable to a development application;
- 5 REQUIRES that the cash-in-lieu policy and associated fees be reviewed on an annual basis;
- 6 NOTES that all funds received from cash-in-lieu payments are placed in a Reserve fund for that specific purpose.

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 **ADOPTS as final the revised Cash in Lieu of Car Parking Policy 7-10 outlined in Attachment 1 to Report CJ056-04/06 in accordance with Clause 4.11 of District Planning Scheme No 2, with the following additions:**
- (a) **Within Clause 2 (b), insert the words “being any lot which is directly opposite the coastal Regional Parks and Recreation reservation.” after the words ‘Beachfront Commercial’;**
- (b) **Add the following clause:**
- 6 Sustainability**
- This policy promotes sustainability by allowing the opportunity for a mix of public and private car parking. Cash-in-lieu of car parking enables public car parking to be provided in strategic locations, and assists in reducing the amount of private land that is given over to car parking, and which could be used for other development.***
- (c) **Amending Clause 3 (b) by replacing the words ‘and/or’ with the word ‘for’ and replacing the word ‘is’ after ‘additional parking’ with ‘becomes’.**
- 2 **AGREES to impose a fee relating to cash-in-lieu payments for car parking effective from 17 April 2006, under Clause 4.11 of the District Planning Scheme under the following categories:**
- | | |
|---|----------|
| Joondalup City Centre | \$25,440 |
| Standard District Centres (Services Industrial/Commercial Land) | \$10,750 |
| Beachfront Commercial | \$40,750 |
- 3 **in accordance with Section 6.19 of the Local Government Act 1995, GIVES local public notice of the fees imposed in (2) above;**

- 4 **DETERMINES** that development applications received prior to the date from which the proposed fees in (2) above will be imposed being Monday 17 April 2006, shall be determined in accordance with the policy and cash-in-lieu figures applying at the date of lodgement, except where Council has specifically determined the cash-in-lieu figure applicable to a development application;
- 5 **REQUIRES** that the cash-in-lieu policy and associated fees be reviewed on an annual basis, with the first review to be at the time of the 2006/07 budget preparation;
- 6 **NOTES** that all funds received from cash-in-lieu payments are placed in a Reserve fund for that specific purpose.

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (5/0)**

In favour of the Motion: Cmrns Paterson, Clough, Anderson, Smith and Fox

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12agn280306.pdf](#)

CJ057 - 04/06 PROPOSED AMENDMENT NO 34 TO DISTRICT PLANNING SCHEME NO 2 AND MODIFICATION TO THE KINROSS NEIGHBOURHOOD CENTRE STRUCTURE PLAN – CONSIDERATION FOLLOWING ADVERTISING – [89577]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060328_BRF.DOC:ITEM 16

PURPOSE

The purpose of this report is for Council to consider submissions received during the advertising period, and to consider adopting as final Amendment No 34 to District Planning Scheme No 2 and amendments to the Kinross Neighbourhood Centre Structure Plan, without modification.

EXECUTIVE SUMMARY

The District Planning Scheme No 2 (DPS2) and the Kinross Neighbourhood Centre Structure Plan currently limit the retail floor space of the Kinross Shopping Centre site, Selkirk Drive, Kinross, to 3,000m². Amendment No 34 and associated amendment to the structure plan proposes to increase the retail floor space of the centre to 4,000m².

Until recently, the Kinross area was intended to be served by three retail centre locations, those being:

- Edinburgh Avenue - 1000 m² retail floor space limit. (identified as 59 Kinross Drive on Attachment 1).
- Selkirk Drive - 3000m² retail floor space limit.
- Kinross Drive - 500m² retail floor space limit. (identified as 157 Kinross Drive on Attachment 1).

In November 2005, Council supported the rezoning of the minor retail site (157 Kinross Drive) for residential purposes. The Minister for Planning and Infrastructure has subsequently approved this rezoning.

Retail modelling for Kinross suggests that additional retail floor space would be required. The proposal is to reallocate the 500m² (spare) retail space into the Kinross Neighbourhood Centre land, and to allow a further 500m² retail floor space on that site. The net effect would be that two neighbourhood commercial sites would be provided in Kinross, with a total retail capacity of 5000m².

Council at its meeting of 13 December 2005 (CJ 279 – 12/05 refers) resolved to advertise concurrently the proposed Amendment 34 and structure plan amendment. Five (5) submissions were received during the advertising period, with two (2) being objections mainly on traffic related issues, and three (3) non-objections.

Analysis of the application leads to the conclusion that the consolidation of retail floor space will assist with the viability of the centre, and may also encourage a greater range of services than might otherwise occur. The amendment to DPS2 and the Kinross Neighbourhood Structure Plan are therefore supported without modification.

It is recommended that Council:

- 1 *Pursuant to Section 7 of the Town Planning and Development Act 1928, ADOPTS Amendment No. 34 to the City of Joondalup District Planning Scheme No. 2 to modify Schedule 3 of the Scheme text to increase the Net Lettable Area of Portion Lot 2 (400 Burns Beach Road, Kinross from 3000m² to 4000m²;*
- 2 *AUTHORISES the signing of and the affixation of the Common Seal to the amendment documents;*
- 3 *Pursuant to Clause 9.7 of the City of Joondalup District Planning Scheme No 2 ADOPTS modifications to the Kinross Neighbourhood Centre Structure Plan by modifying Clause 4.0 by replacing the figure '3,000' with the figure '4,000', be submitted to the Western Australian Planning Commission for final adoption and certification;*
- 4 *Subject to certification by the Western Australian Planning Commission, ADOPTS the Kinross Neighbourhood Structure Plan an Agreed Structure Plan and authorises the signing of and the affixation of the Common Seal to the structure plan document;*
- 5 *NOTES the submissions received and ADVISES the submitters of the Council's decision.*

BACKGROUND

| | |
|-------------------------|------------------------------|
| Suburb/Location: | Kinross |
| Applicant: | Shrapnell Urban Planning |
| Owner: | Adriatic United Pty Ltd |
| Zoning: | DPS: Centre |
| | MRS: Urban |
| Site Area: | 1.3876ha |
| Structure Plan: | Kinross Neighbourhood Centre |

There are three (3) commercial centres currently planned in the Kinross area. Each centre (Attachment 1) has a retail net lettable area (NLA) floor space limit specified in Schedule 3 of DPS2 as follows:

- Corner of Kinross Drive and Edinburgh Avenue at Lot 1255 (59) Kinross Drive, Kinross, – 1000m²
- Kinross Neighbourhood Centre at 3 Selkirk Drive, Kinross, (described as Portion Lot 2 (400) Burns Beach Road (East) in DPS2) – 3000m² (the subject site)
- Lot 200 (157) Kinross Drive, Kinross, (described as Portion Lot 2 (400) Burns Beach Rd (North) in DPS2) - 500m²

The centre on the corner of Kinross Drive and Edinburgh Avenue, Kinross is currently the only existing centre and consists of a small number of shops and services, including a deli, fish and chip shop, chemist, real estate agent, and vet.

Council at its meeting of 11 October 2005 granted planning approval for the Kinross Neighbourhood Shopping Centre, which includes a supermarket, restaurant/shop (café), liquor store, two takeaway food outlets, eleven non-retail tenancies and two automatic teller machines (CJ217-10/05 refers). The total floor space proposed is 4,116m², consisting of:

- the retail component being a supermarket, café, liquor store and two take away food outlets with a maximum retail floor space of 3,000 m²;
- 1,116m² floor space for 11 non-retail tenancies and 2 ATMs.

Construction of the shopping centre has recently commenced.

On 1 November 2005 Council adopted Amendment No 30 to DPS2 which sought to rezone Lot 200 (157) Kinross Drive (North) from Commercial (R20) to Residential R30 (CJ237-11/05 refers). It was argued that the subject site did not appear to be viable for Commercial purposes given its location and size. This application has recently been approved by the Minister for Planning and Infrastructure, and has the effect of removing 500m² of retail floor space from that site.

DETAILS

Issues and options considered:

The applicant is proposing to increase the retail floor space of the Kinross Neighbourhood Centre from 3000m² to 4000m². The proposal entails the following modification to statutory documents.

- *DPS2 Amendment*

If adopted, DPS2 would be amended by modifying 'Schedule 3 – Commercial and Centre Zones: Retail Net Lettable Area' to increase the retail floor space of the Kinross Neighbourhood Centre from 3000m² to 4000m².

- *Structure Plan Amendment*

If adopted, the Kinross Neighbourhood Structure Plan would be amended by modifying section 4.0 to read '4000m²' in lieu of '3000m²'.

Relevant considerations in regard to this request are:

- Council Policy
- WAPC Policy
- The amount of retail floor space available within the Kinross area
- The effect of the increase in retail floor space on the Kinross Neighbourhood Centre

Applicant's Justification

In order to justify the request, the applicant submitted a Retail Floorspace Assessment prepared by a planning consultant specialising in retail assessments. The report recommends:

- The 500m² currently allocated to the local centre at Lot 200 (157) Kinross Drive, Kinross, should be reallocated to the planned Kinross Neighbourhood Centre, and
- An additional 500m² should be allocated to the Kinross Neighbourhood Centre to compensate for the current and future under provision of neighbourhood level retail floor space in the northern section of Kinross.

The applicant's report submitted raises the following points with regard to existing and proposed retail areas in the near vicinity, which have been summarised below:

Currambine

Currambine District has a NLA limit of 10,000m². There are no neighbourhood centres although a 'Centre' zone does cover a large area in the vicinity of Connolly Drive and Ascot Way. 3000m² has been allocated to this area, however it is unlikely that it will be developed for retail purposes.

Burns Beach

The Burns Beach Structure Plan provides for a small 'Local Shop' precinct. A population estimate indicates approximately 4640 people. The allocated area has the potential to accommodate between 1000m² and 1500m² NLA at most and is therefore under provided with retail floor space.

Iluka

A neighbourhood centre below 5000m² is allocated to Iluka, however due to the peripheral location of this suburb and its close proximity to the Currambine District Centre, it is likely that any future centre would be considerably less than 5000m².

Joondalup

The neighbourhood is currently serviced by Candlewood Village which has a NLA limit of 2000m². The Joondalup Strategic Regional Centre does not provide good access for daily and even weekly food and groceries, as it is less convenient due to increased traffic as the centre expands.

Options

In considering the proposed amendment to DPS2 and the Kinross Neighbourhood Structure Plan, Council can:

- Not adopt the proposed amendments,
- Adopt as final the proposed amendments
- Adopt as final the proposed amendments, with modifications.

Link to Strategic Plan:

Key Focus Area: City Development

Outcome: To continue to meet changing Demographic needs
Objective: Integrate plans to support community and business development.
Outcome: The City of Joondalup is recognised for investment and business opportunities
Objective: To provide and maintain sustainable economic development

Legislation – Statutory Provisions:

Scheme Amendment

Section 7 of the Town Planning and Development Act 1928 (TP&D Act 1928) together with Section 25 of the Town Planning Regulations 1967 enable Local Authorities to Amend a Town Planning Scheme and sets out the process to be followed.

Upon closure of the 42 day advertising period, the Council considers all submissions received and can resolve to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC) who makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

Agreed Structure Plan Amendments

Under clause 9.7 of the Scheme, Council may amend an Agreed Structure Plan subject to approval of the WAPC. Upon completion of public advertising, Council is required to review all submissions within sixty (60) days and then proceed to either refuse or adopt the structure plan, with or without further modifications.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not applicable

Policy implications:

The City's Centres Strategy (Policy 3-3) recommends that the expansion of a neighbourhood centre be considered in the context of an approved structure plan based on main street principles, particularly if the expansion is over 3,000m². In this regard, the Kinross Neighbourhood Structure Plan applies to the land, and the design of the recently approved Kinross Shopping Centre encompasses 'main street' principles as required by the structure plan. The proposed increase in retail floor space therefore accords with Policy 3-3.

The WAPC Policy 4.2 - 'Metropolitan Centres Policy Statement for the Perth Metropolitan Region' states that Neighbourhood Centres' retail floor space should generally be confined to below 4,500m², unless consistent with a WAPC endorsed local strategy. In this instance, the proposal is to increase the Kinross Neighbourhood Centre retail floor space to 4,000m², which complies with the WAPC Policy.

Regional Significance:

The proposal has significance to the local neighbourhood and to the provision of retail floor space within the neighbourhood. The proposal is therefore unlikely to have any regional significance.

Sustainability implications:

The increase in retail floor space is considered desirable, as it would increase the range of facilities that could be utilised by the local community. These facilities can add to the social wellbeing of the community and provide additional employment opportunities. There are economic benefits by attracting small businesses to the area.

Consultation:

The proposed amendments were advertised for a period of 42 days. An advertisement was placed in the West Australian, the community paper, and on the City's web site, and a sign was erected on the site. A total of five (5) submissions were received, two (2) of which objected to the proposal and three (3) that had no objection. The submissions have been summarised in Attachment 2. Copies of all submissions have been placed in the Commissioners reading room for their information.

COMMENT

The two objections received during the advertising period relate primarily to traffic issues, including the location of vehicle entrances and exits. The shopping centre, which is currently under construction, was approved in accordance with the provisions of the existing Kinross Neighbourhood Centre Structure Plan. The traffic issues have been raised with the applicant and a revised traffic impact assessment giving due consideration to the maximum 4,000m² NLA has been prepared.

The findings of the addendum to the traffic impact report are that the proposed increase in retail floor space and the decrease in non-retail floor space are not expected to have any adverse impacts on the traffic operations of the shopping centre ingress/egress and on the Connolly Drive and Selkirk Drive intersection. Notwithstanding, within the shopping centre site, the traffic impact report recommends that the right hand turn lane into Selkirk Drive would need to be lengthened from 31 metres to 38 metres. This aspect can be addressed when a planning application is lodged for a change of use to increase the retail floor space within the shopping centre.

It is noted that, if approved, the increase in retail floor space at the Kinross Neighbourhood Shopping Centre would not necessarily translate into the development of a larger shopping centre. It may mean that the existing approved floor space would be utilised for retail purposes, as opposed to, say, office uses.

It is considered that the retail assessment report submitted with the application provides significant justification for the increase in retail floor space for the Kinross Centre. It is apparent that the Kinross area and the soon to be developed Burns Beach subdivision do not contain significant retail floor space allocations.

Part of the justification for the increase in retail floor space comes from the reallocation of 500m² of retail floor space proposed to be removed from the site located at Lot 200 (157) Kinross Drive. The Minister for Planning and Infrastructure has now approved the deletion of the 500 m² allocated to Lot 200, and the rezoning of that site to Residential. On this basis, the validity of this justification is confirmed.

It is recommended that Council adopt the proposed amendments to DPS2 and the Kinross Neighbourhood Structure Plan for final approval without modification.

ATTACHMENTS

| | |
|--------------|-------------------------|
| Attachment 1 | Location Plan |
| Attachment 2 | Schedule of Submissions |

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 Pursuant to Section 7 of the Town Planning and Development Act 1928, ADOPTS Amendment No. 34 to the City of Joondalup District Planning Scheme No. 2 to modify Schedule 3 of the Scheme text to increase the Net Lettable Area of Portion Lot 2 (400) Burns Beach Road, Kinross from 3000m² to 4000m²;**
- 2 Pursuant to Clause 9.7 of the City of Joondalup District Planning Scheme No 2 ADOPTS modifications to the Kinross Neighbourhood Centre Structure Plan by modifying Clause 4.0 by replacing the figure '3,000' with the figure '4,000', be submitted to the Western Australian Planning Commission for final adoption and certification;**
- 3 Subject to certification by the Western Australian Planning Commission, ADOPTS the Kinross Neighbourhood Structure Plan an Agreed Structure Plan and authorises the signing of and the affixation of the Common Seal to the structure plan document;**

- 4 AUTHORISES the signing of and the affixation of the Common Seal to the amendment documents;**
- 5 NOTES the submissions received and ADVISES the submitters of the Council's decision.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson, Smith and Fox

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn280306.pdf](#)

CJ058 - 04/06 PROPOSED MARMION STRUCTURE PLAN NO 9 & VEGETATION MANAGEMENT PLAN – LOT 61 LEACH STREET, MARMION (FORMER CSIRO SITE) – [84563] [85558]

WARD: South-West

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060328_BRF.DOC:ITEM 17

PURPOSE

The purpose of this report is to seek Council's consent to:

- 1 Initiate Marmion Structure Plan No 9 for the purposes of public advertising;
- 2 To consider the Vegetation Management Plan prepared for the proposed Public Open Space that forms part of the structure plan area.

EXECUTIVE SUMMARY

The proposed structure plan relates to Lot 61 (14) Leach Street, Marmion, which is bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south (Attachment 1 refers). This land was formerly owned and used by the CSIRO as a marine research facility from 1975 to July 2002. In 2003 the CSIRO sold the site to Marmion Estates Pty Ltd.

Amendment No 24 to the District Planning Scheme No 2 (DPS2) sought to rezone the site from 'Local Reserve – Parks and Recreation (R20)' to 'Urban Development (R20)'. The amendment was first initiated for the purposes of public advertising by Council on 31 August 2004 (CJ200 – 08/04 refers), considered by Council for final approval on 5 April 2005 (CJ051 – 04/05 refers) and subsequently approved by the Hon Minister for Planning and Infrastructure and published in the Government Gazette on 5 and 9 December 2005 respectively.

The site contains existing buildings and structures comprising laboratories, sheds, storerooms and an aquarium facility. A demolition license has been issued and these structures are to be removed to facilitate future redevelopment of the site.

The intent of this structure plan is to guide the future subdivision and development of the land to create approximately 35 single residential lots ranging in size from 441m² to 700m² and a 2191m² Public Open Space (POS) lot.

The proposed structure plan design is considered appropriate from an urban design perspective, as it has been formulated on the principles of the traditional neighbourhood design existing in the area. The subdivision layout is considered appropriate as it recognises constraints imposed by topography, vehicular sight line distances along Cliff Street, and protection of existing amenity. The proposed lot sizes and lot frontages comply with the R-Codes under the R20 residential density code applicable to the subject land and structure plan provisions require development to be undertaken in accordance with the R-Codes and relevant Council policies.

In approving Amendment 24 to DPS2, the Minister for Planning and Infrastructure required the preparation of a Vegetation Management Plan (VMP) to be prepared in accordance with the City's Public Participation Policy. The VMP has now been developed in accordance with that process and has been evaluated as satisfactory.

The draft structure plan is considered to be in a form suitable for the purposes of public advertising in accordance with the provisions of DPS2.

It is therefore recommended that Council:

- 1 *Pursuant to Clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Marmion Structure Plan (Structure Plan No 9) as per Attachment 2 to Report CJ058-04/06 for the purpose of public advertising and make it available for public comment for 21 days;*
- 2 *NOTES that the Vegetation Management Plan has been developed in accordance with the City's public participation strategy and forms an appendix to the structure plan document, which will be publicly advertised.*

BACKGROUND

| | |
|-------------------------|---|
| Suburb/Location: | Lot 61 (No. 14) Leach Street, Marmion |
| Applicant: | Chappell & Lambert |
| Owner: | Marmion Estates Pty Ltd |
| Zoning: | DPS: Urban Development (R20) |
| | MRS: Urban |
| Site Area: | 2.1885 hectares or 21,885m ² |
| Structure Plan: | Draft Marmion Structure Plan No 9 |

History of Amendment 24 to DPS2

On 31 August 2004 (CJ200 – 08/04 refers) Council resolved to initiate Amendment No 24 for the purpose of public advertising.

The amendment was advertised and the submissions were considered by Council on 5 April 2005 (CJ051 – 04/05 refers), where Council resolved;

- 1 *Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 24 to the City of Joondalup's District Planning Scheme No 2 without modification for the purposes of rezoning Lot 61 (No 14) Leach Street, Marmion from Local Reserves 'Parks and Recreation' to 'Urban Development';*
- 2 *AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;*
- 3 *NOTES the submissions received and advise the submitters of the Council decision;*
- 4 *NOTES that a Structure Plan will need to be prepared in accordance with Part 9 of District Planning Scheme No 2. The Structure Plan process involves a separate detailed application and approvals process, will require further public consultation to be undertaken, and consideration by Council;*
- 5 *ADVISES the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to the City, and undertaken at the applicant's cost, to supplement the formal consultation process required under the City's District Planning Scheme No 2;*
- 6 *ADVISES the applicant that the indicative subdivision plan submitted with the Amendment application shall form the basis in preparing a structure plan over the site and should:*
 - (a) *clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);*
 - (b) *have particular regard to the retention of significant stands of natural vegetation within road reserves and straddling lot boundaries where possible;*
 - (c) *ensure that built form outcomes prescribed under the structure plan for the site is generally consistent with the provisions of the Residential Design Codes of Western Australia under the R20 density code, which applies to the site, particularly with respect to building height and bulk;*
 - (d) *ensure that the structure plan contains provisions to ensure the finished lot levels proposed under any future subdivision application over the site is sympathetic to the natural topography of the land prior to it being developed as a marine research facility, with such levels being coordinated with adjacent roads and development, particularly for lots that seek to obtain vehicular access from these existing roads;*
 - (e) *ensure the structure plan contains details relating to the upgrading of all existing streetscapes along the length of the subject lots frontage of Cliff and Leach Streets, Ozone Road and Troy Avenue, which may include, but not limited to, the provision of intersection and traffic calming treatments, on street car parking, street trees, lighting and dual use paths;*
 - (f) *ensure that the Structure Plan requires buildings to be constructed on the site to be in conformity with sustainable energy and environmental design, including grey water treatment processes on site, if feasible;*

- 7 *NOTES that should Amendment 24 to the City's District Planning Scheme No 2 be granted final approval by the Minister for Planning and Infrastructure, Council seeks the Western Australian Planning Commission's support for the landowner to provide 10% of the site for public open space purposes, to be provided within the subject site, to include the remnant bushland;*
- 8 *DIRECTS the CEO to investigate the implementation of a suitable traffic management treatment within the laneway linking West Coast Highway through to Leach Street in conjunction with the preparation of the draft Structure Plan.*

With respect to resolution No 8 above, on 14 March 2006 (CJ 037 – 03/06 refers) Council considered a report that addressed this issue.

Amendment 24 to DPS2 was subsequently approved by the Hon Minister for Planning and Infrastructure and published in the Government Gazette on 5 and 9 December 2005 respectively. The Minister's determination was as follows:

- 1 *Unreserving Lot 61 (14) Leach Street, Marmion from Local Reserves Parks and Recreation and zoning it to Urban Development;*
- 2 *Inserting additional Clause 3.12.4 as follows:*
 - 3.12.4 Specific Matters to be included in Structure Plans within the Urban Development Zone
 - 3.12.4.1 *Structure Plan No 9 – Lot 61 (No 14) Leach Street, Marmion;*
 - (a) *The preparation of a Vegetation Management Plan by the landowner over the Public Open Space and approved by the Council, prior to the approval of a Structure Plan for the entire site is required. The public open space is intended to be located within the treed Northeast section of the lot;*
 - (b) *The Vegetation Management Plan shall be prepared in accordance with the City of Joondalup's Council Policy 1-2 'Public Participation' and shall aim to protect and enhance the area for bush conservation purposes for the long term enjoyment by the local community;*
 - (c) *The rehabilitation of the Public Open Space area shall be undertaken by the landowner following the approval by the Western Australian Planning Commission of the Structure Plan and prior to approval of any subdivision application over the land;*
 - (d) *An agreement being entered into between the City of Joondalup and the landowner. The agreement shall detail the landowner's commitment to \$10,000 for the preparation of the Vegetation Management Plan, and a further \$100,000 for the protection and further enhancement of the bushland on the proposed Public Open Space area;*
 - (e) *The landowner is advised that sub clause (d) above is additional to the standard statutory requirements that may be placed on the landowner at the time of subdivision and/or development.*

The Minister did not require the developer to provide more than 10% Public Open Space (POS) on the site, however did specify where the POS was to be provided.

Community Consultation Process Outcome

Council at its meeting on 5 April 2005 (CJ051 – 04/05 refers) resolved that a community consultation process be undertaken by the applicant to supplement the formal structure plan advertising process required under DPS2. A community involvement and consultation plan was submitted by the applicant, approved by the City and subsequently undertaken at the applicant's cost. Three workshops were conducted prior to finalisation and submission of the draft structure plan to the City. A community consultation report forms Appendix C to the draft structure plan document.

The main outcomes of this consultation process as advised by the applicant were as follows:

Points Agreed to by the Stakeholder Reference Group & Satterley Property Group

- Allocation of 10% public open space at the northern end of the site protecting remnant bushland;
- Mix of lot sizes with smaller lots located in the middle of the site;
- No through road access from Cliff Street to Leach Street;
- Internal cul-de-sac road providing rear access to most lots/houses fronting Cliff Street;
- Extensive landscaping of Troy Avenue;
- At grade housing;
- Modification of main intersections with brick paved treatment to act as a traffic calming mechanism;
- Preparation of a Detailed Area Plan (DAP) to control residential development and ensure the creation of efficient housing design, streetscapes and to control the interface between the proposed open space and future lots;
- Reduce visual impact of retaining walls;
- Boundary fencing erected at northern end of site to separate public open space from houses fronting the public open space.

Points raised by stakeholder reference group but not agreed to by Satterley Property Group

- The City of Joondalup purchase 20% of the land at the southern end of the site and retain as public open space;
- Average lot size of 600m²;
- All housing fronting Cliff Street and Troy Avenue to have rear access;
- 18 metre frontage of proposed lots to be compatible with lot frontages/housing opposite the site.

At the final workshop, the stakeholder reference group requested that it be formally noted that residents who support public open space at the southern end of the site would approach the City of Joondalup seeking its support to purchase a minimum 10% of the land for public open space. The landowner advised that the decision to purchase such land is at the City's discretion. At this point in time, no such formal request has been lodged with the City.

It should also be noted that the City's DPS2 does not have provisions relating to the use of Detailed Area Plans (DAPs). The draft structure plan has therefore been modified to ensure that provisions which would otherwise be included in a DAP are provided within Part 1 of the structure plan document.

DETAILS

Vegetation Management Plan

In approving Amendment 24 to DPS2, the Minister for Planning and Infrastructure required the preparation of a Vegetation Management Plan (VMP) to be prepared in accordance with the City's Public Participation Policy.

The landowner's consultant prepared a community consultation process which was considered and endorsed by the City to ensure it aligned with its Public Participation Policy. The main components of the community consultation process were as follows:

- Identification of key issues and the role of the community in developing the VMP.
- Identification of key representatives from various community groups to comprise representatives of the Vegetation Management Plan Stakeholder Group (VMPSG).
- Completion of two workshops with the VMPSG.
- Developing a VMP for the CSIRO Site for City of Joondalup endorsement.

The consultation process was used to inform the development of the VMP.

The VMP has been prepared by the Joondalup Community Coast Care Forum (JCCCCF) at the landowners cost for the proposed POS area to the north of the site and also includes the road verges immediately adjacent. Both areas are referred to in the VMP as a 'Park'. The objectives listed in the VMP for the POS are as follows;

- Develop the area to be used for passive recreation only – low impact pathways, seats and fencing.
- Protect remnant native vegetation and established trees (including during earthworks and building phases outside of the POS).
- Retain trees and prune them to maximise landscaping values.
- Retain native understorey where it exists.
- Replant with local native trees and understorey plants (ie. use only local seed and cuttings). Develop a bushland setting.
- Encourage the establishment of a Friends Group to assist with the long term maintenance of the park.

The VMP provides a total of 28 recommendations with respect to fire and weed control, retention and pruning of trees, rehabilitation plantings, access control and rubbish dumping, signage and handover. These recommendations have been prioritised and an implementation list provided within the VMP.

Structure Plan Document

The proposed structure plan consists of two parts, Part 1 and Part 2. Due to the size of the document, including accompanying technical reports, only Part 1 of the structure plan document has been attached to this Council report (Refer attachment 2). Full copies of the structure plan document, including all accompanying technical reports, have been made available in the Commissioner's reading room. Full copies of the structure plan document, including all accompanying technical reports, will also be made available for inspection by the public during the public comment period should Council consent to it being advertised. It will also be made available for viewing on the City's website.

Significant elements of this proposal have been advertised and assessed previously through Council's consideration of Amendment No 24 to DPS2.

The environmental report within the appendix section of Part 2 of the structure plan document is identical to that previously provided to the City, publicly advertised, commented upon and considered by the Council through Amendment 24 to DPS2. The traffic report initially considered by the Council through Amendment 24 to DPS2 has been updated to reflect the draft structure plan and specifically, the proposed internal cul-de-sac road.

Three new reports have been prepared and are attached as appendices to Part 2 of the structure plan document. These are the Vegetation Management Plan (VMP) and two separate reports relating to the community consultation exercises undertaken in preparing the structure plan and VMP.

Part 1 of the structure plan document is the statutory planning section setting out the objectives and development provisions that determine the intended overall form of development on the subject land, particularly where these provisions differ from those required under the Residential Design Codes (R Codes).

Part 2 of the structure plan document is the explanatory report, which provides background to the objective, purpose and intentions of the proposed structure plan. It also includes background information (including traffic, environmental, community consultation and Vegetation Management Plan reports), the processes proposed for implementation and administration of the structure plan.

Proposed Structure Plan & Maps

The draft structure plan seeks to create a total of thirty five (35) single residential lots ranging in size from 441m² to 700m² in area, together with a public open space area at the northern end of the site of approximately 2191m² in area.

An internal cul-de-sac road is proposed from Cliff Street with a road reserve width of 14 metres. A total of seventeen (17) residential lots obtain vehicular access directly from this internal cul-de-sac road. The remaining eighteen (18) lots obtain vehicular access directly from the existing road network, being Leach Street, Cliff Street and Troy Avenue.

Five (5) lots have dual frontage to both Cliff Street and the proposed internal cul-de-sac road and vehicular access to Cliff Street is to be restricted for these five (5) lots so that vehicular access is obtained from the internal cul-de-sac road only.

Given that the configuration of these five (5) lots differ from other lots within the structure plan area, these lots have been separated from the other lots and comprise Precinct A.

A setback variation to R Codes standards is proposed for these lots in Precinct A only, whereby a minimum 3 metre setback from Cliff street is proposed in lieu of 6 metres with no setback averaging requirement.

The above setback variation is to allow future residential dwellings on each of the five (5) lots to be sited closer to Cliff Street as no garages will be constructed that front Cliff Street as vehicular access is to be restricted. This variation will also facilitate the siting of future dwellings to improve passive surveillance of Braden Park, which is directly opposite these lots.

The structure plan requires that future residential development upon all lots be in accordance with the Residential Design Codes of Western Australia (R Codes). No other-Code variations are proposed other than that proposed for Precinct A.

A lot level plan is included within the structure plan that nominates finished lot levels and shows the location and height of proposed retaining walls. Council Policy 3.2 - Height and Scale of Buildings within Residential Areas will apply to development within the structure plan area and lot levels/contours shown on the plan are proposed to be used to calculate building height.

The structure plan contains several objectives relating to sustainable development outcomes and other specific matters that seek to address the requirements of Council's resolution to recommend approval of Amendment 24 to DPS2.

Other structure plan provisions relate to future subdivision of the site. Appropriate conditions can be imposed at the future land subdivision approval stage to ensure that these requirements are satisfactorily addressed.

Options

The issues associated with the proposed structure plan include:

- Suitability of draft structure plan provisions to create appropriate built forms that integrate with surrounding area.
- Suitability of the VMP provisions to rehabilitate the POS area for bush conservation purposes.

The options available to Council in considering the structure plan proposal are:

- Support the initiation of the draft structure plan for the purposes of public advertising,
- Determine that the structure plan should not be advertised until specified matters have been included or have otherwise been attended to by the proponent, or
- Not support the initiation of the structure plan for advertising purposes for stated reasons.

Link to Strategic Plan:

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

Objective 3.3 To continue to meet changing demographic needs.
Strategy 3.3.1 Provide residential living choices.

Legislation – Statutory Provisions:

Under clause 9.4.1 (a) of DPS2, Council may determine that the structure plan is satisfactory, send a copy to the Commission, and advertise it under the provisions of clause 9.5 and 6.7 of DPS2.

Under clause 9.4.1 (b), Council may determine that the structure plan should not be advertised until specified matters have been included in it or have otherwise been attended to by the proponent. Under clause 9.4.1 (c), Council may determine that the structure plan should not be agreed to for stated reasons.

Should Council determine that the structure plan is satisfactory, the proposal is to be advertised for public comment in accordance with clause 9.5 and 6.7 of DPS2 for a minimum period of 21 days. Upon completion of the public advertising, Council is required to review all submissions within sixty (60) days and proceed to either refuse or adopt the structure plan, with or without further modifications (refer attachment 3).

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

The proposal does not have any policy implications.

Regional Significance:

The proposal is unlikely to have any regional significance.

Sustainability implications:

The proposed structure plan would enable the City to consider future subdivision and development on the site that will provide a diversity of lot sizes and residential dwellings promoting both economic and social sustainability.

Consultation:

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. Advertising would consist of notification of all adjoining landowners, two (2) signs erected in prominent locations on the site, a notice being placed in the Joondalup Community newspaper and on the Council website.

COMMENT

Vegetation Management Plan

The Vegetation Management Plan has been prepared in accordance with the City of Joondalup's Council Policy 1-2 'Public Participation' and aims to protect and enhance the proposed POS and adjacent road reserve/verge area for bush conservation purposes for the long term enjoyment by the local community. The VMP has been evaluated as satisfactory.

The VMP requires that the developer undertakes the required POS development works as set out in the VMP over a three year period, with the \$100,000 developer commitment being used to fund these works. The City will be responsible for the long term management of the park and formal handover of the park to the city will occur at the end of the three year period subject to the park being developed in accordance with the VMP.

The landowner has advised that its preference is to pay \$100,000 to the City up front and for the City to develop/rehabilitate the POS in accordance with the VMP using those funds.

However, the Minister for Planning and Infrastructure requires the landowner to develop/rehabilitate the POS following the WAPC's approval of the structure plan and prior to approval of any subdivision application over the land in approving Amendment 24 to DPS2.

Generally, a landowner is responsible for the development of POS created within its subdivision. The City assumes responsibility for the long term management and maintenance of the POS once formal handover occurs at the end of a three year period. This is subject to the POS being developed in accordance with plans approved by the City.

It is therefore recommended that, should Council adopt the structure plan and VMP following advertising, that the landowner be advised that the City is not prepared to depart from accepted practice, and expects the landowner/developer to develop and maintain the POS for a period of three (3) years.

Structure Plan

The draft structure plan was derived from the community consultation process and the indicative subdivision plans advertised as part of the previous rezoning application over the site (Amendment 24 to DPS2).

The structure plan and VMP have been subject to negotiations between the City, consultants and the landowner. Both documents have been prepared in consultation with community stakeholder groups as required by Council and the Hon Minister for Planning and Infrastructure.

The proposed structure plan design is considered appropriate from an urban design perspective, as it has been formulated on the principles of the traditional neighbourhood design existing in the area. The subdivision layout is considered appropriate as it recognises constraints imposed by topography, vehicular sight line distances along Cliff Street, and protection of existing amenity.

The proposed lot sizes and lot frontages comply with the R-Codes under the R20 residential density code applicable to the subject land. Lots are configured to ensure appropriate solar access/orientation is achieved through east/west and north/south orientation of all lots.

The lot level plan and corresponding structure plan provisions are appropriate as they provide certainty as to the final lot levels that will be the basis for calculating building height in accordance with Council Policy 3.2 - Height and Scale of Buildings within Residential Areas.

Conclusion

The draft structure plan and VMP have been assessed and are considered to address the requirements of both Council and Minister's requirements relating to the rezoning application over the site (Amendment 24 to DPS2) as outlined in the background section of this report.

The draft structure plan, together with the provisions of the R-Codes, DPS2 and references to existing City policies will create a planning framework to guide the development of the site to achieve integration and compatibility with existing development and residential land use adjacent to the site.

Should Council resolve to initiate the draft Structure Plan for the purposes of public advertising, consultation required under DPS2 is undertaken by the City and the outcomes reported to the Council upon closure of the advertising period.

The draft structure plan is considered to be in a form suitable for the purposes of public advertising in accordance with the provisions of DPS2

ATTACHMENTS

| | |
|--------------|--|
| Attachment 1 | Aerial Site/Location Plan |
| Attachment 2 | Draft Marmion Structure Plan No 9 – Part 1 |
| Attachment 3 | Structure Plan Process Flowchart |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, **ADOPTS** the draft Marmion Structure Plan (Structure Plan No 9) as shown on Attachment 2 to Report CJ058-04/06 for the purpose of public advertising and make it available for public comment for 21 days;
- 2 **NOTES** that the Vegetation Management Plan has been developed in accordance with the City's public participation strategy and forms an appendix to the structure plan document, which will be publicly advertised.

MOVED Cmr Smith, SECONDED Cmr Anderson that Council:

- 1 Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, **ADOPTS** the draft Marmion Structure Plan (Structure Plan No 9) as shown on Attachment 2 to Report CJ058-04/06 for the purpose of public advertising and make it available for public comment for 35 days;
- 2 **NOTES** that the Vegetation Management Plan has been developed in accordance with the City's public participation strategy and forms an appendix to the structure plan document, which will be publicly advertised.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson, Smith and Fox

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf280306.pdf](#)

CJ059 - 04/06 PROPOSED AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 TO INCLUDE BUILDING HEIGHT CONTROLS IN NON-RESIDENTIAL ADJACENT TO THE COAST - CONSIDERATION FOLLOWING ADVERTISING – [24581]

WARDS: North, North-Central, Central, South-West and South

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ060328_BRF.DOC:ITEM 18

PURPOSE

For Council to consider the submissions received following the advertising of the draft amendment to District Planning Scheme No 2 to include provisions in regard to the height of developments in non-residential zones adjacent to the coast.

EXECUTIVE SUMMARY

At its December 2005 meeting Council resolved to initiate an amendment to District Planning Scheme No 2 (DPS2) to control the height of developments in non-residential zones adjacent to the coast.

The proposed amendment would introduce a height limit of 10 metres in the non-residential zones of the coastal strip. The coastal strip is proposed to include all land that is within 300 metres of the horizontal setback datum of the coast as defined by the Western Australian Planning Commission's (WAPC) State Coastal Planning Policy (Statement of Planning Policy 2.6). The proposed coastal area is shown in Attachment 1.

The proposed amendment was advertised for a period of forty two (42) days during which two hundred and seventy two (272) submissions were received, with two hundred and sixty eight (268) being early submissions. Of the total 272 submissions, two hundred and seventy (270) were submissions in support and two (2) were objections.

Council adopted a Local Planning Policy with similar provisions to the advertised scheme amendment at its February 2006 meeting as an interim policy measure while the scheme amendment is progressed.

Concerns were raised during the submission period with regard to the ability for structure plans to permit a higher building height than provided for in the DPS2. To address this concern, it is possible to modify the proposed scheme amendment to provide the maximum possible assurance that Council could not approve higher development within structure plan areas than provided for in the DPS2.

It is recommended that Council:

- 1 Pursuant to Section 7 of the Town Planning and Development Act 1928, ADOPTS as final Amendment No 32 as modified to the City of Joondalup District Planning Scheme No 2 as follows:
 - (a) A new clause 4.17 is added as follows:
 - 4.17 BUILDING HEIGHT
 - 4.17.1 This clause applies to all land other than land within the Residential Zone.
 - 4.17.2 On land within 300 metres of the horizontal setback datum of a coast, as defined in the Western Australian Planning Commission Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height.
 - 4.17.3 Notwithstanding any other provision of the Scheme including clause 4.5 and not withstanding any provision of an Agreed Structure Plan, the Council shall not approve an application for planning approval of a proposed development which does not comply with clause 4.17.2.
 - (b) Schedule 1 is amended as follows:
 - (i) the definition “height” is deleted and the following definition is substituted:

“height: when used in relation to –

 - A a building used exclusively for residential purposes, has the same meaning given to it in the Codes; or
 - B a building used other than exclusively for residential purposes, means the vertical distance measured at any point from the natural ground level to the uppermost part of the building above that point excluding any chimney or vent pipe.”
 - (ii) by adding the following new definition:

“natural ground level:

 - A means the ground level as formed by nature; or
 - B where a level exists other than the ground level as formed by nature, and that level is the subject of all approvals required by law to authorise that level, means that level.”
- 2 AUTHORIZES the signing of, and the affixation of the Common Seal to, the amendment documents.

BACKGROUND

At its December 2005 meeting, Council resolved to initiate the scheme amendment for the purposes of public advertising (CJ292-12/05 refers). At that meeting, Council also resolved to advertise a draft Local Planning Policy (Policy 3-4 Height of Buildings Within the Coastal Area – Non-residential Zones) utilising similar provisions to the proposed scheme amendment.

Policy 3-4 was adopted for final approval at the Council meeting of 21 February 2006.

DETAILS

Issues and options considered:

The proposed scheme amendment seeks to introduce a height limit of 10 metres in the non-residential zones of the coastal strip. For the sake of consistency with State controls and having regard to the lack of a more transparent alternative measure, the coastal strip is proposed to be the area 300 metres from the horizontal setback datum of the coast as defined by the WAPC State Coastal Planning Policy (Statement of Planning Policy 2.6).

Key Sites

There are a limited number of non-residential zoned sites in the coastal area. Some of these sites are covered by structure plans that contain provisions in regard to height. The key coastal sites (Attachment 2) are as follows:

Coastal areas (non-residential zonings) not currently covered by a structure plan are:

- West Coast Drive corner The Plaza, Sorrento (commercial area)
- West Coast Drive corner The Plaza, Sorrento (Sorrento Beach resort)
- Oceanside Promenade (Mullaloo Tavern site), Mullaloo
- Sacred Heart College, West Coast Drive, Sorrento
- Northshore Country Club, Northshore Drive, Kallaroo

Other key areas that are included in broad acre structure plans focused on the development of substantial parcels of land:

- Hillarys Structure Plan – West Coast Drive corner Hepburn Avenue ('Harbour Rise' mixed use area, 2 storey with possibility of 3 storey height limit)
- Iluka Structure Plan 'Centre Zone' (3 storey height limit)
- Burns Beach Structure Plan 'Beach Shop' precinct (no height limit stated)

It should be noted that Council has a separate Policy 3-2 Height and Scale of Buildings that covers all areas zoned 'Residential' and it is not proposed to alter that policy.

Options

In considering this amendment, Council can:

- Not adopt the proposed amendment.
- Adopt as final the proposed amendments.
- Adopt as final the proposed amendments, with modifications.

Link to Strategic Plan:

Key Focus Area: *City Development*

Outcome: The City of Joondalup has well maintained assets and built environment.

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

Legislation – Statutory Provisions:

Section 7 of the Town Planning and Development Act 1928 (TP&D Act 1928) and Section 25 of the Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed.

Upon closure of the forty two (42) day advertising period, the Council considers all submissions received and can resolve to either, grant final approval to the amendment, with or without modifications, or, refuse the amendment. The decision is then forwarded to the WAPC, who makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either, grant final approval to the amendment, with or without further modifications, or, refuse the amendment.

Risk Management considerations:

Building height along the coast of Perth is a current community issue and there is a risk involved in not addressing or providing direction on the issue.

Depending on the height limit determined, there is a risk that development incentives may be reduced as there is seen to be limited economic return in rejuvenation or development of a particular site.

There is also a risk that the WAPC and the Minister for Planning and Infrastructure may not agree to the proposed amendment. However, as indicated in the documents relating to the WAPC proposal to introduce height limits into the State Coastal Policy, local authorities may specify a lower height limit in their town planning schemes.

Financial/Budget Implications:

There are sufficient funds within operational budgets to cover this statutory planning process.

Regional Significance:

The coastline within the City of Joondalup area is a regional asset which attracts local residents and visitors to the area. Recently there has been media attention on the various aspects of development on the coast of Perth, including the potential height of buildings. The proposed amendment seeks to protect and enhance this coastal asset.

Sustainability implications:

The development of small community activity hubs near the coast is considered to be desirable, as these will provide facilities that allow the local and wider community to enjoy the coast. These facilities can add to the social wellbeing of the community, provide additional employment opportunities, and potentially provide a choice of housing. There are economic benefits by attracting small businesses to the area, as well as potential indirect economic benefits by attracting visitors to the City of Joondalup.

High-rise development also has environmental implications, such as overshadowing of adjoining areas, including beach areas. The visual impact of high-rise development on the coast strip is an issue, particularly in the context of adjoining low-rise development. The potential 'over-development' of the coastal strip has implications on the physical environment, and how the coastal strip is perceived.

Consultation:

The proposed amendment was advertised for a period of forty two (42) days from 25 January to 8 March 2006. An advertisement was placed in the West Australian newspaper, the local paper and on the City's web site.

Two hundred and seventy two (272) submissions were received during the public comment period, with two hundred and sixty eight (268) being early submissions.

Of the total 272 submissions, two hundred and seventy (270) supported the amendment and two (2) were objections.

All submissions have been summarised in Attachment 3. Copies of all submissions have been placed in the Commissioners' reading room for their information.

COMMENT

Comments on the submissions have been included in Attachment 3. Three (3) submissions requested the ability for a higher building height to be included in structure plans.

Without specific wording, it may be possible for a structure plan to contain a higher building height limit than provided for in the DPS2.

It is possible to modify the proposed scheme amendment so as to exclude the Council from approving any development greater than the 10 metre height limit, including one in a structure plan area, by rewording clause 4.17.3 as follows (additions shown underlined):

4.17.3 *Notwithstanding any other provision of the Scheme including clause 4.5 and not withstanding any provision of an Agreed Structure Plan, the Council shall not approve an application for planning approval of a proposed development which does not comply with clause 4.17.2.*

It may be argued that a structure plan should retain the ability to be flexible in the standards and provisions that are contained in the structure plan, to address the requirements of specific sites.

Notwithstanding, given the importance placed by the community on building height in the coastal area, in this particular instance it is considered appropriate that the highest possible degree of certainty be provided in regard to this issue.

Conclusion

Advertising of the proposed scheme amendment has not raised any significant issues that would warrant Council not proceeding with the amendment. It is therefore recommended that Council proceed to adopt the scheme amendment as final with a modification to ensure that Council cannot vary the 10 metre height limit within structure plan areas.

ATTACHMENTS

| | |
|--------------|-------------------------------|
| Attachment 1 | Extent of Coastal Area (plan) |
| Attachment 2 | Key Coastal locations |
| Attachment 3 | Schedule of submissions |

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that Council:

1 Pursuant to Section 7 of the Town Planning and Development Act 1928, ADOPTS as final Amendment No 32 as modified to the City of Joondalup District Planning Scheme No 2 as follows:

(a) A new clause 4.17 is added as follows:

4.17 BUILDING HEIGHT

4.17.1 This clause applies to all land other than land within the Residential Zone.

4.17.2 On land within 300 metres of the horizontal setback datum of a coast, as defined in the Western Australian Planning Commission Statement of Planning Policy 2.6, buildings shall not exceed 10 metres in height.

4.17.3 Notwithstanding any other provision of the Scheme including clause 4.5 and notwithstanding any provision of an Agreed Structure Plan, the Council shall not approve an application for planning approval of a proposed development which does not comply with clause 4.17.2.

(b) Schedule 1 is amended as follows:

(iii) the definition “height” is deleted and the following definition is substituted:

“height: when used in relation to –

A a building used exclusively for residential purposes, has the same meaning given to it in the Codes; or

B a building used other than exclusively for residential purposes, means the vertical distance measured at any point from the natural ground level to the uppermost part of the building above that point excluding any chimney or vent pipe.”

(iv) by adding the following new definition:

“natural ground level:

A means the ground level as formed by nature; or

B where a level exists other than the ground level as formed by nature, and that level is the subject of all approvals required by law to authorise that level, means that level.”

2 AUTHORISES the signing of, and the affixation of the Common Seal to, the amendment documents.

Cmr Smith spoke to the Motion and stated her preference would be for this matter to be further advertised.

The Motion was Put and

CARRIED (4/1)

In favour of the Motion: Cmr Paterson, Clough, Anderson and Fox **Against the Motion:** Cmr Smith

Appendix 15 refers

To access this attachment on electronic document, click here: [Appendix15brf280306.pdf](#)

CJ060 - 04/06 COMMUNITY DEVELOPMENT STRATEGY – [07116]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Director Community Development

CJ060328_BRF.DOC:ITEM 19

PURPOSE

To provide the Council with a draft Community Development Strategy for review and comment.

EXECUTIVE SUMMARY

The Community Development Strategy comprises a number of component plans, those being:

- Seniors Plan
- Access and Inclusion Plan
- Leisure Plan
- Family and Children's Plan
- Cultural Plan, and
- Youth Plan

The Seniors Plan has been completed and was endorsed by the Council on the 11 November 2003. (*CJ265 - 11/03 refers*) and the Access and Inclusion Plan (formerly Disability Plan) has also been completed and was endorsed by the Council on 17 February 2004. (*CJ034 - 02/04 refers*). These documents both have review schedules included within the documentation.

The draft Community Development Strategy including the component plans – Youth Plan, Family and Children's Plan, Leisure Plan, and Cultural Plan, have now been completed following research, consultation, and analysis stages.

The component Plans contained in the Community Development Strategy have been subject to public participation processes as per the City's Public Participation Strategy adopted by the Council on 28 June 2005. (*CJ123 – 06/05 refers*).

The Public Participation Strategy requires major projects that are clearly aligned to the achievement of the Strategic Plan and/or have significant impact across the organisation in terms of benefits, risks, and use of financial and other resourcing capabilities, to be subject to public participation processes.

The Community Development Strategy clearly falls within this definition and as such key stakeholders have been involved in the development of the Plans.

The purpose of this report is to provide the Council with the draft Community Development Strategy for review and comment. Following consideration of the draft Community Development Strategy by the Council, the document will be subject to a community comment process before being presented to the Council for final endorsement.

It is recommended that Council:

- 1 *ENDORSES the Draft Community Development Strategy 2006-2011 shown as Attachment 1 to Report CJ060-04/06 for the purpose of a Public Comment Period of 60 days;*
- 2 *REFERS the draft Council Community Development Policy to the Policy Committee for review and comment.*

BACKGROUND

The concept of the Community Development Strategy, and the process for the development of all component Plans was presented to the Council at the Strategy Session of 25 May 2005. The objective of the Community Development Strategy was to bring together, under one umbrella, all of the City's social development plans.

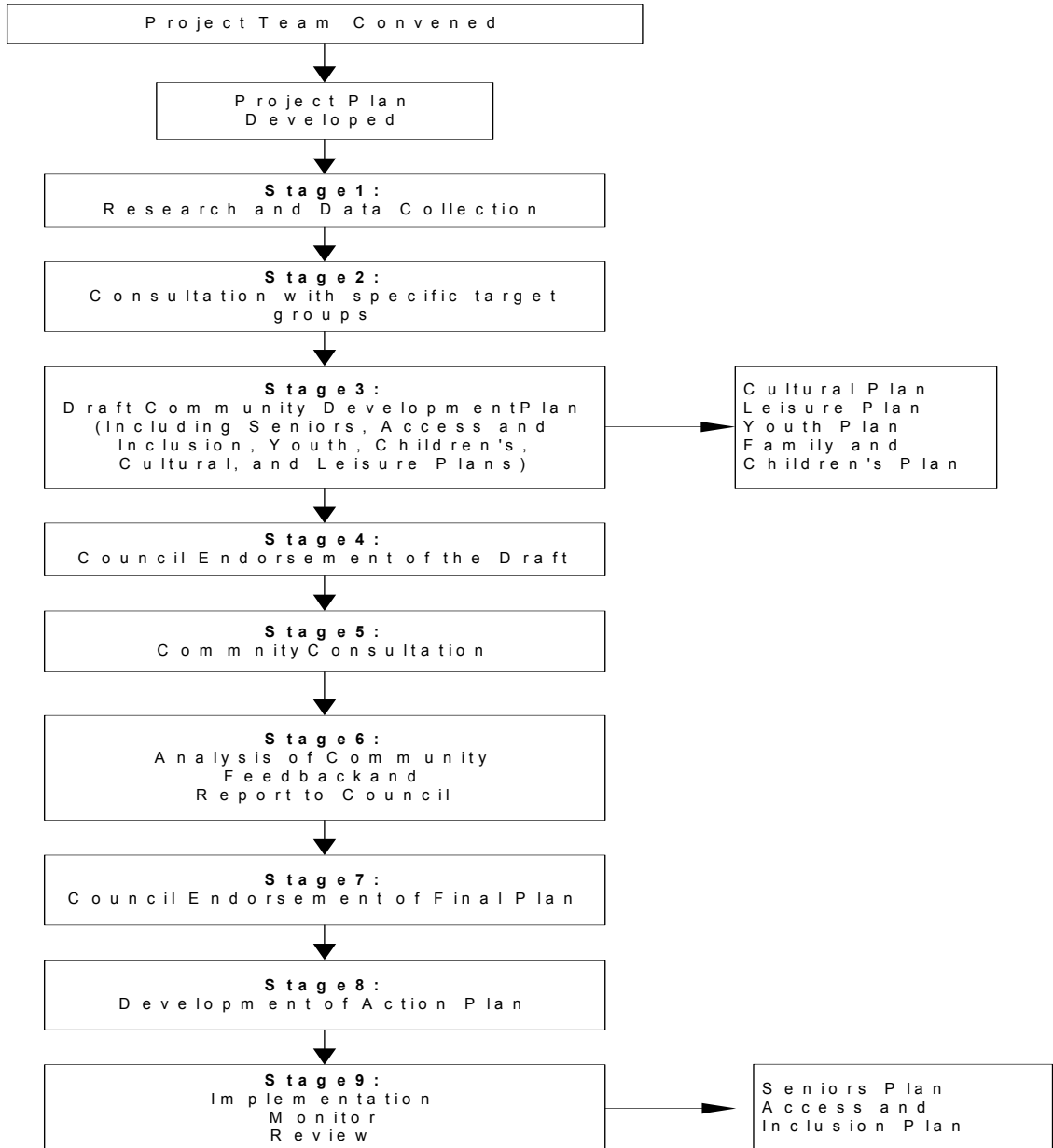
The Council had previously endorsed two of the components of the Community Development Strategy - the Seniors Plan, and the Access and Inclusion Plan, in 2003 and 2004 respectively.

An external consultant was engaged in 2004 to prepare a Cultural Map for the Joondalup region, a ten year Cultural Plan and a three year Action Plan for the City. The Cultural Mapping Report and draft Cultural Plan were prepared by the Consultant however further work was undertaken to better align the Plan with the cultural programs and activities of the City. City officers prepared the draft Leisure, Family and Children's, and Youth Plans.

The Cultural Plan, Leisure Plan, Youth Plan, and Family and Children's Plan have now been developed to a draft stage for review by the Council. Each of the Plans will have an associated Action Plan. The Action Plans are operational documents that will provide clear direction for implementation of the Community Development Strategy and each of the component Plans.

Considerable community consultation (including consultation with specific stakeholders) has informed the development of the overall Strategy and the various component Plans. The consultation methodologies are documented in the Strategy.

The Community Development Strategy has been progressed according to a staged approach and various components of the Community Development Strategy have progressed in isolation of each other and are now being brought together to form one document. The process and progress of each of the plans is depicted below:



DETAILS

The Community Development Strategy is intended to provide an overall approach for the achievement of the City's social development goals including cultural development, leisure, services and programs for seniors, young people, families with children, and people with disabilities and/or access issues.

Issues and options considered:

The Community Development Strategy has been developed to integrate with the City's Strategic Plan, and the strategies of other spheres of government including the Western Australian State Government's Sustainability Strategy, *A Vision for Quality of Life in Western Australia*, which notes that, "*it is at the local government level that local communities and government most directly interact.*"

One of the sustainability principles in the State Sustainability Strategy relates to Equity and Human Rights:

Sustainability recognises that an environment needs to be created where all people can express their full potential and lead productive lives and that significant gaps in sufficiency and opportunity endanger the earth.

The Community Development Strategy, through the development of all of the component Plans is intended to contribute to the sustainability of the local community through the provision of actions to provide opportunities for all members of the community to meet their full potential and to participate in community activities/events, cultural activities/events, and recreational and leisure activities/events.

The Strategy has been developed to align with the State Sustainability Strategy and to coordinate with other government and non-government services and programs. This alignment will foster cooperative and holistic approaches to community development and the provision of efficient and effective community services across all spheres of government, and within the local and regional community.

The Community Development Strategy recognises that the 'community' is made up of many communities and the various components of the Strategy have been identified to attempt to meet the needs and expectations of groups of people with particular characteristics or interests.

The Plans articulated in the Community Development Strategy are intended to enhance the social characteristics of the community such as equity, participation, community wellbeing (material and emotional), cultural expression, and other attributes that go to make up quality of life for individuals and communities of the City of Joondalup.

Considerable research and analysis has been undertaken for the Community Development Strategy, and a consultation program with key community groups and stakeholders has been conducted to inform the development of the Strategy and to produce a series of plans that respond to the aspirations and interests of the key stakeholders in the City's social development. A program of internal and external consultation will enhance the validity of the information outlined in the Strategy.

A major task in the development of the Community Development Strategy has been to articulate the Council's values, objectives and commitments with regard to community development in such a way as to be relevant to the aspirations of the local and wider community, and the role and responsibilities of local government.

The following set of objectives have been developed to underpin Community Development, and these objectives have been used to guide the development of the component Plans (Leisure Plan, Youth Plan, Family and Children's Plan, Cultural Plan, Access and Inclusion Plan, and Seniors Plan):

- To build up the capacity of the community to help itself;
- To foster the spirit of mutual help in the community;
- To address the needs of and to empower disadvantaged communities;
- To enhance community cohesion and harmony; and
- To motivate community participation.

The Community Development Strategy also articulates the key roles for the Council in Community Development, namely:

- Develop working relationships with communities and organisations;
- Encourage people to work with and learn from each other;
- Work with people in communities to plan for change and take collective action;
- Work with people in communities to develop and use frameworks for evaluation; and
- Develop community organisations.

The Seniors Plan, and Access and Inclusion Plan have been completed and endorsed by the Council, and the remaining components of the Community Development Strategy – Leisure Plan, Family and Children's Plan, Cultural Plan, and Youth Plan, have now been progressed to a draft stage and are presented, in this report, for Council review and comment.

Following Council endorsement of the Community Development Strategy it is proposed that the Community Development Strategy be put out for public comment, and that a further report be prepared for the Council following the public comment period.

The public comment period will follow a clear plan that will ensure the community are aware of the availability of the document for public comment. During the public comment period each specific component plan will be available individually to enable individuals and groups to focus on relevant parts of the document. The community will be made aware of the availability of the document for comment as well as being able to access the document through various means; availability in libraries, leisure centres, the web and through Community newspaper advertising.

Link to Strategic Plan:

Outcome:

The City of Joondalup is a cultural centre.

Objective:

To meet the cultural needs and values of the community.

Outcome

The City of Joondalup provides social opportunities that meet community needs.

Objectives:

To continue to provide services that meet the changing needs of a diverse and growing community.

Outcome

The City of Joondalup recognises the changing demographic needs of the community.

Objective:

To continue to meet changing demographic needs.

Legislation – Statutory Provisions:

The Local Government Act 1995 sets out a number of responsibilities for local government:

- (a) *Direct and control the City's affairs;*
- (b) *Is responsible for the performance of the City's functions;*
- (c) *Oversee the allocation of the City's finances and resources; and*
- (d) *Determine the City's policies.*

This role encompasses strategic planning mechanisms to ensure the continued sustainability of the organisation, the setting of strategic goals for the organisation and the monitoring of the City's performance against these strategic goals.

The State Disability Act (1993) requires all Local Governments to prepare Disability Plans. The City's Access and Inclusion Plan is the Disability Plan.

Risk Management considerations:

The Community Development Strategy represents an effective risk and control framework and will provide a number of sound governance outcomes including:

- Effective strategic and operational planning (and forward budgeting) with established linkages between the two – the Community Development Strategy is integrated with the City's Strategic Plan and therefore with organisational objectives;
- Greater confidence in achieving planned strategic and operational objectives – the process for the development of the Community Development Strategy has incorporated organisational capability, role/s, and commitment;
- Greater confidence in the decision making process – the involvement of key stakeholders in the development of the various components of the Strategy, and the community consultation process for the Strategy, ensures the transparency of the Plans, and greater ownership and acceptance by the community.

Policy implications:

The Policy Committee has been established by the Council to oversee the review and development of 'Council Policies' which are defined in the framework as *'strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions'*.

The Council has identified a number of 'gaps' in Council Policies including Community Development (leisure, cultural development etc, and service provision (range/scope/role).

The Community Development Strategy includes a draft Council Policy for Community Development that will be subject to review and comment from the Policy Committee and the Council.

It is also proposed that City Policies be developed to support each of the Plans within the overall Community Development Strategy. A draft City Cultural Development Policy has been developed and is included as part of the Cultural Plan for review and comment. If this approach is endorsed then further City Policies will be developed to support other component Plan areas.

Regional Significance:

The Community Development Strategy relies on the relationships with, and integration of, service delivery with government and community agencies throughout the region to avoid duplication, and to make the best use of community resources.

Sustainability implications:

The Community Development Strategy addresses social and community issues. The various components of the Strategy aim to:

- Strengthen the community so that all members of the community are able to meet their own needs, achieve self reliance, and meet their full potential; and
- Promote a socially just and equitable community which is enriched by diversity and increased social participation by all groups;

Consultation:

Various components of the Community Development Strategy have involved consultation with particular groups (e.g. Youth Plan, Seniors Plan, Cultural Plan). The Community Development Strategy (in full) will be subject to community consultation following Council endorsement of the draft Strategy.

The Cultural Development Plan, in particular, was developed following an extensive cultural mapping exercise with the community.

COMMENT

The Seniors Plan, Access and Inclusion Plan, Youth Plan, Children's Plan, Cultural Plan, and Leisure Plan form part of, and are integrated with, the overall social planning process that has been amalgamated into the overall Community Development Strategy.

The various components of the Community Development Strategy articulate a full suite of strategies for all groups and members of the community in line with the various roles Council has in the development of services and programs for the community commensurate with:

- The extent to which the services/programs are consistent with the City's Strategic Plan;
- Legal requirements;
- Community expectations;
- A demonstrated need supported by research and a sound business case;

- The capacity of other services providers (government and non-government) to provide the service/program;
- Council's capacity to provide the resources for a particular service/program; and
- Council's ability to manage the risks associated with the service/program.

The Community Development Strategy represents a strategic approach to social planning within the City and, will ensure that there is:

- A planned approach for addressing social issues within the community;
- Integration and coordination of services provided by the City, other spheres of government, and non-government and/or community agencies; and
- Efficient and effective use of all community resources.

Community Development is a process and happens in a dynamic and ongoing manner. The Community Development Strategy has been developed based on clear values and broad strategies that enable flexible responses within evolving social circumstances whilst still meeting local government responsibilities.

Although the Seniors Plan and Access and Inclusion Plan have been previously completed and endorsed by the Council, and are in a different format from the other component Plans, it is proposed that these two Plans be reviewed in 2006/2007, and during this review the format be standardised to conform with the other component plans

Each of the component Plans will have an Action Plan detailing the major tasks to ensure the implementation of all of the strategies within each component Plan. Each of the tasks will detail implementation timelines, responsibilities, and resource requirements. Any tasks identified in the Action Plan will be subject to the annual budget deliberations of the Council.

A detailed community comment plan has been developed to facilitate maximum opportunity for community input. The comment period will access easily available forms of media to ensure a high level of community contribution.

Progress against the Community Development Strategy will be reported to the Council as part of the Quarterly progress Reports against the Annual Plan.

ATTACHMENTS

Attachment 1 Community Development Strategy

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 ENDORSES the Draft Community Development Strategy 2006-2011 shown as Attachment 1 to Report CJ060-04/06 for the purpose of a Public Comment Period of 60 days;
- 2 REFERS the draft Council Community Development Policy to the Policy Committee for review and comment.

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 ENDORSES the Draft Community Development Strategy 2006-2011 shown as Attachment 1 to Report CJ060-04/06, with the exception of the Objective of the Cultural Development Policy, for the purpose of a Public Comment Period of 60 days;**
- 2 REPLACES the Objective of the Cultural Development Policy to read:**

“To be a leader in the shaping of a culture which reflects the aspirations of the Joondalup community, strengthens the celebration of cultural diversity, and seeks to understand those factors which shape and influence Joondalup’s culture”;
- 3 INCLUDES in the Cultural Development Plan another outcome that will deliver to the City analysis and research that supports the understanding of those factors which shape and influence Joondalup’s culture;**
- 4 REFERS the draft Council Community Development Policy to the Policy Committee for review and comment.**

Discussion ensued.

The reasons for Cmr Fox’s departure from the recommendation were:

- 1 to give greater clarity and to highlight that cultural development programs are only one aspect of cultural diversity;
- 2 to seek to establish greater understanding and influence on the culture of Joondalup.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf280306.pdf](#)

Disclosure of interest affecting impartiality

| | |
|---------------------------|---|
| Name/Position | Mr Garry Hunt - Chief Executive Officer |
| Item No/Subject | CJ061-04/06 – Tender 047-05/06 – Provision of Legal Services |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Jackson McDonald is providing advice to Council on the CEO's Contract of Employment |

CJ061 - 04/06 TENDER 047-05/06 PROVISION OF LEGAL SERVICES – [39582]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services

CJ060328_BRF.DOC:ITEM 20

PURPOSE

This report is to seek the approval of Council to choose Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse and as the successful tenderers for the provision of Legal Services for the City of Joondalup (Tender 047-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 18 January 2006 through statewide public notice for the Provision of Legal Services for the City of Joondalup. Tenders closed on 7 February 2006. Nine submissions were received as follows:

- Deacons;
- Freehills;
- Hammond Worthington Lawyers;
- Jackson McDonald;
- Kott Gunning Lawyers;
- McLeods Barristers and Solicitors;
- Minter Ellison Lawyers;
- Talbot Olivier;
- Watts and Woodhouse.

It is recommended, in relation to Tender Number 047-05/06 that Council:

- 1 *CHOOSES Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse as the successful tenderers for the Provision of Legal Services for the City of Joondalup (Tender 047-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ061-04/06;*

- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a Contract with Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse in accordance with their submitted tenders, subject to minor variations that may be agreed between the CEO and Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse;*
- 3 *DETERMINES that the contract is to be for an initial period of two (2) years with options to extend, subject to satisfactory performance reviews, for a further maximum period of three (3) years, in twelve (12) month increments, with the total term of the Contract not to exceed five (5) years.*

BACKGROUND

The scope of Services is for the Provision of Legal Services for the City of Joondalup. The City has a requirement for the provision of Legal Services by qualified practitioners within the main categories of General Local Government, Planning and Environmental, Employee and Industrial Relations and Property.

The operations of the City are impacted upon by a large number of statutes and subsidiary legislation and the Legal Consultants may be required to provide advice on a broad spectrum of legal issues, ranging from town planning and development, commercial contracts, administrative law, prosecutions, environmental health, property transactions and disputes and legislative interpretation and the City will seek such specialist knowledge in all or any one of the categories on an 'as and when required' basis.

The original tender was called on 26 October 2005 and closed on 9 November 2005. Subsequently a report was submitted to Council (CJ293 – 12/05 refers) recommending that no action be taken due to date/timing inconsistency and that Council reject all offers and recall the Tender in January 2006. This recommendation was carried unanimously.

DETAILS

Tenders were advertised on 18 January 2006 in the West Australian newspaper with the tenders closing on 7 February 2006. Nine submissions were received as follows:

- Deacons;
- Freehills;
- Hammond Worthington Lawyers;
- Jackson McDonald;
- Kott Gunning Lawyers;
- McLeods Barristers and Solicitors;
- Minter Ellison Lawyers;
- Talbot Olivier;
- Watts and Woodhouse.

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

Seven of the nine submissions received were for the provision of Legal Services for all categories, while the submissions from Freehills and Deacons only catered for the categories of Human Resources and Industrial Relations.

The nine submissions met all the essential requirements in the relevant categories and were therefore carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then discussed their assessments, leading to their recommendation to award the tender.

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

The Selection Criteria for Tender Number 047-05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- Distribution of relevant legal publications;
- Conducting in-house seminars relating to topical areas of law;
- Ability to provide advice in a timely manner (for example if requested on a need basis the advice is to be provided immediately or within 24 hours);
- Willingness to attend meetings out of normal office hours, as well as a willingness to provide advice/consultation on a need basis (e.g. weekends);
- Ability to provide the City with easy to read legal advice – in plain English;
- Willingness to provide verbal advice at no cost to the City when no follow up advice is required;
- Ability to provide detailed invoices, which include accurate time charges;
- Resolve a perceived or actual conflict of interest;
- Any additional value added free services the Respondent may offer the City if it were to become a Legal Consultant;
- Key Performance Indicators.

Capacity

- A brief history of the company addressing the period of time in business, the number of full time employees and the principal location of the business.
- The structure of the business and details of the support team proposed for the Contract including the skills of equipment operators and the following details of key personnel;
 - Qualifications;
 - Professional or business associations;
 - Length of service;
 - Industry experience
- Nominated contact allocated to this requirement.
- Details of relationships with other organisations to ensure supplementary advice can be provided where and when necessary.
- Response times to act upon a request from the City.
- Details of specialised facilities, systems or equipment that will be used.

Demonstrated Experience in Completing Similar Projects

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

Social and Economic Effects on the Local Community

- Maintain or increase opportunities for local employment
- Maintain or increase arrangements with local service providers
- Provide value added services to the City

The Evaluation Panel carried out the evaluation of the above Submission in accordance with the Qualitative Criteria and concluded that the Offers submitted by Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse represented best value for money to the City.

Issues and options considered:

The City has a requirement for the provision of Legal Services by qualified practitioners as the operations of the City are impacted upon by a large number of statutes and subsidiary legislation ranging from town planning and development, commercial contracts, administrative law, prosecutions, environmental health, property transactions and disputes and legislative interpretation and the City will seek such specialist knowledge in all or any one of the categories on an 'as and when required' basis.

Link to Strategic Plan:

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

4. Organisational Development.

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that the contract will represent a low risk to the City as Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse are providing legal services to a number of WA Local Government and State Authorities and have an established satisfactory performance record for the provision of legal services in a timely manner. This has been confirmed by referee checks with other WA Local Government and State Authorities who have indicated that their Schedule of Rates are competitive; the quality of the Services are of a high standard and the service delivery is very good.

Financial/Budget Implications:

Ongoing expenditure for legal services will be managed in accordance with the City's centralised process for managing legal costs and expenditure will be in line with budget allocations as authorised by Council annually and reviewed semi annually. The 2005/2006 annual budget for legal expenses is \$252,000 (excluding costs associated with the Panel Inquiry).

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

To ensure comprehensive legal representation in all categories while providing maximum flexibility for the City, the Evaluation Panel recommended that a 'Panel' of legal service providers are appointed and those offers representing best value for money to the City are those as submitted by Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse.

These organisations achieved the five highest qualitative score rankings and their Schedule of Rates were very competitive.

ATTACHMENTS

Attachment 1 - Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Clough that Council in relation to Tender 047-05/06:

- 1** **CHOOSES** Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse as the successful tenderers for the Provision of Legal Services for the City of Joondalup (Tender 047-05/06) in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ061-04/06;
- 2** **AUTHORISES** the Chief Executive Officer (CEO), on behalf of the City, to enter into a Contract with Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse in accordance with their submitted tenders, subject to minor variations that may be agreed between the CEO and Jackson McDonald, Kott Gunning Lawyers, McLeods Barristers and Solicitors, Minter Ellison Lawyers and Watts and Woodhouse;
- 3** **DETERMINES** that the contract is to be for an initial period of two (2) years with options to extend, subject to satisfactory performance reviews, for a further maximum period of three (3) years, in twelve (12) month increments, with the total term of the Contract not to exceed five (5) years.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr's Paterson, Clough, Anderson, Smith and Fox

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17min040406.pdf](#)

Disclosure of Financial Interests

| | |
|---------------------------|--|
| Name/Position | Mr Garry Hunt – Chief Executive Officer |
| Item No/Subject | C16-04/06 – Minutes of the CEO Performance Review Committee meeting held 28 March 2006 – (Item 1 – CEO Employment Contract Review) |
| Nature of interest | Financial |
| Extent of Interest | This item relates to Mr Hunt's contract of employment. |

Disclosure of interest affecting impartiality

| | |
|---------------------------|---|
| Name/Position | Mr Peter Schneider – Director Corporate Services |
| Item No/Subject | C16-04/06 – Minutes of the CEO Performance Review Committee Meetings held on 21 and 28 March 2006 |
| Nature of interest | Interest that may affect impartiality |
| Extent of Interest | Due to the nature of his employment relationship with the CEO |

Chief Executive Officer left the Chamber, the time being 2040 hrs.

C16-04/06 MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD 28 MARCH 2006 – [20006]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

PURPOSE

To submit the minutes of the CEO Performance Review Committee meeting to Council for noting and endorsement of the recommendations of the Committee.

EXECUTIVE SUMMARY

A meeting of the CEO Performance Review Committee was held on 21 and 28 March 2006.

It is recommended that Council:

- 1 *NOTES the minutes of the CEO Performance Review Committee meeting held on 21 and 28 March 2006, forming Attachment 1 to this Report;*
- 2 *ENDORSES the revised Employment Contract of the Chief Executive Officer forming confidential Attachment 2 to this Report;*
- 3 *AUTHORISES the Chairman of Commissioners and Director Corporate Services to prepare and execute the necessary documents to give effect to the revised Employment Contract of the Chief Executive Officer.*

BACKGROUND

At its meeting held on 7 June 2005 (Item CJ104-06/05 refers) Council established the Chief Executive Officer Performance Review Committee, comprising the Joint Commissioners, and set the Committee's terms of reference as follows:

- “(a) Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*
- (b) Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) Review the Key Performance Indicators to be met by the Chief Executive Officer.”*

At its meeting held on 9 August 2005 (Item C46-08/05 refers) Council resolved to expand the terms of reference for the Chief Executive Officer - Performance Review Committee to include:

- (a) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
- (b) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary."*

DETAILS

During the initial performance review of the CEO, several contractual issues relating to the documented review procedure were identified. These issues were outlined in a report to the Committee at its meeting of 14 November 2005.

At that meeting the CEO also provided a list of contractual issues for consideration by the Committee.

As a result of a request by the Committee, the Director Corporate Services briefed solicitors on the issues raised and sought appropriate legal advice.

This advice was considered by the Committee at its meeting of 21 and 28 March 2006, where the solicitors were in attendance to answer any queries and provide further advice as required.

Subsequent to the resolutions of the Committee a number of minor additional amendments have been incorporated into the revised Employment Contract of the CEO, necessitated as a result of the changes recommended by the Committee (refer confidential attachment 2).

Issues and options considered:

As contained within the minutes of the Chief Executive Officer Performance Review Committee.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

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

In accordance with Section 5.39 of the Act the employment of a person who is a CEO or senior employee is to be governed by a written contract.

Risk Management considerations:

Section 5.39 of the Act contains various conditions that must be contained within the employment contract of a CEO, which this contract complies with.

Financial/Budget Implications:

Apart from some incidental legal costs associated with redrafting of the CEO's Contract of Employment, which are covered in the centralised legal expenses budget, there are no other costs associated with this item.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The minutes of the Chief Executive Officer Performance Review Committee held on 21 and 28 March 2006 are submitted to Council for noting and endorsement of the recommendations relating to the CEO's Employment Contract.

ATTACHMENTS

- Attachment 1 Minutes of CEO Performance Review Committee meeting held on 21 and 28 March 2006.
- Attachment 2 Confidential Attachment - Revised Employment Contract of the Chief Executive Officer for the City of Joondalup Appendix 19 refers as appended hereto in the Official Minute Book

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the minutes of the CEO Performance Review Committee meeting held on 21 and 28 March 2006, forming Attachment 1 to Report C16-04/06;
- 2 ENDORSES the revised Employment Contract of the Chief Executive Officer forming confidential Attachment 2 to Report CJ16-04/06;
- 3 AUTHORISES the Chairman of Commissioners and Director Corporate Services to prepare and execute the necessary documents to give effect to the revised Employment Contract of the Chief Executive Officer.

MOVED Cmr Anderson, **SECONDED** Cmr Smith that Council:

- 1** NOTES the minutes of the CEO Performance Review Committee meeting held on 21 and 28 March 2006, forming Attachment 1 to Report C16-04/06;
- 2** ENDORSES the revised Employment Contract of the Chief Executive Officer forming confidential Attachment 2 to Report CJ16-04/06, inclusive of changes as recommended by the CEO Performance Review Committee at its meeting held on 4 April 2006;
- 3** AUTHORISES Director Corporate Services to prepare the necessary documents to give effect to the revised Employment Contract of the Chief Executive Officer;
- 4** AUTHORISES the Chairman of Commissioners and Director Corporate Services to execute the necessary documents to give effect to the revised Employment Contract of the Chief Executive Officer.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

Appendices 18 and 19 refer. Appendix 19 appears in the Official Minute Book only

To access this attachment on electronic document, click here: [Attach18min040406.pdf](#)

Chief Executive Officer entered the Chamber, the time being 2044 hrs.

C17-04/06 APPOINTMENT OF DIRECTOR CORPORATE SERVICES – [85577]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

PURPOSE

To seek Council's endorsement of the Chief Executive Officer's recommendation for the appointment of the Director Corporate Services.

EXECUTIVE SUMMARY

In January 2006, the current incumbent of the position of Director Corporate Services formally tendered his resignation, and as such it has become necessary to recruit a replacement for this role. In accordance with the Local Government Act, 1995, the Chief Executive Officer is required to inform the Council of the appointment of a senior officer, and this recommendation requires the endorsement of the Council.

BACKGROUND

In January 2006, the current incumbent of the position of Director Corporate Services formally tendered his resignation from the role. As such, it has become necessary to recruit a suitable replacement.

Following on from their appointment to assist the CEO in the recruitment of the Director Governance and Strategy, Lester Blades Executive Search agreed to assist in the recruitment of the Director Corporate Services under the same terms and conditions as previously agreed. This appointment is in line with the City's tender regulations. The position was advertised in The West Australian newspaper on 18 February 2006.

As a result of advertising the position, 55 applications were received by Lester Blades Executive Search and, following detailed analysis of these applications, an list of nine were presented to the CEO for initial consideration. One internal application was received for the position. Five candidates were then shortlisted and interviewed on 27 and 28 March 2006 by Mr Geoff Blades of Lester Blades Executive Search and the CEO.

As a result of the interview process, it was considered that one candidate was considered capable of meeting all the requirements of the position.

On 31 March 2006, a memo was issued to Commissioners by the Chief Executive Officer, outlining the process that had been undertaken and enclosing a strictly private and confidential Candidates Report and resume on the nine candidates initially shortlisted by Lester Blades Executive Search.

The Chairman and Commissioners have been provided with detailed resumes of the shortlisted candidates, notes from the interviews undertaken with shortlisted candidates, the report prepared by the interview panel and confirmation that all reference checks have been undertaken.

In accordance with the Local Government Act, 1995, Council has previously resolved that all Directors are deemed senior officers of Council. Section 5.14 of the Act stipulates that one of the functions of the Chief Executive Officer is to be responsible for the employment, management, supervision, direction and dismissal of employees. However, in respect of designated senior officers, the Chief Executive Officer is required to :

".....inform the Council of each proposal to employ or dismiss a senior employee. The Council may accept or reject the CEO's recommendation, but if the Council rejects a recommendation it has to inform the CEO of the reasons for its doing so"

As a result of the interview process that has taken place, and the comprehensive analysis of the four shortlisted applicants, it is considered that the recommended candidate is the most appropriate applicant to be appointed to the position of Director. This opinion is formed having regard to his qualifications and general experience and having given due regard to the role that this person is required to undertake as Director Governance and Strategy.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: It is recommended that Council ENDORSES the following:

That, in accordance with the provisions of Section 5.37 (2) of the Local Government Act, 1995, Council is hereby informed that it is the Chief Executive Officer's intention to appoint Mr Michael Tidy to the position of Director Corporate Services, on a performance-based contract for a maximum period of five years at a commencing remuneration package of \$165,000.

MOVED Cmr Clough, **SECONDED** Cmr Anderson that Council **ACCEPTS** the CEOs recommendation that in accordance with the provisions of Section 5.37 (2) of the Local Government Act, 1995, he proposes to **APPOINT** Mr Michael Tidy to the position of Director Corporate Services, on a performance-based contract for a maximum period of five years at a commencing remuneration package of \$165,000.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

In favour of the Motion: Cmr Paterson, Clough, Anderson, Smith and Fox

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENT OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2050 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR S SMITH
CMR A FOX