

PLEASE NOTE

Due to the Queen's Birthday Public Holiday on Monday 2 October 2006 this agenda has been distributed one day earlier than usual, on Thursday 28 September 2006.

Should further documentation require to be made available, this will be provided on the hyperlink shown on page xiii of this document.

DRAFT AGENDA

Briefing Session City of Joondalup

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

MEETING DATE



to be held on
TUESDAY 3 OCTOBER 2006

PUBLIC QUESTION TIME



Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Friday 29 September 2006. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.



GARRY HUNT
Chief Executive Officer

28 September 2006

PROTOCOLS FOR BRIEFING SESSIONS

The following protocols for the conduct of Briefing Sessions were adopted at the Council meeting held on 9 August 2005.

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

Protocols for Briefing Sessions

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

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 The Presiding Member at the commencement of each Briefing Session shall:
 - (a) Advise Elected Members that there will be no debate on any matters raised during the Sessions;
 - (b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Session;
 - (c) Encourage all Elected Members present to participate in the sharing and gathering of information;
 - (d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Session; and
 - (e) Ensure the time available for the Session is liberal enough to allow for all matters of relevance to be identified;
- 6 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following should be considered:
 - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct;
 - (b) Persons disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - (c) An exception shall be applied to the disclosing of interests by consultants where the consultant will be providing information only, and will be able to remain in the Session;
 - (d) As matters raised at a Briefing Session are not completely predictable, there is some flexibility in the disclosures of interests. A person may disclose an interest at such time as an issue is raised that is not specifically listed on the agenda for the Session.
- 7 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session by:
 - (a) A request to the Chief Executive Officer; or
 - (b) A request made during the Briefing Session.
- 8 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

- 9 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 10 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PUBLIC QUESTION TIME

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

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

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business on the working day immediately prior to the scheduled Briefing Session.

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

PUBLIC STATEMENT TIME

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

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

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

PROCEDURE FOR PUBLIC STATEMENT TIME

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the draft agenda.

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

DISCLAIMER

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

DEPUTATION SESSIONS

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

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

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 3 October 2006** commencing at **6.30 pm**

ORDER OF BUSINESS

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

The following questions were submitted verbally at the Briefing Session held on 12 September 2006:

Mr S Kobelke, Sorrento:

Re: Item 11 - Rezoning:

Q1 The Officers mention the Duncraig Village in the suburb of Duncraig as providing nearby commercial property. Can the Officers provide specific information on commercial land in Marmion? With regard to the proposed rezoning, apart from the adjoining shopping centre and professional centre is there any other land in the suburb of Marmion that is zoned commercial?

A1 Apart from the land identified above, no other land within the suburb of Marmion is zoned 'Commercial' under the City's DPS2.

Q2 With the suburban infill (eg. CSIRO Site) that is lifting the number of people residing in Marmion why would the Council approve rezoning of limited commercial land when there will be a long term need for more commercial property to service people close to their homes?

A2 The proposed rezoning of the site to Mixed Use will allow for a mixture of potential land uses, including residential, office, consulting rooms and some retail.

Mr M Caiacob, Mullaloo:

Q1 CEO Performance Review Committee – Why is legal advice being sought over the release of the CEO's Contract to Elected Members coinciding with the Inquiry, Upper House and Performance Review?

A1 There is a notation in the minutes of the Chief Executive Officer Performance Review Committee of the 8 August 2006 that the Mayor requested a report and legal advice in relation to responding to requests to obtain copies of the CEO's contract. This was not a motion of the Committee, however, and as the legislation is reasonably clear on this issue, legal advice was not required and none was sought.

Q2 *Short Stay Accommodation:*

(a) *Why has Short Stay now been given a “Use Class” and is a residential building included?*

(b) *Is a residential building included?*

A2 (a & b) To assist with issues that residential building does not cover. The intention is to provide some clarity which adds to the definition that already exists that the City is required to use. The definition for residential building causes some issues.

Ms M Moon, Greenwood:

Q1 *When will the lodging house apply to short stay accommodation and when won't it?*

A1 The Lodging House provisions of the Health Act 1911 were intended to regulate situations where groups of individuals were boarded or lodged in a premises and these individuals did not have full control of the sanitary conveniences.

As such, if short stay accommodation is let out on an individual room basis to more than 6 persons exclusive of the keeper, then the lodging house provisions would be applied.

However, if the premise is let out as a whole, this will not constitute a Lodging House and the Lodging House local laws will not be applied. This is consistent with the advice from the Department of Health received in June 2004 clarifying the definition of a Lodging House and its relevance for private dwellings offered for rental holiday accommodation.

Q2 *Why doesn't the density of the site apply to all short stay accommodation and allow a 100% land bonus and more in some cases?*

A2 This question is unclear and requires clarification.

Q3 *Density for special purpose is contained in the DPS2. Why not apply the density here?*

A3 DPS2 does not contain provisions relating to density for special purpose dwellings. The proposed policy is intended to be adopted under DPS2 and would include density provisions to provide clarity on this matter.

Mr G Hall, Joondalup:

Q1 *If Council is prepared to wave the guidelines with regard to Residential Density and provide a bonus to the developer with an alteration from the standard R60 to R100 for this development, then we would hope, in a similar vein and in the name of safety for the residents and ratepayers in the area, that Council would consider allowing traffic to enter and exit the apartment complex from Lakeside Drive. Would Council please reconsider carefully the current traffic flow hazard proposed?*

A1 This is a matter for Elected Members to consider. Lakeside Drive has, since its inception, been designed for limited ingress and egress.

- Q2 *No other apartment complex in the Joondalup inner City precinct forces its residents to travel so extensively through diverted residential areas prior to getting to the apartment's parking facilities. Has Council fully considered the long-term hazardous traffic flow implications of this decision for residents in Sittella Turn, Lakeside Drive (ROW), Greenshank Drive and Shoveler Terrace?*
- A2 These issues were considered when the report was prepared on this Item. Similar issues were also included in the reports on this site considered by the former Commissioners.
- Q3 *Is Council aware that we are already experiencing poor parking practices in the area, which in turn are contributing to traffic hazards (note parking on verge and on the road's blind spot at Greenshank Drive)? This traffic hazard will only be exacerbated with the increased traffic. The partial solution we offer is to enable traffic access to and from the apartment via Lakeside Drive.*
- A3 The City's main focus has been on the CBD area up to Lakeside Drive, not residential areas at this point in time.
- Q4 *Has Council fully identified the detrimental impact this development's ill-considered traffic flow will have on the ROW at the rear of Sittella Turn and Lakeside Drive in particular? The exit path from the apartment complex leads directly into the ROW. The ROW was never built to accommodate street traffic, it is two steps for a child from the rear gate to the street, furthermore when exiting from the rear garage a driver can only see on-coming traffic when the car is half way out into the ROW. The high volume of traffic, which will flow down this ROW, is a disaster in the making.*
- A4 The ROW has been designed for vehicular traffic. Additional information will be provided to Elected Members in relation to a safety audit prior to the Council considering this Item.

Mr D Walthew, Joondalup:

- Q1 *The agenda mentions that the development at Lot 201 (88) Lakeside Drive provides a public swimming pool. I presume this is a typo. This would add additional traffic.*
- A1 The terminology used comes from the City's Environmental Health Officers' obligations to have stringent regard to the health implications in relation to the communal use of pools. The pool is for the use of the residents in the complex.

4 PUBLIC STATEMENT TIME

The following statement was submitted verbally at the Briefing Session held on 12 September 2006:

Ms M Moon, Greenwood:

Re: Item 15 – Initiation of Amendment to DPS2 and Local Planning Policy – Short Stay Accommodation

Ms Moon spoke on the need for policies to be clear and clearly state the Council's position.

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

| | |
|----------------|---|
| Cr S Hart | 4 October 2006 to 17 October 2006 inclusive |
| Cr K Hollywood | 4 October 2006 to 8 October 2006 inclusive |
| Cr B Corr | 17 October 2006 |
| Cr T McLean | 17 October 2006 to 9 November 2006 inclusive |
| Cr J Park | 2 November 2006 to 27 November 2006 inclusive |

6 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. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Disclosure of interest affecting impartiality

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

7 REPORTS

| ITEM NO | TITLE | WARD | PAGE NO |
|---------|---|-------|---------|
| ITEM 1 | Schedule of Documents Executed by Means of Affixing the Common Seal | All | 1 |
| ITEM 2 | New City Policy – Recovery of Costs Awarded to the City | All | 4 |
| ITEM 3 | Minutes of the Sustainability Advisory Committee held on 21 August 2006 | All | 7 |
| ITEM 4 | List of Payments made during the month of August 2006 | All | 11 |
| ITEM 5 | Financial Activity Statement for the period ended 31 August 2006 | All | 14 |
| ITEM 6 | On-Street Parking – Clarke Crescent, Joondalup | North | 17 |
| ITEM 7 | Tender 054-05/06 Kerbside Collection and Transport of Recyclable Materials for the City of Joondalup – [65584] | All | 21 |
| ITEM 8 | Tender 055-05/06 – Supply including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup | All | 26 |
| ITEM 9 | Minutes of the Conservation Advisory Committee Meeting held on 30 August 2006 | All | 31 |
| ITEM 10 | Monthly Town Planning Delegated Authority Report, Development and Subdivision Applications – August 2006 | All | 35 |
| ITEM 11 | Minutes of Seniors Interests Advisory Committee held on Wednesday, 2 August 2006 | All | 38 |
| ITEM 12 | Proposed Mixed Use Development at Lot 201 (88) Lakeside Drive, Joondalup – 42 Multiple Dwellings and associated use (Convenience Store) – [86007] | North | 42 |

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

11 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 031006.pdf](#)

ITEM 1 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [18576]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 27 July 2006 to 12 September 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: | Contract, Land Transfer Easement |
| Parties: | City of Joondalup and Foodland Property Holdings P/L |
| Description: | Disposal of City owned Lot 3 Trappers Drive, Woodvale to FAL |
| Date: | 27.07.06 |

| | |
|---------------------|---|
| Document: | Funding Agreement |
| Parties: | City of Joondalup, Department Families, Community Services and Indigenous Affairs |
| Description: | Funding Agreement to extend emergency relief funding to the City for 2006/2007 |
| Date: | 04.09.06 |

| | |
|---------------------|--|
| Document: | Ancillary Accommodation Addition |
| Parties: | City of Joondalup, Owners Lot 396 P9965 Vol 1752 Fol 670 – M Cwern, B and T Harris |
| Description: | Accommodation – 27 Merivale Way, Greenwood |
| Date: | 05.09.06 |

| | |
|---------------------|--|
| Document: | Structure Plan |
| Parties: | City of Joondalup and WA Planning Commission |
| Description: | <p>Currambine District Centre Structure Plan No 6. The Structure Plan area is:</p> <p>Lot 9503 on Deposited Plan 34971, generally bounded by Shenton and Delamere Avenues, Chesapeake Way, Hobson Gate, Marmion Avenue and the northern and eastern boundaries of Lot 929.</p> <p>Lot 929, generally bounded by Marmion and Shenton Avenues and the southern and western boundaries of Lot 9503.</p> <p>Lot 1574 on Deposited Plan 36888, has frontage to Delamere Avenue.</p> |
| Date: | 05.09.06 |

| | |
|---------------------|--|
| Document: | Structure Plan |
| Parties: | City of Joondalup and WA Planning Commission |
| Description: | <p>Marmion Structure Plan No 9</p> <p>The Structure Plan is described as Lot 61 (no 14) Leach Street, Marmion.</p> |
| Date: | 12.09.06 |

| | |
|---------------------|--|
| Document: | Land Transfer |
| Parties: | City of Joondalup |
| Description: | Transfer of Land – Lot 6 Lawley Court, Joondalup |
| Date: | 12.09.06 |

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.

RECOMMENDATION

That the schedule of documents executed by means of affixing the Common Seal for the period 27 July 2006 to 12 September 2006 be NOTED.

ITEM 2 NEW CITY POLICY - RECOVERY OF COSTS FROM PROSECUTIONS OF THE CITY – [18058]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

For Council to consider a suggested Policy in relation to the recovery of costs in situations where the City has been prosecuted.

EXECUTIVE SUMMARY

The suggested Policy indicates that the City will look to recover costs in all situations where legal action is taken against the City by another body.

BACKGROUND

In 2005, Council adopted a framework which separated Policies into two categories. The first are Council Policies which are strategic or high level in nature and set governing principles to guide the organisation's direction. The second are City Policies which are developed for administrative and operational imperatives with an internal focus.

This Policy in relation to the recovery of costs from prosecutions of the City by another body is an operational imperative with an internal focus. Consequently, it is being developed as a City Policy. The Policy manual notes that "City Policies will be drafted by officers for Council consideration and these Policies will still require Council endorsement, however, this will occur as part of the normal Council Meeting cycle. Council may direct that some or all City Policies be advertised for public comment prior to endorsement".

Previously, the City has been awarded costs after legal action has been taken against the City by another body. In December 2005, Council requested the Chief Executive Officer draft a Policy for consideration by Council relating to the recovery of costs awarded to the City following legal proceedings (CJ266-12/05).

DETAILS

The Policy has two principle foundations. The first is that, as a general statement of intent, the City will look to recover costs when legal proceedings have been taken against the City by another body. The second key element of the Policy is that it will only apply in circumstances where legal action is taken against the City and not in situations where the City initiates legal action.

Issues and options considered:

Council can:

- Adopt the Policy as presented;
- Amend the Policy; or
- Reject the idea of establishing a Policy.

Link to Strategic Plan:

Objective 4.1 of the Strategic Plan is “to manage the business in a responsible and accountable manner”. Recovering costs associated with legal proceedings complies with this objective.

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

Should the Policy be accepted in its current format, there may well be negative reactions from individuals or groups who are placed in a position of owing money to the City as a result of a legal proceedings which they have instigated. However, equally, the City could be seen as negligent if it does not try to obtain monies to which it is entitled.

Financial/Budget Implications:

This will be entirely dependent on the outcome of legal proceedings in which the City participates.

Policy implications:

A new Policy is being established.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

According to the Policy Manual, “Council may direct that some or all City Policies be advertised for public comment prior to endorsement”. Consequently, Council could decide to seek public comment on this Policy before adopting it, should it so wish.

COMMENT

The Policy has not been designed to cover situations where the City commences a prosecution. Such actions are considered ordinary operational circumstances where the City responds to someone who has broken the law.

ATTACHMENTS

Attachment 1 Draft Policy

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council ENDORSES the draft City Policy entitled “Recovery of Costs from Prosecutions of the City” included as Attachment 1 to this Report.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf031006.pdf](#)

ITEM 3 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 31 AUGUST 2006 – [02135]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance & Strategy

PURPOSE

To submit the unconfirmed minutes of the Sustainability Advisory Committee (SAC) to Council for information.

EXECUTIVE SUMMARY

A meeting of the SAC was held on 31 August 2006.

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

- 1 Setting of Meeting Dates
- 2 Appointment of New Committee Members and Resignations of Past Committee Members
- 3 Western Australian Local Government Association Review of Current Public Open Space Policy and Practice
- 4 Draft Guidelines for the Determination of Wetland Buffer Requirements
- 5 Outcome of the Waste Management Strategy Survey
- 6 Update on the Sustainability Advisory Committee Workplan – October 2004
- 7 City of Joondalup Cities for Climate Protection Milestone 5 Report
- 8 Sustainability Policies

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the SAC Committee meeting held on 31 August 2006 forming Attachment 1 to this Report;*
- 2 *ACCEPTS the resignations of Mr Down and Ms Kinnear;*
- 3 *THANKS Mr Down and Ms Kinnear for their contribution to the work of the Committee;*
- 4 *BY AN ABSOLUTE MAJORITY APPOINTS Ms Melanie Barter, Mr John Willet, Mr Brett Dorney, Mr Dennis Godley and Ms Wendy Herbert to serve on the Sustainability Advisory Committee;*
- 5 *ENDORSES the Committee’s referral of the following matters to the Policy Committee for further consideration:*
 - (i) *Statement of Intent of Policy 5.4 be changed to delete the second sentence and alter the third sentence to delete the words “and particular circumstances” and read as follows:*

“The purpose of this policy is to set a direction that will, over time result in the achievement of outcomes consistent with the principles of sustainability. The Council is mindful that in some instances there may be constraints through the need to act within legislation”;

- (ii) *That a similar change be made to Council Policy 1.3;*
- (iii) *The discussion paper attached to the City Policy 5.4 on the website is also attached to the Council Policy 1.3;*

6 *NOTES the Committee's request that committees be allowed to refer items of business to other committees without having to seek a resolution of Council and SEEKS a report from the CEO on this matter.*

BACKGROUND

The SAC is a Committee established by the Council to recommend to it appropriate courses of action on matters that affect the environment and sustainability issues within the region.

The Committee membership comprises of four Councillors, and community members with specialist knowledge of environment and sustainability issues.

DETAILS

Issues and options considered:

As detailed in the minutes of the meeting held on 31 August 2006.

Link to Strategic Plan:

Key Focus Area: Organisational Development

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

Legislation – Statutory Provisions:

The Committee is established in accordance with the Local Government Act 1995.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy implications:

It is noted that the SAC has considered various policies.

Regional Significance:

The SAC provides an opportunity for consideration of regional matters that may impact on local sustainability.

Sustainability implications:

The SAC provides a forum for consideration of a range of sustainability issues by elected members and community representatives with local knowledge and expertise.

Consultation:

Not Applicable.

COMMENT

The Minutes identify each resolution of the SAC at its recent meeting. It should be noted that by broadening of the number of Committee members to 15, the quorum requirement will increase to eight and this may cause issues with obtaining a quorum at all meetings.

The SAC made key recommendations in regard to policy development and it is considered appropriate that the Policy Committee reviews such matters.

ATTACHMENTS

Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 31 August 2006.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed Minutes of the Sustainability Advisory Committee meeting held on 31 August 2006 forming Attachment 1 to this Report;**
- 2 ACCEPTS the resignations of Mr Down and Ms Kinnear;**
- 3 THANKS Mr Down and Ms Kinnear for their contribution to the work of the Committee;**
- 4 BY AN ABSOLUTE MAJORITY APPOINTS Ms Melanie Barter, Mr John Willet, Mr Brett Dorney, Mr Dennis Godley and Ms Wendy Herbert to serve on the Sustainability Advisory Committee;**
- 5 ENDORSES the Committee's referral of the following matters to the Policy Committee for further consideration:**
 - (i) Statement of Intent of Policy 5.4 be changed to delete the second sentence and alter the third sentence to delete the words "and particular circumstances and read as follows:**

"The purpose of this policy is to set a direction that will, over time result in the achievement of outcomes consistent with the principles of sustainability. The Council is mindful that in some instances there may be constraints through the need to act within legislation";
 - (ii) That a similar change be made to Council Policy 1.3;**
 - (iii) The discussion paper attached to the City Policy 5.4 on the website is also attached to the Council Policy 1.3;**

- 6** **NOTES the Committee’s request that committees be allowed to refer items of business to other committees without having to seek a resolution of Council and SEEKS a report from the CEO on this matter.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf031006.pdf](#)

ITEM 4 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST - 2006 – [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of August 2006, totalling \$8,011,057.04.

It is recommended that Council NOTES the CEO's list of accounts for August 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to this Report, totalling \$8,011,057.04.

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 August 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 76351 - 76674 EFT 7384 - 7756 net of cancelled payments | \$4,791,465.37 |
| | Vouchers – 183A-184A, 186A-187A, 189A-194A | \$3,219,591.67 |
| Trust Account | | Nil |
| | | \$8,011,057.04 |

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

Risk Management Considerations:

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

Financial/Budget Implications:

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

Policy Implications:

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

Sustainability Implications:

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

Consultation:

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

COMMENT

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

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the CEO's List of Accounts for August 2006 paid under delegated power in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A and B to this Report, totalling \$8,011,057.04.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf031006.pdf](#)

ITEM 5 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2006 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The August 2006 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The August 2006 year to date report shows an overall variance (under spend) of \$1.746m when compared to the year to date budget approved by Council at its meeting of 25 July 2006 (JSC25-07/06).

This variance can be analysed as follows:

- The **Operating Surplus** is \$53.6m compared to a budgeted surplus of \$51.6m at the end of August 2006. The \$2.0m variance is primarily due to additional interest income, fees and charges, contributions, reimbursements and donations and government grants and lower than budgeted expenditure in employee costs and materials and contracts.
- **Capital Expenditure** is \$1m against the year to date budget of \$0.7m. The \$0.3m over spend is due to purchasing of light vehicles and in the construction of infrastructure assets and council projects.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2006 forming Attachment A to this Report.

BACKGROUND

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

DETAILS

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

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer Attachment A.

Policy implications:

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

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

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

COMMENT

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

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 August 2006 forming Attachment A to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf031006.pdf](#)

ITEM 6 ON-STREET PARKING CLARKE CRESCENT, JOONDALUP – [34694]

WARD: North

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

PURPOSE

To amend the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by implementing time restrictions in Clarke Crescent, Joondalup.

EXECUTIVE SUMMARY

The Community Newspaper Group located at Lot 705 (16) Clarke Crescent are seeking to restrict parking on the road adjacent to their property to assist in regulating and controlling parked vehicles. The main aim of the parking time restrictions will be to share the available parking bays with as many vehicles as possible, maximising the vehicle turnover and bay use in keeping with the time limit that will be applicable. As such it is recommended that Council:

- 1 *AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of:*
 - (a) *One (1) hour parking restriction covering (2) bays on the south side of Clarke Crescent, adjacent to Lot 705 (16) Clarke Crescent;*
 - (b) *One (1) hour parking restriction covering (4) bays on the west side of Clarke Crescent, at the side of Lot 705 (16) Clarke Crescent;*
 - (c) *One (1) hour parking restriction covering (2) bays on the north side of Clarke Crescent, adjacent to Lot 704 (9) Wise Street;*
- 2 *APPROVES the parking restrictions to apply between the hours of 8.00am to 5.30pm Monday to Friday and from 8.00am to 1.00pm Saturday as depicted in Attachment 1 to this Report..*

BACKGROUND

The City of Joondalup has received correspondence from the Community Newspaper Group highlighting their concerns in relation to parking bays adjacent to Lot 705 (16) Clarke Crescent being used for all day parking and preventing their clients to access their business.

DETAILS

Issues and options considered:

The Community Newspaper Group has raised concerns that train commuters are using the parking bays outside Lot 705 (16) Clarke Crescent for all day parking to the exclusion of the business's clients.

In view of this, the business has requested that consideration be given to the installation of one (1) hour parking restrictions in the (2) bays immediately adjacent to Lot 705 (16) Clarke

Crescent and the four (4) bays located on the western side of Clarke Crescent at the side of Lot 705 (16) Clarke Crescent.

A review of the parking in Clarke Crescent by officers from the City's Ranger Services has recognised that a requirement exists for timed parking to be installed at this location. It has also been recognised that (1) hour parking restrictions should be installed in the two (2) bays adjacent to the Rivergum Furniture Company located at Lot 704 (9) Wise Street. Accordingly, it is recommended that Council:

Approve the installation of one (1) hour parking restrictions between the hours of 8.00am to 5.30pm Monday to Friday and from 8.00am to 1.00pm Saturday at the above locations. These restrictions will assist the businesses with customer parking.

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: 3.3.2 Integrate plans to support community and business development.

Legislation – Statutory Provisions:

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

Section 33 of this Local Law states that:

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

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

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

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

| | |
|-----------------------|------------------|
| Account No: | 1.7230.4615.0529 |
| Budget Item: | Signs |
| Budget Amount: | \$812,373 |
| YTD Amount: | \$104,506 |
| Actual Cost: | \$390.00 |

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Officers from the City's Ranger Services contacted the businesses at number 16 Clarke Crescent and 9 Wise Street seeking their views on the proposed restrictions.

Both businesses were concerned that train commuters were parking in the bays adjacent to their properties to the exclusion of their customers.

The proposal to restrict parking was well received by the consulted businesses.

The proposal to restrict parking in these embayments will have minimal impact regarding the availability of parking for train commuters. The review indicated that the majority of parking bays located on the eastern side of Clarke Crescent and Onslow Place remain empty on most weekdays including peak periods.

COMMENT

The requirement for on-street parking will provide formalised parking for motorists and assist local businesses by ensuring that motorists have a more equal opportunity to park their vehicles close to where they want to do business. The proposal to restrict parking on roads as per attachment will regulate parking, maintain the general traffic flow at all times and therefore increase the level of parking availability during business hours.

ATTACHMENTS

Attachment 1 Plan of Clarke Crescent indicating the location of the recommended parking restrictions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council**

- 1 AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of:**
 - (a) One (1) hour parking restriction covering (2) bays on the south side of Clarke Crescent, adjacent to Lot 705 (16) Clarke Crescent;**
 - (b) One (1) hour parking restriction covering (4) bays on the west side of Clarke Crescent, at the side of Lot 705 (16) Clarke Crescent;**
 - (c) One (1) hour parking restriction covering (2) bays on the north side of Clarke Crescent, adjacent to Lot 704 (9) Wise Street;**

- 2 APPROVES the parking restrictions to apply between the hours of 8.00am to 5.30pm Monday to Friday and from 8.00am to 1.00pm Saturday as depicted in Attachment 1 to this Report.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf031006.pdf](#)

ITEM 7 TENDER 054-05/06 KERBSIDE COLLECTION AND TRANSPORT OF RECYCLABLE MATERIALS FOR THE CITY OF JOONDALUP – [65584]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by Cleanaway for Kerbside Collection and Transport of Recyclable Materials for the City of Joondalup (Tender 054-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 19 August 2006 and 23 August 2006 through statewide public notice for Kerbside Collection and Transport of Recyclable Materials for the City of Joondalup. Tenders closed on 11 September 2006. Two submissions were received from:

- Cleanaway
- City of Wanneroo

It is recommended, in relation to Tender Number 054-05/06 that Council:

- 1 *ACCEPTS the tender submitted by Cleanaway for Kerbside Collection and Transport of Recyclable Materials in accordance with the requirements as stated in Tender 054-05/06 at the total estimated Contract price of \$5,051,156 (GST Exclusive) for the initial period of 4.5 years with an option to extend, subject to satisfactory performance reviews, at the absolute discretion of the City, for a further five (5) year period, with the total term of the Contract not to exceed nine and half (9.5) years;*
- 2 *Delegates to the Chief Executive Officer Authority to approve if considered appropriate the five (5) year optional extension and any price variations sought subject to satisfactory compliance with, and performance of, the requirements of Tender 054-05/06 by Cleanaway.*

BACKGROUND

The City of Joondalup proposes to adopt the most efficient and effective means of delivering recycling services to residents and achieve the best possible outcomes to divert recyclables from landfill, in accordance with its adopted Waste Strategy 2005 and the vision of “Towards Zero Waste” while providing a comprehensive and sustainable waste service.

The City is implementing its Waste Strategy adopted by Council in December 2005. The Waste Strategy includes the provision for a universal recycling service. A separate tender will be awarded for the purchase and roll out of yellow lidded Mobile Garbage Bins (MGBs). It is anticipated that the MGBs will be purchased and rolled out during November and December 2006.

The objectives of the requirement are to:

- (a) Ensure that residents' waste to landfill is minimised;
- (b) Ensure that residents are provided with a reliable, convenient and user friendly recyclables collection service;
- (c) Address concerns raised by residents in relation to current collection format;
- (d) Ensure that the City's Superintendent receives accurate data to assist in managing the entire recycling process;
- (e) Ensure that the collection service is as efficient and cost effective as possible while minimising damage and cross contamination of the recycling product.

The Contract has two components, a lump sum for the first six (6) month period and for the remaining period based on a schedule of rates as detailed in Schedule 2. The schedule of rates component is based on drive bys. Drive bys are based on the collection vehicle passing each residential Tenement (a drive by) and emptying the bins that are put out on the kerbside subject to the conditions for collection. Based on the introduction of a universal 240 litre MGB service in other Local Authorities the put out rate per collection round is expected to be up to 80%. The current put out rate for the City's bags recycling services is one third and voluntary recycling service is approximately 76%.

The City of Joondalup will conduct the Public Education programme. The Contractor will be required to carry out the services or activities described in the Request.

DETAILS

Tenders were advertised on 19 August 2006 and 23 August 2006 through statewide public notice for Kerbside Collection and Transport of Recyclable Materials for the City of Joondalup. Tenders closed on 11 September 2006. Two submissions were received from:

| Tenderer | Estimated Total Contract Price for the first 4.5 years (GST Exclusive) |
|------------------|--|
| Cleanaway | \$5,051,156.00 |
| City of Wanneroo | \$7,534,080.00 |

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

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

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

The Selection Criteria for Tender Number 054-05/06 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 and the structure of the business
- Details of specialised facilities, systems or equipment that will be used
- Local Infrastructure

Social and Economic Effects on the Local Community

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

Demonstrated Experience in Completing Similar Projects

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

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

Issues and options considered:

The following issues and options were considered and included in the Request.

That the Contractor must, under the direction of the City, market the use of the Recyclables Collection Service wherever possible and cooperate with the public education programme.

The City will manage the public education program. Should there be any public education campaign related tasks required to be performed under the Contract, a separate negotiation will take place between the City and the Contractor.

At any time during the Contract Term, the City may direct the Contractor to:

- (a) Alter the character or mode of performance of the Recyclables Collection Service;
- (b) Vary the Collection Schedule; or
- (c) Perform any part of the Recyclables Collection Service outside the hours set under the Collection Schedule

Link to Strategic Plan:

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

Caring for the Environment.

Objective 2.2 To manage waste effectively and efficiently in alignment with environmental sustainable principles.

Strategy 2.2.2 Plan for the development of waste management.

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondent will represent a low risk to the City based on it being a very well established company with extensive experience in providing recycling collections for various local councils in WA. It is a third party accredited company to ISO9001.

Financial/Budget Implications:

The City has sufficient funds in its operational budget for this Contract to proceed. The total cumulative Contract value over the nine and half (9.5) years of the Contract is approximately \$10,644,380.00 (excluding GST) based on 54,600 estimated drive bys per fortnight.

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:

The Community was consulted in late 2005 for the development of the Waste Strategy 2005. This tender is one of the key elements for the implementation of that Strategy.

COMMENT

Cleanaway is a very well established company and it currently provides recycling collections to over 250,000 households per fortnight, provides refuse collection to over 150,000 households per week, bulk verge services to over 25,000 households and containerized greenwaste collections to 35,000 households throughout metropolitan and outer metropolitan Western Australia.

It owns and operates Materials Recovery Facilities at Albany, Bayswater and Mandurah. The company has extensive resources, and experienced staff already familiar with the Joondalup area.

Cleanaway is a third party accredited company to ISO9001, and as part of its certified Quality System, has documented procedures for routine cleaning and maintenance of plant, including servicing of vehicles which will be conducted at its Malaga workshop.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council, in relation to Tender 054-05/06:

- 1 ACCEPTS the tender submitted by Cleanaway for Kerbside Collection and Transport of Recyclable Materials in accordance with the requirements as stated in Tender 054-05/06 at the total estimated Contract price of \$5,051,156 (GST Exclusive) for the initial period of four and half (4.5) years with an option to extend, subject to satisfactory performance reviews, at the absolute discretion of the City, for a further five (5) year period, with the total term of the Contract not to exceed nine and half (9.5) years;**
- 2 BY AN ABSOLUTE MAJORITY, DELEGATES to the Chief Executive Officer authority to approve if considered appropriate the five (5) year optional extension and any price variations sought subject to satisfactory compliance with, and performance of, the requirements of Tender 054-05/06 by Cleanaway.**

ITEM 8 TENDER 055-05/06 SUPPLY INCLUDING DELIVERY, ASSEMBLY AND ROLLOUT OF RECYCLING MOBILE GARBAGE BINS (MGB) TO RESIDENCES FOR THE CITY OF JOONDALUP – [67584]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by Clean Sweep for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup (Tender 055-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 19 August 2006 and 23 August 2006 through statewide public notice for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup. Six submissions were received from:

- Clean Sweep
- MASTEC Australia Pty Ltd
- Nylex Industrial Products
- Ossie Plastics Systems Pty Ltd
- Sulo MGB Australia Pty Ltd
- Waste Equipment Sales NSW Pty Ltd

It is recommended, in relation to Tender Number 055-05/06, that Council, in relation to Tender 055-05/06 ACCEPTS the tender submitted by Clean Sweep for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup in accordance with the requirements as stated in Tender 055-05/06 for the Contract Price of \$1,846,325.00 (GST Exclusive).

BACKGROUND

The City of Joondalup is implementing its Waste Strategy adopted by Council in December 2005. The Waste Strategy includes the provision for a universal recycling service.

The City provides a contracted waste and recycling service to approximately 54,600 residences, including multi residential premises. The service includes a weekly domestic rubbish service. The City is introducing a MGB recycling service, which consists of 240 litre mobile garbage bins (with yellow lids) serviced by automated one-arm trucks. It already has in place a user pays voluntary MGB recycling service with approximately 7,000 participants. The residences' existing MGBs will not be replaced with new MGBs in this roll out.

The MGBs required will be rolled out during November and December 2006. A separate tender will be awarded for the collection and delivery of recyclables.

DETAILS

Tenders were advertised on 19 August 2006 and 23 August 2006 through statewide public notice for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup. Six submissions were received from:

| Tenderer | Total Contract Price (GST Exclusive) |
|-----------------------------------|---|
| Clean Sweep | \$1,846,325.00 |
| Ossie Plastics Systems Pty Ltd | \$1,857,250.00 |
| Waste Equipment Sales NSW Pty Ltd | \$1,894,300.00 |
| MASTEC Australia Pty Ltd | \$2,325,125.00 |
| Nylex Industrial Products | \$2,403,500.00 |
| Sulo MGB Australia Pty Ltd | \$2,536,025.00 |

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

One of the tenderers, Ossie Plastics Systems Pty Ltd, submitted an offer which did not address the qualitative criteria and as the company was newly established in 2006, the information provided in its tender submission was insufficient for the panel to facilitate assessment.

This Offer was deemed to be non-conforming and was not considered further.

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

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

The Selection Criteria for Tender Number 055-05/06 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 and the structure of the business
- Suitability of proposed goods and services
- Service and Maintenance – availability of parts, frequency and response times
- Details of any specialised equipment that will be used
- Local infrastructure
- Safety Management Policy

Social and Economic Effects on the Local Community

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

Demonstrated Experience in Completing Similar Projects

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

The evaluation panel carried out the evaluation of the above submissions in accordance with the Qualitative Criteria and concluded that the offers submitted by Clean Sweep represented the best value to the City.

Issues and options considered:

The following issues and options were considered and included in the Request.

Respondents were requested to provide a Roll Out Plan for the MGBs and to nominate the sites they intend to utilise for delivery of the sea containers and the rollout of the MGBs. As a guide the City's carparks at nominated reserves could be made accessible to the Contractor to enable the efficient distribution of the MGBs to residences in the respective areas. The car parks on the reserves will be chosen that will pose minimum noise risks and possible disruptions to residents.

Where these reserves or car parks are considered a noise risk and create possible disruptions to residents, the City will comply with normal working hours and keep affected residents informed of the situation.

Link to Strategic Plan:

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

Caring for the Environment

Objective 2.2 To manage waste effectively and efficiently in alignment with environmental sustainable principles.

Strategy 2.2.2 Plan for the development of waste management.

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondent will represent a low risk to the City based on it being an established WA company with a team of key

personnel experienced in waste management and having completed similar projects for various local councils.

Financial/Budget Implications:

The City has \$2,115,000.00 allocated in the 2006/2007 operational budget for this Contract and therefore has sufficient funds for this Contract to proceed.

| | |
|---|----------------|
| | Excluding GST |
| Budget Amount (2006/2007) – Project F883: | \$2,115,000.00 |
| Tendered Contract Price (based on 47,500 bins at \$38.87 per unit): | \$1,846,325.00 |

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:

The introduction of a universal recycling service is a long term sustainability initiative that will increase the diversion of waste from landfill.

Consultation:

Late in 2005 the Waste Strategy 2005 was developed with community input. This tender is one of the key elements of the implementation plan and has community support.

In terms of the roll out, the residents around the car park may experience noise from the roll out operation. Where these residents are at risk of being impacted on from these stations, the City will communicate with them to advise them of the operational issues and expected impacts.

COMMENT

Clean Sweep achieved the highest qualitative score of 83% and is the lowest priced offer received.

It is a very well established company providing a diverse range of services covering street sweeping and waste management services which includes kerbside recycling collection and supply, delivery and repair of MGBs. The company provides such services to private enterprise, Government Agencies, and Local Government Authorities.

It has an existing fleet consisting of several small trucks and large trailers, and other purpose built equipment for loading and unloading the MGBs. Clean Sweep operates in accordance with its 'in-house' quality management system and Occupational Health and Safety policy.

The company also provides service and maintenance of the MGBs and all parts are held in stock at its warehouse in Bellevue.

Clean Sweep is currently providing services for the collection of Recycled Materials for the City and is, therefore, familiar with the layouts of the streets and suburbs within the City of Joondalup. It has demonstrated capacity to meet the rollout programme, and for bins to be delivered, assembled and rollout to residences within an approximate timeframe of ten weeks.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council, in relation to Tender 055-05/06 ACCEPTS the tender submitted by Clean Sweep for the Supply Including Delivery, Assembly and Rollout of Recycling Mobile Garbage Bins (MGB) to Residences for the City of Joondalup in accordance with the requirements as stated in Tender 055-05/06 for the Contract Price of \$1,846,325.00 (GST Exclusive).

ITEM 9 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD ON 30 AUGUST 2006 – [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee (CAC) Meeting held on 30 August 2006 for endorsement by Council.

EXECUTIVE SUMMARY

The intention of this report is to inform Council of the proceedings of the CAC meetings held on 30 August 2006.

A number of items were considered at the meeting and included a notice of motion regarding the setting up of a registry of flora and fauna found within Joondalup and consideration being given to planting endemic species in reserves managed by the City. This notice of motion was deferred until after the proposed CAC Strategic Planning Workshop to be held in November 2006.

The item relating to Approved Plant Material List was also considered, this is the list that is supplied by the City upon request to residents who wish to undertake landscaping on their verge, the Committee deferred this item to the September 2006 CAC Meeting.

The notice of motion regarding the proposed Council report on the reserves to be considered for inclusion within Schedule 5 of the District Planning Scheme No. 2 was withdrawn.

The CAC also gave consideration to requesting the City to give protection to the bushland within Central Park (adjacent to the COJ Administration Building) through the construction of fencing and pathways.

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 30 August 2006 forming Attachment 1 to this Report;*
- 2 *LISTS for consideration as part of the 2007/2008 budget process funds for the development of a master plan for the protection of the bushland within Central Park.*

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

At the meeting the City's Approved Plant Material List was tabled. This is the plant species list that is distributed to the public when they are seeking advice in relation to landscaping the verges adjacent to their houses. Members felt because of time restraints and the complexity of the issues raised by item 1 on the Agenda, that the matter be deferred to the September 2006 CAC Meeting.

Notice of Motion No1 was associated with the management of flora and fauna and in particular the discouragement of planting by the City of species that are not native to the Joondalup region and, the creation of a registry containing a list of flora and fauna species endemic to Joondalup. Committee members recommended that the details of the motion be discussed further at the CAC Strategic Planning Workshop planned for early November 2006.

Members discussed in detail the bushland that is adjacent to the City's Administration Building that forms part of Central Park. Committee Members were of the opinion that the bushland infrastructure could be improved with the addition of fencing and formal pathways.

The Notice of Motion for Items 3 and 4 that dealt with 31 reserves being added to Schedule 5 of the City's District Planning Scheme No 2 were withdrawn.

Issues and options considered:

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

A number of items relating to preparing a flora and fauna registry, planting local endemic species into City reserves and plant listings were deferred until the CAC strategic planning workshop is held. It was considered that actions falling out of the strategy workshops are required to be determined prior to advancing these issues.

In relation to Central Park bushland it is recommended that Council requests the CEO to list for Council's consideration as part of the 2007/08 budget considerations the development of a master plan for the protection of the bushland component of Central Park. The plan should consider fencing, pathways and all relevant access issues as well as the future rehabilitation and maintenance issues associated with the site.

ATTACHMENTS

Attachment 1 Minutes of 30 August 2006 meeting of the Conservation Advisory Committee.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 30 August 2006 forming Attachment 1 to this Report;**
- 2 LISTS for consideration as part of the 2007/2008 budget process funds for the development of a master plan for the protection of the bushland within Central Park.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf031006.pdf](#)

ITEM 10 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – AUGUST 2006 – [07032] [05961]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

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

EXECUTIVE SUMMARY

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

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

The normal monthly report on Town Planning Delegations identifies:

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

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of August 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 August 2006 under delegated authority and those applications dealt with as a “Residential Design Codes variation for single houses” for the same period are shown below:

| Approvals Determined Under Delegated Authority – Month of August 2006 | | |
|--|---------------|-------------------|
| Type of Approval | Number | Value (\$) |
| Development Applications | 138 | 29,413,319 |
| R-Code variations (Single Houses) | 31 | 3,808,262 |
| Total | 169 | 33,221,581 |

The number of development applications received in August 2006 was 129.

| Subdivision Approvals Determined Under Delegated Authority Month of August 2006 | | |
|--|---------------|---------------------------|
| Type of Approval | Number | Potential new Lots |
| Subdivision Applications | 6 | 10 |
| Strata Subdivision Applications | 9 | 18 |

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 under the provisions of the Residential Design Codes 2002, relevant Town Planning Scheme Policies and/or the District Planning Scheme.

Of the 138 development applications determined during August 2006, consultation was undertaken for 41 of those applications. Of the 15 subdivision applications determined during August 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 | August 2006 decisions – Development Applications |
| Attachment 2 | August 2006 decisions – Subdivision Applications |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council NOTES:**

- 1 The determinations made under Delegated Authority in relation to the development applications described in Attachment 1 to this Report for the month of August 2006;**
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in Attachment 2 to this Report for the month August 2006.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf031006.pdf](#)

DETAILS

The Committee meeting on Wednesday 2 August 2006, focused on:

- The “Seniors: This is Your Life” Event;
- Seniors Participation in the Joondalup Festival 2007;
- Seniors Interests Advisory Committee Vacancies and
- Intergenerational Programs

Seniors “This is Your Life” event

The “Seniors: This Is Your Life” event was held between 11 and 15 September 2006. The event promoted positive active ageing, through a holistic range of activities held at various locations throughout the City. The event included various activities, these were: financial; safety; health and wellbeing; resource information; lifelong learning; entertainment; culture and art; and showcasing existing activities.

Officer’s Comment:

The event promoted positive active ageing, health and wellbeing and encouraged seniors to remain valuable contributors and participants in the community.

Seniors participation in the 2007 Joondalup Festival

The Committee has indicated an interest in developing strategies to encourage seniors to actively participate in planning and implementing the 2007 Festival. This may occur through individuals and groups co-ordinating activities; holding senior-specific activities and events; or providing opportunities for seniors to participate as entertainers and performers.

Officer’s Comment:

The participation of community representative groups in the planning of the 2007 Festival is seen as a very positive initiative. An initial step in this process is to call for expressions of interest from seniors to contribute to a consultation process on the planning of senior specific components to be included in the Festival. The City will advertise for expressions of interest using publications that are likely to reach seniors in the community.

A strategy strongly supported by the SIAC was the conducting of inter-group events or “come and try” days as part of the festival week. Officers will work with groups to support events promoting the festival. It is also seen as an ideal way that clubs and community groups can use the festival to promote positive active participation in activity.

Seniors Interests Advisory Committee Vacancies

Nominations to fill two vacancies on the SIAC were received from:

- Helen Attrill - Aged & Community Services Western Australia Inc (ACSWA)
- Kevan Rogerson - Centrelink Joondalup

Officers Comment

It is considered that having participation from ACSWA and Centrelink Joondalup will bring knowledge and experience, which will enable a valuable contribution to the actions in the Seniors Plan.

Intergenerational Programs

The SIAC discussed two established intergenerational programs: the School Volunteer Program and Tales of Times Past. Both programs provide participants with the opportunity to address intergenerational issues through identifying participants' generational knowledge, values, attitudes and beliefs and in doing so: breaking down barriers, building bridges, and challenging assumptions and stereotypes.

Officers Comment

The committee requested that representatives from the School Volunteer Program and Tales of Times Past be invited to the next meeting to discuss the merits of the respective programs.

Link to Strategic Plan:

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities.
- 1.2 To meet the Cultural needs and values of the community.
- 1.3 To continue to provide services that meet changing needs of a diverse and growing community.
- 1.4 To work with the community to enhance safety and security in a healthy environment.
- 3.3 To continue to meet changing demographic needs.
- 4.3 To ensure the City responds to and communicates with the community.

Financial Implications:

Expenditure associated with events such as "Seniors: This is Your Life" has been allocated within the City's operational budget. No extraordinary funds are required as a result of the recommendations made in this report.

Regional Significance:

The Seniors Interests Advisory Committee is a locally focused group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup. Although there may be some particular issues and concerns unique for seniors within the City, it is probable that these issues and concerns may be similar for all seniors.

Sustainability Implications:

The Seniors Interests Advisory Committee enables seniors the opportunity to actively participate and meaningfully contribute to Council processes and to the development and maintenance of a healthy and equitable community that considers their needs.

Consultation:

Not applicable

COMMENT

The decision-making process and subsequent recommendations of the SIAC have been made with full consideration given to the committee's Term of Reference and guidance from the City's Seniors and Strategic Plans. The issues as presented to SIAC are considered highly relevant to the needs of seniors. Support by the Council on the matters discussed will be considered as a strong endorsement of the initiatives in the Senior Plan.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee meeting held on 2 August 2006.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 **NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 2 August 2006 and ENDORSES the decisions of the Committee contained therein;**

- 2 **BY AN ABSOLUTE MAJORITY ENDORSES the proposal that, in keeping with point 4.7 of the terms of reference of the Seniors Interests Advisory Committee, the following nominations be endorsed as the two "industry" representatives from commercial or not for profit sector for the balance of the committee's term of office:**
 - **Helen Attrill CEO of Aged and Community Services WA Inc;**
 - **Kevan Rogerson Financial and Information Services Officer – Centrelink**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf031006.pdf](#)

Council has previously considered two applications for planning approval for this site.

In December 2004, the City refused an application for 41 multiple dwellings on the subject land. The application was refused for a number of reasons, including a shortfall of 8 car parking bays and the design exceeding the setback requirements of the JCCDPM.

In April 2005, development approval was issued for 45 multiple dwellings and one commercial unit on the subject land. As part of this approval, Council exercised its discretion to allow variations to open space, residential density and also plot ratio for single-bedroom dwellings within the development.

The current application is a revision of the design approved by Council in April 2005. The revisions are minor in nature and generally relate to the internal configuration of dwellings, balcony design, relocation of services and amenities and a height reduction for one of the proposed buildings. The applicant has advised that the proposed revisions are required to address the changing market demand for apartments in the Joondalup City Centre, whilst also creating a more efficient design for the development.

DETAILS

The proposed development includes the following features:

- Three separate buildings, comprising a four storey building on the western portion of the site, a three storey building on the eastern portion of the site and a single level building on the northern boundary of the site;
- 42 multiple dwellings (including 15 single bedroom dwellings) ranging in size from 66m² to 123m²;
- A 75m² convenience store fronting Lakeside Drive;
- The total number of parking bays provided is 74, including one disabled bay;
- Service vehicle access and car parking to be provided from a right of way at the rear of the property, accessible from Sittella Turn.

The main design changes between the development approved in April 2005 and the subject application are as follows:

- A reduction in the number of dwellings;
- Height reduction for part of the development;
- A reduction in net lettable area of the proposed convenience store from 100m² to 75m²;
- The relocation of a proposed communal gymnasium.

The applicant has requested that Council again exercises discretion and allows variations to some requirements of the JCCDPM and the R Codes.

The relevant requirements of the JCCDPM are summarised below:

| Standard | Required | Proposed |
|-------------------------|--------------------------------------|--------------------------------------|
| Front and Side Setbacks | 0m, with maximum 2m | 0m, with maximum 2m |
| Height | 2 storeys minimum, 13.5m maximum | 1 storey minimum, 13.5 maximum |
| Open Space | 60% | 35% |
| Car Parking | 74 | 74 |
| Storerooms | 1 per dwelling, 4m ² each | 1 per dwelling, 4m ² each |

Link to Strategic Plan:

The proposal is considered to be consistent with the following objectives 3.3 of the City's Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

Legislation – Statutory Provisions:

DPS2 requires development in the Centre Zone to be in accordance within an approved Structure Plan. The relevant Structure Plan is the JCCDPM. Variations to the standard requirements are sought for residential density, open space and also plot ratio for one-bedroom dwellings. Council is also required to exercise discretion for a convenience store as an associated use of the development.

The provisions of DPS2 which enable Council to consider variations to the standard requirements of the JCCDPM are identified below:

4.5 Variations to Site and Development Standards and Requirements.

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

4.8 Car Parking Standards

4.8.1 The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standards. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.

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.*

Residential Design Codes 2002 (R-Codes)

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, having regard to the provision of clause 2.3.4 (2) of the R-Codes as follows:

2.3.4 (2) *Discretion shall be exercised having regard to the following considerations:*

- (i) *the stated purpose and aims of the Scheme;*
- (ii) *the provisions of Parts 2, 3 and 4 of the Codes as appropriate;*
- (iii) *the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (iv) *the explanatory text of the Codes that corresponds to the relevant provision;*
- (v) *any Local Planning Strategy incorporated into the Scheme;*
- (vi) *the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (vii) *orderly and proper planning.*

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The proposed development was not advertised, as it is generally consistent with the JCCDPM, and proposes to reduce the number of dwellings previously approved by Council in April 2005.

Landmark Apartment sites are designated within the JCCDPM as having the potential to utilise building height and residential density to R100 as a point of orientation within the Lakeside District. The only variations to the prescribed standards proposed as part of this

development are open space and height variations. These variations are considered not to have the potential to adversely impact on the amenity of adjoining properties.

A 43 signature petition was received in August 2005 requesting that the previously approved development at the subject site be modified to have direct access to Lakeside Drive. This matter is addressed in the Comment section of this report.

The analysis of the application has been expanded, as a result of the Council's resolution passed on 19 September 2006.

The resulting traffic safety audit has included consideration of probable traffic generation, the existing road and laneway environment, and the function and classification of the surrounding road network.

The audit includes projected data that concludes that the proposal is likely to generate a possible 190-236 vehicle trips per day, which could be accommodated by the carrying capacity of the adjoining roads network.

The audit also provides an evaluation of the network and some recommendations that are discussed below.

COMMENT

Joondalup City Centre Development Plan and Manual (JCCDPM)

The subject land is located within the Lakeside District of the JCCDPM. The JCCDPM outlines development control standards for the subject land. Within the district, the subject site is designated "Landmark Apartment Developments". Such sites present the opportunity to create a significant landmark for the district and provide a point of orientation within the locality.

Land use and character

Residential development is identified as the preferred use on the site. The JCCDPM states that Landmark Apartment sites may be developed to include associated uses that are for the benefit of the predominant use, being residential. The applicant proposes to include a commercial unit to be used as a convenience store.

It is generally considered that a convenience store is an associated use within the residential development and will provide a useful service within the Lakeside District.

Site Access

Vehicle access to the development is proposed to be from a right of way adjacent to Sittella Turn. The proposed access arrangement is consistent with the previously approved development at the subject site, approved by Council in April 2005.

The proposed access arrangement is consistent with the JCCDPM, which identifies Lakeside Drive as a major road carrying a medium volume of vehicles at moderate to higher speeds. It is anticipated that traffic volumes along Lakeside Drive will increase to the point where the road will need to be upgraded to a four lane dual carriageway with vehicle access points along its length required to be strictly controlled.

Section 3 of the JCCDPM (Urban Form) shows the intended form of urban development in the locality and clearly shows an overall desire for vehicle access to be provided from rear laneways in order to maintain an "urban wall" along primary street frontages.

In support of this principle, the Lakeside District design guidelines of the JCCDPM are very specific with regards to access. The guidelines require that all dwellings in the Lakeside District address the primary street frontage and obtain vehicle access from other streets.

Section A3.2 of the Lakeside District design guidelines states that "for landmark sites, car parking shall be provided out of sight of primary frontages." The proposed development is consistent with this requirement.

Section A4.1 of the Lakeside District design guidelines also requires that the primary frontage of development shall be to Lakeside Drive and that vehicle access shall be provided from rear laneways.

The proposed access arrangements are considered consistent with the relevant guidelines and requirements for the future upgrade of Lakeside Drive. As such, direct access from Lakeside Drive, as requested in the petition received in August 2006, is not supported.

Residential Density

The standard density permitted on the site is R60. The proposed density of the development is equivalent to R100. The JCCDPM gives Council the discretion to consider a density bonus to R100 where Council is satisfied that the proposed development would achieve the following:

- (a) creates an appropriate landmark; and
- (b) enhances the overall legibility and amenity of the Lakeside District and the City Centre.

Section A4.3 of the JCCDPM indicates that building height is a key determinant of the landmark quality of a building. The section states that buildings on the subject site should be at least 2 storeys in height. To the Lakeside Drive frontage, the proposal will be four storeys facing Lakeside Drive with the elevation to Greenshank Park being three storeys with partial undercroft parking. Compared with surrounding buildings, the proposal will be a prominent landmark building (the surrounding buildings are two storey) and will therefore act as a key reference point within the greater Joondalup City Centre area.

This site is also located near the entrance to the TAFE College and Police Academy and therefore represents an important reference point for those key regional facilities. There is also the opportunity for the proposed multiple dwellings to provide student accommodation to service these training facilities and the nearby ECU Campus.

The residential density standard for R100 prescribes a minimum site area of 100m² per unit. Given that the lot has an area of 3705m² the site would permit 37 units. The Acceptable Development standards of the Residential Design Codes allow a density bonus of one third in area for the provision of single bedroom units, where those units are no greater than 60m² in floor area. In this instance, the single bedrooms units have an area greater than 60m², averaging 67m² for the internal area, not including balconies or storerooms.

The performance criteria of the Residential Design Codes state that single bedroom dwellings are "*Dwellings that provide limited accommodation, suitable for one or two persons*". Although larger than 60m², all units have only one bedroom and one open plan living area. It is considered that the 15 single bedroom units are generally only suitable for one or two persons, and therefore meet the performance criteria of the R-Codes.

If Council resolves that the 15 single bedroom units meet the performance criteria of Clause 4.1.3 of the R Codes, this aspect of the development will attract a density bonus of one third in area.

The proposed residential density of R100 for a site area of 3705m² is calculated as follows:

| Minimum land area per Unit | Area Calculation |
|---|---|
| 2 and 3 bedroom units (100m ² per unit) | 27 units @ 100m ² = 2700m ² |
| Single bedroom dwellings (66.67m ² per unit) given a one third (33.33m ²) density bonus per unit | 15 units @ 66.67m ² = 1000m ² |
| Total area | 3700m² |

Car Parking

The car parking standards for multiple dwellings and single bedroom dwellings are outlined in the JCCDPM. Given the size and nature of the proposed convenience store, it is considered appropriate that the car parking standards for a Convenience store, as outlined in the DPS2 should apply (4 bays per 100sqm).

The table below outlines the car parking requirements associated with the proposed development, as outlined in the JCCDPM:

| Land Use | Number/ Area | Parking Standard | Parking Required | Parking Provided |
|-------------------|------------------|----------------------------|---------------------|---------------------|
| Multiple Dwelling | 27 | 2 bays / dwelling | 54 | 54 |
| Single Bedroom | 15 | 1 bay / dwelling | 15 | 15 |
| Convenience Store | 75m ² | 4 bays / 100m ² | 3 | 4 |
| Total | | | 72 | 74* |

*Inclusive of one disabled bay

The proposed development complies with the car parking requirements of the JCCDPM and DPS2.

Plot Ratio

The JCCDPM states that “the plot ratio requirements set out in the R Codes” shall not apply to development in the Lakeside District.

Height

Under the provisions of the JCCDPM, a minimum height requirement of two storeys applies to Landmark Apartment sites in the Lakeside District. Proposed buildings A and B, where the residential component of the development is proposed to be located, satisfy this requirement. While proposed building C is only one storey in height, the building is to be used as a vehicle garage fronting the right of way on the northern boundary of the development site. Building C is a minor component of the development and will not affect the “Landmark” status of the development, given that it has no frontage to Lakeside Drive or public open space.

The JCCDPM further states that buildings in the Lakeside District are required to have a maximum street frontage height limit of 13.5 metres, with development above this height to be set back behind a 60 degree height plane. The proposed development satisfies the maximum building height requirement.

Setbacks

Under the provisions of the JCCDPM, development on Landmark Apartment sites is required to be setback 0–2 metres from all street frontages. The development generally satisfies this requirement. Buildings A and B, where the residential component of the development is proposed to be located, have nil setbacks to all boundaries, with the exception of a small portion of Building B which is setback further than 2 metres from the property line due to a boundary truncation affecting the site.

Balconies

The R Codes require multiple dwellings to be provided with private balconies of 10m², with a minimum dimension of 2 metres, accessible from a habitable room. All dwellings proposed in the development satisfy this requirement.

Store Rooms

The R Codes require that multiple and grouped dwellings be provided with a store room of 4m², accessible from outside the dwelling. All dwelling proposed in the development satisfy this requirement.

Site Coverage / Open Space

The JCCDPM does not specifically include an open space requirement for landmark apartments within the Lakeside District, however the R Codes allocates a 60% open space requirement for sites coded R100. The proposed development has an open space provision of 35%.

The performance criteria of the R Codes in relation to open space requires that there is sufficient open space around buildings:

- To complement the building;
- To allow attractive streetscapes;
- To suit the future needs of residents, having regard to the type and density of the dwelling.

As the proposed development is located within the Lakeside District of the Joondalup City Centre, it is intended that development will have a character and urban design consistent with a city centre where interaction between public and private spaces is encouraged. This is consistent with the nil setback requirements for Lakeside Drive, as specified in the JCCDPM.

Open space around buildings is considered inappropriate for this development, as it would detract from the active frontages the development will have to Lakeside Drive and public open space.

The proposed private open space and communal facilities within the development will be of high amenity to the residents of the apartment complex. All dwellings are proposed to have balconies of at least 10m², contributing to the amenity of the development. The development is bounded on two sides by Public Open Space, and has active frontages to the east, which will improve surveillance and increase security to the units.

It is recommended that in this instance, an open space allocation of 35% be supported as it complements the building, adds to a streetscape that is consistent with the provisions of the JCCDPM and provides for the future needs of residents. The proposed 35% open space is consistent with the development approval issued for the site in April 2005.

Communal Open Space

Pursuant to the Residential Design Codes 2002, a communal open space requirement of 16m² per dwelling (total 672m²) applies to development on land coded R100. The proposed development satisfies this requirement, through the provision of a centrally-located communal open space area of 700m².

Traffic Safety Audit

The traffic safety audit makes some conclusions based on observation of the road environment, assessment of its design characteristics, and interviewing near neighbours.

The conclusion is that a vehicle closure of the laneway running parallel to Lakeside Drive at its junction with the laneway adjacent to the development is recommended. Pedestrian and bicycle access should be retained. However, this will require rubbish collection practices to be addressed as this impacts on the current route of the garbage truck.

The section of the laneway adjacent to the proposed development closest to Lakeside Drive does not have provision for vehicles to turn around and has the potential to become an unintended parking area.

The lighting bollards in the laneway adjacent to the development should be reviewed to consider options that have less impact on the available laneway width.

A temporary access for construction vehicles to the development site should be considered off Lakeside Drive for the duration of the construction period in order to minimise the impact on the adjacent residential area.

The potential for visitors to park in the adjacent street system will require consideration along with the all day parking from students at the education complexes on the other side of Lakeside Drive.

While direct access from the laneway onto Lakeside Drive was raised by the local residents as a means to reduce traffic impact on the residential area, a traffic study has indicated that this is not necessary. However several road treatments are suggested to minimise impact.

Conclusion

The proposed development complies with the majority of the requirements as outlined in the JCCDPM. The proposal is considered to be a landmark development by virtue of its height, size and location.

The proposed density bonus for single bedroom dwellings, variations to the height and open space requirements and the provision of a convenience store are considered minor in the context of the overall development and will not have an adverse impact on the adjoining areas. It is considered that the development will contribute to the identity of the area as a city centre where high-density development is expected.

The variations will serve to promote a city centre character, which is appropriate for the area, and will not adversely impact upon the surrounding areas. The traffic audit also proposes some enhancements to the local road network, which are endorsed and form part of this recommendation. It is therefore recommended that the proposed development be approved, subject to conditions.

ATTACHMENTS

| | |
|--------------|-------------------|
| Attachment 1 | Location Plan |
| Attachment 2 | Development Plans |

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion in relation to clause 4.5 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:**
 - (a) A residential density bonus up to a maximum of R-100 in recognition that the building will create a suitable landmark that will be legible in terms of the surrounding Joondalup City Centre area;**
 - (b) An open space provision of 35% in lieu of 60% is acceptable in this instance;**
 - (c) A Convenience Store is an associated use and therefore permitted as part of a landmark apartment development;**
 - (d) Single bedroom dwellings with a plot ratio (floor area) greater than 60m² is acceptable in this instance;**
 - (e) A height of 1 storey in lieu of 2 storeys is acceptable for proposed Building C;**
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - (a) The car parking standard for the use “Convenience Store” shall be four (4) car parking bays per 100m² Net Lettable Area;**
- 3 APPROVES the application for Planning Consent dated 26 June 2006 submitted by Greg Rowe & Associates on behalf of the owners Webborton Holdings, for 42 multiple dwellings and a convenience store at Lot 201 Lakeside Drive, Joondalup, subject to the following conditions:**
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and AS 2890.5 (on street parking). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (b) All stormwater to be discharged to the satisfaction of the Manager Approvals Planning and Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**

- (c) The driveways and crossovers to be designed and constructed to the satisfaction of the Manager Approvals Planning and Environmental Services before occupation of development;
 - (d) The footpath treatment in the adjoining road reserve to match the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;
 - (e) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
 - (f) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
 - (g) A refuse management plan indicating the method of rubbish collection to be submitted at part of the building licence and approved by the Manager Approval, Planning and Environmental Services;
 - (h) All boundary walls and parapet walls being of a face brick or equivalent finish and made good to the satisfaction of the Manager Approvals Planning and Environmental Services;
 - (i) The submission of an acoustic consultant's report demonstrating to the satisfaction of the Manager Approvals Planning and Environmental Services that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
 - (j) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals Planning and Environmental Services, for the southern setback areas adjoining Greenshank Park and the adjoining road verges with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plans;
 - (k) Landscaping, reticulation and all verge treatment is to be established at the applicant's expense in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals Planning and Environmental Services;
 - (l) The levels of the proposed development shall match the existing road levels to the satisfaction of the Manager Approvals Planning and Environmental Services.;
- 4 INITIATES the closure of the laneway running parallel to Lakeside Drive at its junction with the laneway adjacent to the development;
- 5 NOTES that:
- (a) The future use of the laneway adjacent to the northern side boundary of Lot 201 (88) Lakeside Drive will be monitored;

- (b) Temporary access from Lakeside Drive will be permitted in order to facilitate the construction of the development;
- (c) The location of lighting in the laneway will be reviewed to ensure that it does not impair with the efficiency of vehicle movements in the area.

Footnotes:

The applicant is advised of the following:

- (i) Plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies, crossovers on the opposite side of the road, the existing site levels, design levels of all proposed development and including levels on top of the kerb at the crossover;
- (ii) A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer to certify that any mechanical ventilation particularly for the undercroft car parking complies with AS1668.2;
- (iii) A separate application being made to the City of Joondalup for approval to commence development and sign licence prior to the installation of any advertising signage;
- (iv) Plans and specifications for the public swimming pool to be submitted to the Executive Director Public Health for approval.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf031006.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO 1 – CR BRIAN CORR - [61581]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Corr has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 10 October 2006:

“That the City seek public comment, for an advertised period of 28 days, on a proposal to use the monies in the Community Facilities Fund (Kingsley) (which amounted to \$274,545.00 as at 30 June 2006) for an appropriate project within the suburb of Kingsley that will directly benefit the local Kingsley community.”

OFFICER’S COMMENTS

Seeking community views on the use of community funds can provide valuable information to assist decision makers.

It is noted that the City has plans to spend approximately \$250,000 on local road enhancement at Kingsley Drive in 2009/10. The City is also aware of a need to control “die back” in bush areas at Shepherds Bush Park and to provide new fencing at the Park.

NOTICE OF MOTION NO 2 – CR GEOFF AMPHLETT - [61581]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Amphlett has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 10 October 2006:

“That Council AGREES that:

- 1 In all cases where the WA Police Service fail to bring a prosecution against an alleged perpetrator of graffiti crime within the City of Joondalup following the identification of the alleged perpetrator by the City, that the CEO undertake a prosecution on behalf of the City under its Local Laws where the evidence suggests a prosecution is likely to be successful and the Local Laws enable the prosecution to occur; and*
- 2 The CEO be authorised to offer a \$500 reward for people who provide information which leads to the successful prosecution of a graffiti offender.”*

REASON FOR MOTION:

Graffiti is a significant issue for the City of Joondalup. Indeed, the City has budgeted approximately \$450,000 this financial year to address the problem.

The City also needs to be very mindful of cost shifting from the State to local government. This will occur if the State, through the Police Service, fails to prosecute alleged graffiti offenders and the City undertakes this task. However, I believe it is extremely important that people identified by the City as allegedly committing graffiti crime are prosecuted. Consequently, while I believe it to be most appropriate for the Police Service to prosecute alleged offenders, in cases where this does not occur; where the Local Laws allow and where the evidence suggests the likelihood of a successful prosecution, I believe that the City should take the lead and prosecute.

The second part of the Motion intends to encourage people to provide information on those people who are committing graffiti crime. The payment would only be made where information is provided to City officers on graffiti within the City and which leads to a successful prosecution by either the Police Service or the City.

OFFICER’S COMMENTS

The City has received legal advice that it is able to prosecute alleged offenders of graffiti crime who deface buildings. Consequently, this Notice of Motion accords with this advice.

The idea of a reward for people providing information about alleged graffiti offenders who are subsequently prosecuted is considered appropriate. It could provide valuable information to assist with prosecutions. The extent of the financial commitment of the City is uncertain. However, it is unlikely to be large and the benefits to be gained by prosecuting alleged graffiti offenders are considered substantial.

- 10 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**
- 11 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**DUE DATE** **MARCH 2006****SUBJECT** **LEGAL REPRESENTATION COSTS TO THE CITY IN RELATION TO THE MCINTYRE INQUIRY** – Ex CJ168-08/05 - Report on Funding to date to the City of Joondalup Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees

“5 NOTES that a further report be prepared by Administration at a later date that quantifies the legal representation costs to the City. This report will not be able to be completed until the McIntyre Inquiry hands down its final report.”

RESPONSIBLE DIRECTORATE Office of the CEO**ACTION NUMBER** 97788**STATUS** A report is currently being drafted, to be submitted to a future Council meeting.

**DUE DATE
SUBJECT****APRIL 2006****PROPOSAL TO PROTECT NATIVE AREAS OF SIGNIFICANCE** - ex
CJ193-09/05 Meeting of the Conservation Advisory Committee held on 24 August 2005

- 4 REQUESTS the Chief Executive Officer to provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect native areas of significance under Schedule 5 of the District Planning Scheme No 2;

**PROPOSAL TO PROTECT NATURAL AREAS OF SIGNIFICANCE
UNDER SCHEDULE 5 OF THE DISTRICT PLANNING SCHEME NO 2**

- ex Minutes of the Conservation Advisory Committee Meeting held 26 October 2006 CJ256-11/05

- "3 NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of the District Planning Scheme No 2;"

**RESPONSIBLE
DIRECTOR
ACTION NUMBER
STATUS**

Planning and Community Development

100428 and 104027

The Conservation Advisory Committee has identified reserves of significance. A report by Planning & Community Development on the DPS2 implications will be submitted to Council in April 2006.

Revised Status:

Advice is being sought from the Department of Planning and Infrastructure in relation to this matter. It is anticipated that Planning and Community Development will submit a report to Council in June 2006.

Revised Status

Advice is currently being sought on the best way of legally incorporating open space that contains both bushland areas of conservation and active parks. As a consequence, this report will now be submitted to Council in July 2006.

Revised Status

It was originally anticipated for this report to be presented to Council in July 2006, however the required advice is yet to be received. A report will be prepared upon receipt of the advice.

Revised Status – 16 August 2006

A report is being finalised and will be presented for consideration shortly.

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|--------------------------------|--|
| DUE DATE | SEPTEMBER 2006 |
| SUBJECT | REVIEW OF LEVEL OF DELEGATION TO THE CEO IN RELATION TO WRITE-OFF OF MONIES – MINUTES OF THE AUDIT COMMITTEE MEETING HELD 26 APRIL 2006 |
| | 3 REQUESTS the Audit Committee to review the level of delegation to the CEO to write-off monies before the end of the year 2006; |
| | 4 REQUESTS the Audit Committee to include the following references in the determination of the appropriate level of delegation to write-off monies: |
| | (a) The Local Government Act 1995, Section 1.3(2) (c) and (d), that is greater accountability of local governments to their communities and more efficient and effective local government; |
| | (b) The Local Government Act 1995, Section 2.7(1): |
| | (1) That the Council directs and controls the local government's affairs and is responsible for the performance of the local government's functions; |
| | (2) Without limiting subsection (1), the Council is to oversee the allocation of the local government's finances and resources; |
| | (c) The Local Government Act 1995, Section 5.41 (d) – the CEO's functions to manage the day to day operations of the local government; |
| RESPONSIBLE DIRECTORATE | Corporate Services |
| ACTION NUMBER | 115355 |
| STATUS | A report will be submitted to the next Audit Committee expected to be early October 2006. |

DUE DATE **SEPTEMBER 2006**

SUBJECT **LIBRARY FINES** - Reports/Presentations Requested by Elected Members
– Briefing Session – 1 August 2006

Cr Fishwick requested a report on the cost benefit analysis with respect
collection of library fines.

RESPONSIBLE Planning and Community Development
DIRECTORATE

ACTION NUMBER 118504

STATUS A report will be prepared and distributed to Elected Members.

Revised Status – 27 September 2006

A Briefing Paper has been distributed to Elected Members, inviting
comments. This matter may therefore be removed from the Agenda.

DUE DATE **SEPTEMBER 2006**

SUBJECT **DEVELOPMENT OF THE JOONDALUP CENTRAL BUSINESS**
DISTRICT - ex CJ131-08/06 - MINUTES OF STRATEGIC FINANCIAL
MANAGEMENT COMMITTEE MEETING HELD ON 4 JULY 2006

“2 REQUESTS a further report be submitted to the next meeting of
the Strategic Financial Management Committee on:

 (a) options and potential role of the City in the development
 of the Joondalup Central Business District;

 (b) a framework and work plan for:

 Alternative Revenue Streams;
 Asset Management;
 Property Portfolio;
 Expenditure;
 Strategic Financial Management Plan (Plan for the
 Future).”

RESPONSIBLE Corporate Services
DIRECTORATE

ACTION NUMBER 118894

STATUS A report will be submitted to the next meeting of the Strategic Financial
Management Committee.

Revised Status – 20 September 2006

A Report was submitted to the Strategic Financial Management
Committee Meeting held on 12 September 2006. This Item may
therefore be removed from the Agenda.

DUE DATE **OCTOBER 2006**

SUBJECT **PROVISION OF ANIMAL LITTER BAGS THROUGHOUT THE CITY OF JOONDALUP** - Reports/Presentations Requested by Elected Members – Briefing Session – 11 July 2006

Mayor Pickard requested that a report be provided on the provision of Animal litter bags, costs of bags and where these are located throughout the City.

Cr Hart queried the feasibility of seeking sponsorship towards the costs of production of bags from pet product companies.

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER 117321

STATUS A report will be presented in due course.

Revised Status – 31 August 2006

A report is currently being prepared and is anticipated to be presented to Council in October 2006.

DUE DATE **OCTOBER 2006**

SUBJECT **PAYMENT OF CITY'S ACCOUNTS BY EFTPOS** - Reports/Presentations Requested by Elected Members – Briefing Session – 11 September 2006

Cr Park requested a report on the feasibility of the City's invoices/acc being paid by EFTPOS as opposed to the drawing of cheques.

RESPONSIBLE DIRECTORATE Corporate Services

ACTION NUMBER 120878

STATUS A Report will be submitted to Elected Members by 13 October 2006.



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

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

| | |
|-------------------------------|---|
| Name/ Position | |
| Meeting Date | |
| Item No/ Subject | |
| Nature of Interest | Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i> |
| Extent of Interest | |
| Signature | |
| Date | |

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

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

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



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

NAME

ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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

