

# MINUTES

City of Joondalup

MINUTES OF  
ORDINARY MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP  
HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

MEETING DATE



City of  
Joondalup

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**MINUTES OF COUNCIL MEETING  
HELD ON TUESDAY, 10 OCTOBER 2006**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 10 OCTOBER 2006

### DECLARATION OF OPENING

The Mayor declared the meeting open at 1902 hrs.

### ANNOUNCEMENT OF VISITORS

Mayor Pickard welcomed his father, Mr Barry Pickard and his wife, Mrs Kay Pickard to the City of Joondalup. Mr and Mrs Pickard are visitors to Perth to attend the Mayor's forthcoming wedding.

### ATTENDANCES

#### Mayor:

TROY PICKARD

#### Councillors:

Cr KERRY HOLLYWOOD	North Ward
Cr TOM McLEAN	North Ward
Cr ALBERT JACOB	North-Central Ward
Cr STEVE MAGYAR	North-Central Ward
Cr JOHN PARK	Central Ward
Cr GEOFF AMPHLETT	Central Ward
Cr MICHELE JOHN	South-West Ward
Cr MARIE EVANS	South-West Ward
Cr BRIAN CORR	South-East Ward
Cr RUSSEL FISHWICK	South Ward
Cr RICHARD CURRIE	South Ward

#### Officers:

MR MIKE TIDY	Acting Chief Executive Officer
MR CLAYTON HIGHAM	Director, Planning and Community Development
MR DAVID DJULBIC	Director, Infrastructure Services
MR IAN COWIE	Director, Governance & Strategy
MR SAID HAFEZ	Acting Director, Corporate Services
MR CHRIS TERELINCK	Manager, Approvals Planning & Environmental Services
MS JANET HARRISON	Acting Manager, Marketing Communications & Council Support
MR LAURIE BRENNAN	Media Advisor
MS LESLEY TAYLOR	Acting Administrative Services Co-ordinator

There were 32 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME****The following questions were taken on notice at the Council meeting held on 19 September 2006:****Mr M Caiacob, Mullaloo:***Re: Residential Building*

**Q1** *Following the reply to my question at the Briefing Session that the Policy and Scheme Amendment do not include residential building, why is it not defined the same as hotel, motel, bed and breakfast. Can the Council and/or SAT then use Clause 6.8.1(g) or the DPS2 to approve residential buildings as short stay accommodation as it is not specifically defined as being excluded?*

**A1** The draft Short Stay Accommodation Policy and associated scheme amendment were modified prior to the Council meeting of 19 September 2006 to exclude Residential Building from the definition of Short Stay Accommodation.

Other land uses mentioned are each intended to describe other types of development, and it would not assist the administration of the Council's District Planning Scheme if these were combined into one definition.

*Re: Roof – Lot 100 Oceanside Drive, Mullaloo*

**Q2** *Does the current development comply with the required Conditions J and K of the Approval in regards to noise management and control as the report comments that:*

*“The proposed roof cover will provide further noise attenuation to the residential property located at No 6 Oceanside Promenade from the impact of any noise that may emanate from the driveway or bottle shop area.”*

*Indicates or implies that it does not currently comply?*

**Q3** *Prior to making its deliberation on this issue, was Council provided with the relevant Noise Management Plan required by Condition (k) of Council's approval?*

**A2&3** The noise management plan required by condition under the original Development Approval was to address noise from patrons, and music that is played on the premises. It does not relate to the driveway area.

The proposal will provide noise attenuation benefits to the neighbours by enclosing a greater portion of the driveway.

*Re: Commercial Delivery Vehicles*

**Q4** *When is the City to enforce its Development Application on the Tavern in respect to the repeated ongoing violation of the Development Application by permitting commercial vehicles servicing this development from outside the property?*

**A4** The requirement to comply with conditions is ongoing. There have been various contacts made with the tavern owners on this matter.

**Q5** *Why is the City to approve amendments to the car park exit whilst head heights contravene the approved Development Application and commercial vehicle deliveries cannot be made in a safe and publicly acceptable manner?*

- A5 The development application before the Council was only to provide roof cover over an exposed section of driveway.
- Q6 *Has any City department specially or tacitly approved the commercial vehicle deliveries procedure contrary to Council's lawful orders, the approved plans and the accompanying report, for a central point for waste collection and goods delivery?*
- A6 No.
- Q7 *Why are the Ranger Services unable to issue parking infringements for public car parks, as they are not parking stations? Was any infringements issued at the Tavern vicinity on 16 September 2006?*
- A7 The City's Ranger Service does issue infringement notices but only in designated carparks within the City. These are carparks that have been previously designated by Council as official parking stations. The City is currently progressing to have the public carparks located at Oceanside Promenade designated as official parking stations under the City's Parking Local Law and is unable to issue notices at these locations at this stage, however these carpark stations will be formalized this calendar year prior to the forthcoming summer season. The only exception to this is in relation to the disabled parking bays located at Tom Simpson Park that are enforced under the Parking for Disabled Persons Regulations (1988). There were no infringement notices issued within the vicinity of the Mullaloo Tavern on 16 September 2006.
- Q8 *Why is Ranger Services attending dog issues in Malaga, this does not fall with the City of Joondalup?*
- A8 The City has its Animal Pound located at the RSPCA facility in Malaga. The City's Ranger Services house all impounded dogs at this facility, as there are no facilities available within the City's boundaries. Rangers do not attend and cannot legally attend to any dog complaints outside the Joondalup area.
- Q9 *Where are the designated "Loading Zones" located in this vicinity?*
- A9 There are no designated "Loading Zones" located on street or in public car parks in close proximity to the Mullaloo Tavern.

**Mr M Sideris, Mullaloo:**

- Q1 *With reference to the answer given to question 1 as published in tonight's agenda, would the Mayor and the CEO please explain clearly how the officer responsible for the Report CJ204-08/02 could make a financial impact statement that "a further 34 car bays paid and constructed by the Tavern has previously been provided on the opposite side of the road." Without, according to this answer, any necessary evidentiary documents of this transaction being in their possession at all. Precisely on what basis did the City present this financial transaction as fact to:*
- 1 *the former Council and community as part of the original decision making process;*
  - 2 *the Supreme Court by sworn affidavit;*
  - 3 *the SAT in July 2006.*

*How could Mr Slarke on instruction from the current Mayor, Council and CEO make that same statement in good faith in his oral evidence to Judge Chaney at the SAT in July 2006 when according to the answer given here from the Mayor and the CEO they still have no record at all of this alleged transaction currently in their possession?*

- A1 The above question relates to matters of history with no relevance to current applications or to the focus of this Council. An answer was previously provided including that the research required would be an unreasonable drain on resources based on the above facts.

Research conducted at the State Library of Western Australia has verified that reports presented to Council in May 1982 and June 1983, specifically refer to a \$40,000 cash-in-lieu payment having been received for a shortfall of 34 car parking spaces on the Mullaloo Tavern site for the development proposal approved by Council in September 1980.

That \$40,000 cash-in-lieu payment for the proposal approved in September 1980 was calculated based on \$30,000 land value for the area of the car parking area (value provided by the Valuer General's office) and \$10,000 construction cost (City estimate).

That research is consistent with the advice provided on this issue leading up to, and after the Development Application was approved.

**Mr M O'Brien, Warwick:**

- Q1 *On Crown land in 1995 the Pensioners' League constructed twenty-four (24) independent living units at 7 Chessell Drive, Duncraig. The League was granted exemption from Municipal Property Tax (Rates) in 1995 and remained so granted until 2004. When in 2004 did Council by formal motion rescind the 1995 decision?*

- A1 The Council of the day at its meeting on 15 March 1995 considered the question of whether the property at 7 Chessell Drive, Duncraig was exempt from rates. It determined by resolution that it was exempt within the terms of the then Local Government Act 1960 (1960 Act). While the resolution used the words "grants rate exemption" the 1960 Act did not actually give the power to Local Governments to grant exemptions. The 1960 Act set out the basis for when land was considered exempt and then Council was only able to determine that the land met the requirements of the 1960 Act for exemption. The relevant provisions of the 1960 Act and the current Local Government Act 1995 (1995 Act) are very similar.

In 2004 a general review was undertaken of all property, which up to that point was being treated as exempt including the property at 7 Chessell Drive, Duncraig. Council had in the meantime, in June 1999, delegated authority to the CEO to amend the rate record as required. As a result of the review officers determined that the property at 7 Chessell Drive, Duncraig was considered no longer rate exempt and within the powers of the delegation the rate record was accordingly amended. The Council decision of 1995 did not require rescission.



Without wishing to be pedantic the distinction between determining whether land is exempt and granting an exemption is important because the latter implies it is at Council's discretion and remains for as long as Council cares to determine and this is not the case. A Local Government has no power of discretion in relation to exemption from rates.

The question of exemption is a determination of the evidence of the situation at a point in time against the prevailing legislative provisions and their interpretation. The exempt status of a property can change at any time.

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

**Mr M Caiacob, Mullaloo:**

*Re: Mullaloo Tavern*

**Q1** *Re: Commercial Deliveries – Following the responses to my previous questions, is the City going to issue the required Occupation and Strata Certificates even though the City advises me on public record (on tonight's agenda, page ix), the development is not conforming to its Development Approval and this situation is ongoing? Noting the fact that the City has made no submission to the SAT stating ongoing non-conformity.*

**A1** The City's Rangers have been taking action to enforce the street requirements and the City is taking action to ensure it is complying with its planning approval.

The strata title matter is before the SAT and Judge Chaney has indicated that there is a link to the parking. When that parking issue is sorted out the City will be sorting out the strata plan issue.

*Response by Mayor Pickard:* The City is not going to issue the certificates until the SAT is concluded. The answer to this question will be reviewed and any further information will be provided in writing to you.

**Q2** *Re: Landscaping – Condition (o) of the Development Application requires landscaping and reticulation to be established prior to occupation. Condition (r) requires a detailed landscaping plan including the location and type of proposed trees within the car park area.*

*Please provide or direct me to Council's lawful Order varying the Development Application conditions to permit this development to be occupied prior to the establishment of the landscaping trees within the car park?*

**A2** The approval needs to be read in conjunction with the application and the approval that was granted. The application that Council approved did not show substantial landscaping on it. Those plans are publicly available.

**The following questions were tabled at the meeting by Mr M Caiacob, Mullaloo:**

**Q3** *For the purposes of building completion, handover, liquor licensing and occupancy etc., was this development approved by the City on a level-by-level basis, a use class basis or a specific area basis or according to the approved Development Application?*

- Q4 *If the development was finally approved and signed off by the City for the purpose of building completion, handover, liquor licensing and occupancy on a level-by-level basis, a use class basis or a specific area basis etc., please provide or direct me to Council's lawful Order to depart from the single Development Application for the purpose of the above approval?*
- Q5 *Please provide or direct me to Council's lawful Order authorising City's Administration permission to approve occupation of this development when the conditions of the Development Approval (commercial bin servicing from a centrally located point, landscaping consisting of one (1) tree per four (4) car bays, AS2890 compliance and conditional car bays numbers), were not complied with?*
- Q6 *What is the total length of the drive-through bottle shop land, and can this length accommodate five (5) vehicles without impeding the traffic flow through the building?*
- Q7 *The City was advised by the public at basement construction level that column spacings would not permit Council's car parking approval conditions to be met. Who and why did the City not stop construction at that time instead of accepting the developer's excuse of "Residents will use these smaller bays in the basement" when clearly this was false as deemed by SAT?*

*A major problem in achieving compliance with AS2890.1, and the dimensions required by Condition 2 of the Development Approval is the size and location of support pillars at each level of the construction.*

- Q8 *The public were advised by the Principal Building Surveyor that he required the lift security system for the residential units to be removed in addition to the boom gates to facilitate "residents using these smaller bays in the basement" and patrons using the top deck for parking. Has the security services for the residential units been installed, was it installed during construction or after?*
- Q9 *Please provide a simple plan of the units' configuration:*
- (i) Units 1,2,5,6,7,9 and 12 identified on the amended building plans stamped 'Received 6 October 2004' have received planning approval for the purposes of the City of Joondalup District Planning Scheme No 2 as 'Residential Building (Short Stay Apartments)' and*
  - (ii) Units 3,4,8,10 and 11 identified on the amended building plans stamped 'Received 6 October 2004' have received planning approval for the purposes of the City of Joondalup District Planning Scheme No 2 as 'Multiple Dwellings'.*
- Q10 *Judge Chaney stated "There is no suggestion that the building does not comply with the 2004 building plans other than in respect of the parking layout."*
- Why didn't the City or the City's lawyers advise the SAT that the commercial deliveries and landscaping did not comply to the 2004 building licence plans and the associated Development Application?*
- Q11 *If the City audited the development after public concerns, and the public were advised that the development complied as required, why did the City argue in the SAT that there was no applicable D/A for the building as constructed?*

Q12 *Following my question relating to the Mayor seeking legal advice on releasing the CEO's contract to Councillors, can I now be advised who "authorised" the Administration not to obtain this advice, which minutes is this instruction included in and when did the Committee confirm those minutes, as the minutes of 8 August have been confirmed as a true and correct set of Minutes at the last meeting with no variations or corrections required, even after I have raised the issue at the preceding Briefing Session?*

A3-12 These questions will be taken on notice.

**Mr D Davies, Connolly:**

Q1 *Why has there been such a delay in Hodges Drive/Caridean Street, Heathridge traffic lights being constructed and completed?*

Q2 *When can the residents of Connolly and Heathridge look forward to erection of functional traffic lights at this known trouble spot?*

A1-2 There have been delays in obtaining approval from Main Roads, also the Contractor has been experiencing a heavy workload. It is anticipated the lights will be functional during October 2006.

Obtaining approvals from Main Roads has been an extensive exercise and the City has taken the matter up with Main Roads.

**Mr E Burton, Kingsley:**

Q1 *I received from Pindan a notice to residents dated Monday 25 September 2006, received on Friday 6 October 2006. The notice advised they will be undertaking construction works on Lot 550 Woodlake Retreat, Kingsley commencing on 9 October 2006, that is the Aged Care Development by AEGIS. I refer Council to the complaints made concerning trucks using Grasslands Loop for backing when the retirement village was replacing the entrance pathways. This caused damage to trees and kerbing and much inconvenience to both residents on the corner. This was only minor works compared to the Aged Care Development.*

*Currently there is no provision for a turning circle, the initial works will include surplus sand being trucked out via Woodlake Retreat. This could have an aggregate weight of 40 tonne per truck.*

*What action will Council take to ensure that the above procedure is not repeated and who will be responsible for any damage caused to Woodlake Retreat? It is to be noted that the entrance to Woodlake Retreat is constructed with bricks.*

A1 A condition on the development is that the construction vehicles will come directly off Wanneroo Road onto the site. If trucks drive down Woodlake Retreat or local roads and damage them, the City would seek reimbursement if it identified which truck caused the damage.

Q2 *Can Council confirm that the \$50,000 contribution required from the developers has been paid in accordance with Council's resolution that it be paid before the issue of a building licence and also that this contribution would be sufficient to pay for the limestone base for the extension of Woodlake Retreat?*

A2 The \$50,000 has been paid by the developer. The building licence was issued today and the City's engineers will calculate whether that amount is sufficient to pay for a limestone base.

**Mr M Sideris, Mullaloo:**

Q1 *In respect of the cash-in-lieu parking arrangements made for the restaurant approval at Lot 9 Oceanside Promenade, formerly West Coast Highway – last known as the La Casa Restaurant, which was clearly required before construction and opening and subsequently operated as a separate business to the Mullaloo Tavern, I ask the City to please state:*

(a) *the precise date all these monies were received?*

(b) *how much precisely was paid in total?*

Q2 *With reference to the decision West Australian State Administrative Tribunal 289 and the decision of 9 October 2006 by the State Administrative Tribunal on matters DR138 and DR147 of 2006 please advise:*

(a) *why there was no reference made by the City to the requirements for access and parking bay requirements by commercial vehicles AS2890 Part 2 as required by the original lawful order by the Council of this City to the SAT in support of its action against the Mullaloo Tavern?*

(b) *why there was also no reference by the City to the SAT in support of its action against the Mullaloo Tavern to the requirements for access and parking bay requirements by people with disabilities, and its failure to argue that these are to be positioned so that they satisfy a High Court decision by positioning them with dignity as these requirements were well known by the City's Principal Building Surveyor?*

(c) *what is the precise breakdown of parking bays for the Mullaloo Tavern today, after the mediated decision of 9 October 2006 for parking bays that fully comply with the Council's decision of CJ204 of 2002 including all of the above and the now majority of small vehicle only bays including commercial and disabled bays as well as the 59 small only car bays?*

A1-2 These questions will be taken on notice.

**Mr M Dickie, Duncraig:**

Q1 *I asked a question at the Council Meeting on 27 June 2006 and I would like to know when I will receive the information which was promised at that meeting, in answer to my request to issue Key Performance Indicators for the Planning Department?*

A1 *Response by Mayor Pickard:* I apologise for the delay and will follow up the matter with the Chief Executive Officer.

**Mr G Hall, Joondalup:**

Q1 *Will Council instigate, as a matter of priority, the appropriate signage and yellow lining of the right of way laneway running parallel to Lakeside Drive/Sittella Turn to ensure cars, trucks, vans and visitor vehicles will not be parking in the nearby right of way to the development that is proposed at Lot 201, 88 Lakeside Drive, Joondalup?*

A1 That type of treatment can be implemented should the development be approved.

**The following questions were tabled at the meeting by Mr G Hall, Joondalup:**

Q2 *In the conclusion immediately following the Traffic Safety Audit, (P50 City of Joondalup – Draft Agenda for Briefing Session – 3 October 2006) there is a reference to “some enhancements to local road network”. Could this reference to “some enhancements” be made more explicit and detailed in writing for residents who are keen to know exactly what the enhancements will be?*

Q3 *Similarly within the Safety Traffic Audit Page 50 a reference is made to “...several road treatments are suggested to minimise impact”. Could these treatments also be made more explicit and again in writing to alleviate residents’ concern over what they see as an inevitable increase in traffic hazards and a deterioration of our present amenities currently enjoyed in the surrounding area?*

A2-3 These questions will be taken on notice.

**Ms H Chester, Kingsley:**

Q1 *Does Council have any maximum or minimum requirements for the number of Elected Members who can sit on advisory committees?*

A1 This question will be taken on notice.

**PUBLIC STATEMENT TIME****Mr M Caiacob, Mullaloo:**

Mr Caiacob spoke about the recent SAT decision on the Mullaloo Tavern.

**Mr G Hall, Joondalup:**

Mr G Hall made a statement regarding CJ183 - 10/06 Proposed Mixed Use Development at Lot 201 (88) Lakeside Drive, Joondalup – 42 Multiple Dwellings And Associated Use (Convenience Store).

**Mr D Shaw, Ocean Reef:**

Mr Shaw spoke in support of Motion No. 3 regarding exemption of rates for Duncraig Christian Fellowship and Retirees WA.

**APOLOGIES AND LEAVE OF ABSENCE****C71-10/06                    REQUESTS FOR LEAVE OF ABSENCE**

Requests for Leave of Absence from Council duties have been received from:

Mayor T Pickard	16 October 2006 to 30 October 2006 inclusive
Cr G Amphlett	23 October 2006 to 3 November 2006 inclusive
Cr R Currie	7 November 2006 to 12 November 2006 inclusive

**MOVED Cr Jacob, SECONDED Cr Corr that Council APPROVES the following Requests for Leave of Absence:**

<b>Mayor T Pickard</b>	<b>16 October 2006 to 30 October 2006 inclusive</b>
<b>Cr G Amphlett</b>	<b>23 October 2006 to 3 November 2006 inclusive</b>
<b>Cr R Currie</b>	<b>7 November 2006 to 12 November 2006 inclusive</b>

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

**Leave of Absence previously approved**

Cr S Hart	4 October 2006 to 17 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

**CONFIRMATION OF MINUTES****C72-10/06                    MINUTES OF COUNCIL MEETING – 19 SEPTEMBER 2006**

**MOVED Cr John, SECONDED Cr Jacob that the minutes of the Council meeting held on 19 September 2006, be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****LIONS CLUBS' INTERNATIONAL CONVENTION**

On Friday, 6 October 2006 I had the pleasure of welcoming delegates to the Lions Clubs' International Convention at Mater Dei College, Edgewater.

Guests included His Excellency, Dr Ken Michael AC, Governor of Western Australia, Mrs Michael and Past International Director of Lions, Lucie Armstrong.

I welcomed delegates to the City of Joondalup and thanked them for the impressive record of Lions International, founded in 1917 in the USA, and now the world's largest and most effective community service organisation.

It comprises more than 44,000 Lions Clubs in 200 countries with more than 1.4 million members. Congratulations to the Lions Club of Duncraig for achieving the mammoth task of organising and hosting this convention.

### **RATES PRIZEWINNERS**

There were some big smiles recently from ratepayers who won a 2006 Rates Incentive Prize for paying their rates early. Ross and Kay Eliot of Duncraig won a \$3000 Westpac Classic Plus bank account.

Travis Read and Jacqueline Childs of Kingsley won a Whirlpool dishwasher from Joondalup's Good Guys.

Glenn Studders of Warwick won a \$500 Lakeside Joondalup Shopping City voucher.

Eileen Burrows, Kallaroo won a West Perth Football Club Gold membership. This prize was redonated and redrawn.

The Joondalup City Hotel Accommodation package was won by Jennifer Mathews, Padbury.

The \$700 cash prize from Mortgage Choice was won by Richard and Clare Ogden, Hillarys.

The Family Ocean Passes from AQWA were won by Graham and Karen Newman, Kallaroo.

The Sorrento Beach Resort Accommodation package was won by Burns Beach Property Trust. This prize was redonated, redrawn and won by Mrs Eileen Burrows.

The Tradewinds Hotel accommodation package was won by Klaus Borowski and Paula Waters, Woodvale.

The Great Escape Birthday Party was won by Kerry and Markus Krebs, Kingsley.

The \$300 shopping voucher from Westfield Whitfords City was won by Steven and Kerri Waterman, Greenwood.

Congratulations to all the winners.

### **WANNEROO BASKETBALL PRIZE NIGHT**

On Friday, 29 September 2006, myself, Felicity my fiancée, Cr Hollywood and John Hollywood attended the Wanneroo Basketball Association annual prize night.

I was pleased to accept on behalf of the City a Certificate of Appreciation from the Association in recognition of general support and contribution made to Wanneroo Wolves SBL team for the 2006 season.

## **MONTESSORI SCHOOL**

Recently, I had the pleasure of attending the home of Mrs Willemien Duyker, the founder of Montessori School in Kingsley.

Mrs Duyker presented to the City and the residents of our City an artwork she produced in 1959 of Albert Namatjira, a famous aboriginal artist.

The clay artwork will be hung in the Civic Reception area along with an explanatory plaque.

On behalf of the City, I offered thanks to Mrs Duyker for her kind gift and for her outstanding contribution to the community through the establishment of the Montessori School, which has provided an opportunity for a unique education for many residents in our City.

## **DECLARATIONS OF FINANCIAL INTEREST**

### **Disclosure of Financial Interests**

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

Nil.

### **Disclosure of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Mr Mike Tidy</b> – Acting Chief Executive Officer
<b>Item No/Subject</b>	C74-10/06 – Supplementary Appointment of Auditor
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mr Tidy's brother is an employee of Deloitte, but not an auditor and not part of the audit team auditing the City of Joondalup.

<b>Name/Position</b>	<b>Cr Albert Jacob</b>
<b>Item No/Subject</b>	C77-10/06 - Notice of Motion No 3 – Cr Richard Currie
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Jacob's sister maintains the gardens at 41 Beddi Road, Duncraig and attends the church that owns the units.

<b>Name/Position</b>	<b>Mr Garry Hunt</b> - Chief Executive Officer
<b>Item No/Subject</b>	C77-10/06 - Notice of Motion No 3 – Cr Richard Currie
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	A family member is a resident of an aged complex. <i>Note:</i> Mr Hunt was not in attendance at this Council meeting.



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

Nil.

**PETITIONS****C73-10/06 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 10 OCTOBER 2006****PETITION REQUESTING INSTALLATION OF TRAFFIC CALMING TREATMENTS, SWANSON WAY, OCEAN REEF - [11002]**

A 49-signature petition has been received from Ocean Reef residents requesting that Swanson Way, Ocean Reef is listed on the Capital Works Program for installation of traffic calming treatments in an effort to alleviate excessive speed of vehicles.

**MOVED Cr Magyar, SECONDED Cr Jacob that the petition requesting that Swanson Way, Ocean Reef is listed on the Capital Works Program for installation of traffic calming treatments in an effort to alleviate excessive speed of vehicles be RECEIVED and referred to the CEO for action.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

**MOVED Cr Hollywood, SECONDED Cr McLean that the normal order of the agenda be altered to allow Item CJ183-10/06 – Proposed Mixed Use Development at Lot 201 (88) Lakeside Drive, Joondalup – 42 Multiple Dwellings and Associated Use (Convenience Store) to be considered at this point.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

**CJ183 - 10/06 PROPOSED MIXED USE DEVELOPMENT AT LOT 201 (88) LAKESIDE DRIVE, JOONDALUP – 42 MULTIPLE DWELLINGS AND ASSOCIATED USE (CONVENIENCE STORE) – [86007]**

**WARD:** North

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

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CJ061003\_BRF.DOC:ITEM 12

**PURPOSE**

To request Council's determination of an application for forty-two multiple dwellings and a convenience store, within the Lakeside District of the Joondalup City Centre at Lot 201 (88) Lakeside Drive, Joondalup.

**EXECUTIVE SUMMARY**

The applicant proposes to construct a residential apartment complex, comprising three separate buildings of one, three and four storeys in height on the eastern side of Lakeside Drive, Joondalup. Forty-two residential multiple dwellings and one commercial unit are proposed as part of the development. Although the dwellings will be located within three separate buildings, the development will present as a continuous built form, as seen from the street frontages.

The proposal generally meets the statutory requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM) and is generally consistent with a previous approval issued by Council for the subject site in April 2005. Due to minor revisions, a new application for planning approval has been submitted.

At the Council meeting of 19 September 2006, consideration of this report was deferred pending the conduct of a traffic safety audit, and this has now been completed.

The completion of the safety audit and the resulting advice have given rise to a recommendation for Council to support the application, and to add some specific conditions to achieve improvements to the laneway system.

**BACKGROUND**

**Suburb/Location:** Joondalup  
**Applicant:** Greg Rowe and Associates  
**Owner:** Webberton Holdings  
**Zoning:** **DPS:** Centre  
**MRS:** Urban  
**Site Area:** 3705m<sup>2</sup>  
**Structure Plan:** Joondalup City Centre Development Plan and Manual

The subject site is located on the eastern side of Lakeside Drive, approximately 250-metres south of the intersection with Shoveler Terrace and directly opposite the WA Police Academy complex. The property is zoned Centre under the City's District Planning Scheme No 2 (DPS2) and is subject to the provisions of the JCCDPM.

Under the JCCDPM, the site is located within the Lakeside District and is designated as "Landmark Apartments".

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

In November 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 66m<sup>2</sup> to 123m<sup>2</sup>;
- A 75m<sup>2</sup> convenience store fronting Lakeside Drive;
- The total number of parking bays provided is 73, 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 100m<sup>2</sup> to 75m<sup>2</sup>;
- 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:

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>
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	72	73
Storerooms	1 per dwelling, 4m <sup>2</sup> each	1 per dwelling, 4m <sup>2</sup> 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 100m<sup>2</sup> per unit. Given that the lot has an area of 3705m<sup>2</sup> 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 60m<sup>2</sup> in floor area. In this instance, the single bedroom units have an area greater than 60m<sup>2</sup>, averaging 67m<sup>2</sup> 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 60m<sup>2</sup>, 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 3705m<sup>2</sup> is calculated as follows:

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

### 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 <sup>2</sup>	4 bays / 100m <sup>2</sup>	3	4
<b>Total</b>			<b>72</b>	<b>73*</b>

\*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 10m<sup>2</sup>, 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 storeroom of 4m<sup>2</sup>, 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 10m<sup>2</sup>, 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 16m<sup>2</sup> per dwelling (total 672m<sup>2</sup>) 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 700m<sup>2</sup>.

#### **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 following key points were identified:

#### Proposed Laneway Closure/Rubbish Collection

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.

### Existing Laneway Lighting

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.

### Temporary Vehicular Access from Lakeside Drive

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.

### Overflow of visitor parking

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.

### Direct Access to 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, which are outlined in this section.

## **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
Attachment 3	Traffic and Safety Review Report

## **VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S 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) 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 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 60m<sup>2</sup> 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 100m<sup>2</sup> Net Lettable Area;
- 3 APPROVES the application for Planning Consent dated 26 June 2006 submitted by Greg Rowe & Associates on behalf of the owners Webberton 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 is to be submitted as 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;
- (m) Servicing of the proposed Convenience Store is required to occur on-site. Details of the proposed servicing of the Convenience Store are to be submitted prior to the submission of a Building Licence for approval by the Manager Approvals Planning and Environmental Services.
- (n) Temporary vehicular access from Lakeside Drive will be permitted during the construction phase in order to facilitate the construction of the proposed development. Plans showing the location and detailed design of the temporary access way shall be submitted for approval by the City;
- (o) The temporary access way shall be removed at the direction of the City and the owner will be responsible for the reinstatement of the verge and any costs associated with those works. Such works to be completed to the satisfaction of the City;

- (p) The location of the existing lighting in the laneway is to be the subject of a review by the owner to ensure that the lights do not impair the efficiency of vehicle movements in the area. The details of the review are to be provided to the satisfaction and approval of the City. Any works required with the re-location of the existing lights as a result of the review are to be carried out to the satisfaction of the City and at the owners cost;
- 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 the future use of the laneway adjacent to the northern side boundary of Lot 201 (88) Lakeside Drive will be monitored.

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.

**ADDITIONAL INFORMATION**

Following finalisation of the agenda for the Council meeting to be held on Tuesday next, 10 October 2006, it has been noted that a condition of approval relating to visitor parking had not been included in the recommendation as was intended following discussions at the Briefing Session.

It is therefore proposed that the following condition (q) be included in the Recommendation:

- (q) the six car parking spaces located in proposed building "C" being marked and set aside for use as visitor car parking spaces.

**MOVED Cr Hollywood, SECONDED Cr McLean 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) **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 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 60m<sup>2</sup> 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 100m<sup>2</sup> Net Lettable Area;**
- 3 APPROVES the application for Planning Consent dated 26 June 2006 submitted by Greg Rowe & Associates on behalf of the owners Webberton 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 is to be submitted as 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;**
- (m) **Details of the proposed servicing of the Convenience Store are to be submitted prior to the submission of a Building Licence for approval by the Manager Approvals Planning and Environmental Services.**
- (n) **Temporary vehicular access from Lakeside Drive will be permitted during the construction phase in order to facilitate the construction of the proposed development. Plans showing the location and detailed design of the temporary access way shall be submitted for approval by the City;**
- (o) **The temporary access way shall be removed at the direction of the City and the owner will be responsible for the reinstatement of the verge and any costs associated with those works. Such works to be completed to the satisfaction of the City;**



- (p) The location of the existing lighting in the laneway is to be the subject of a review by the owner to ensure that the lights do not impair the efficiency of vehicle movements in the area. The details of the review are to be provided to the satisfaction and approval of the City. Any works required with the re-location of the existing lights as a result of the review are to be carried out to the satisfaction of the City and at the owners cost;
  - (q) the six car parking spaces located in proposed building "C" being marked and set aside for use as visitor car parking spaces;
  - (r) the laneway adjacent to the northern boundary of the property being modified such that vehicles can enter Building A via the lane off Sittella Turn and only exit Building A left via the lane being extended to a left turn only single lane crossover at Lakeside Drive in conjunction with the closure of the ROW between the entry and exit point to Building A;
  - (s) the modifications to the lane and the crossover connection to Lakeside Drive, referred to in condition (r) above, being designed and constructed to the satisfaction of the City at the developer's cost;
  - (t) no loading of the convenience store on site;
- 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 the future use of the laneway adjacent to the northern side boundary of Lot 201 (88) Lakeside Drive will be monitored;
- 6 TAKES the appropriate steps to place a loading zone in Lakeside Drive adjacent to the convenience store.

**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.

Discussion ensued.

With the approval of the Mover and Seconder, the first sentence in the Officer's recommendation was removed from Condition (m).

**AMENDMENT MOVED Cr Fishwick, SECONDED Cr Hollywood that Point 6 of the Motion be amended to read:**

**“6 TAKES the appropriate steps, at the developer's cost, to place a loading zone in Lakeside Drive adjacent to the convenience store.”**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (12/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

Further discussion ensued.

**The Original Motion as amended, being:**

**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) 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 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 60m<sup>2</sup> 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 100m<sup>2</sup> Net Lettable Area;
- 3** **APPROVES** the application for Planning Consent dated 26 June 2006 submitted by Greg Rowe & Associates on behalf of the owners Webberton 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 is to be submitted as 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;
- (m) Details of the proposed servicing of the Convenience Store are to be submitted prior to the submission of a Building Licence for approval by the Manager Approvals Planning and Environmental Services.
- (n) Temporary vehicular access from Lakeside Drive will be permitted during the construction phase in order to facilitate the construction of the proposed development. Plans showing the location and detailed design of the temporary access way shall be submitted for approval by the City;
- (o) The temporary access way shall be removed at the direction of the City and the owner will be responsible for the reinstatement of the verge and any costs associated with those works. Such works to be completed to the satisfaction of the City;
- (p) The location of the existing lighting in the laneway is to be the subject of a review by the owner to ensure that the lights do not impair the efficiency of vehicle movements in the area. The details of the review are to be provided to the satisfaction and approval of the City. Any works required with the re-location of the existing lights as a result of the review are to be carried out to the satisfaction of the City and at the owners cost;
- (q) the six car parking spaces located in proposed building "C" being marked and set aside for use as visitor car parking spaces;
- (r) the laneway adjacent to the northern boundary of the property being modified such that vehicles can enter Building A via the lane off Sittella Turn and only exit Building A left via the lane being extended to a left turn only single lane crossover at Lakeside Drive in conjunction with the closure of the ROW between the entry and exit point to Building A;

- (s) the modifications to the lane and the crossover connection to Lakeside Drive, referred to in condition (r) above, being designed and constructed to the satisfaction of the City at the developer's cost;
  - (t) no loading of the convenience store on site;
- 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 the future use of the laneway adjacent to the northern side boundary of Lot 201 (88) Lakeside Drive will be monitored;
- 6 TAKES the appropriate steps, at the developer's cost, to place a loading zone in Lakeside Drive adjacent to the convenience store.

**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.

was Put and

**CARRIED (10/2)**

**In favour of the Motion:** Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, McLean and Park  
**Against the Motion:** Mayor Pickard and Cr Magyar

*Appendices 9 & 12 refer*

To access these attachments on electronic document, click here: [Attach9brf031006.pdf](#)  
[Attach12agn101006.pdf](#)

The meeting reverted back to the normal order of the agenda at this point.

## **CJ170 - 10/06 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [18576]**

**WARD:** All

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

CJ061003\_BRF.DOC:ITEM 1

### **PURPOSE**

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 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**

<b>Document:</b>	<b>Contract, Land Transfer Easement</b>
<b>Parties:</b>	City of Joondalup and Foodland Property Holdings P/L
<b>Description:</b>	Disposal of City owned Lot 3 Trappers Drive, Woodvale to FAL
<b>Date:</b>	27.07.06

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

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

<b>Document:</b>	<b>Structure Plan</b>
<b>Parties:</b>	City of Joondalup and WA Planning Commission
<b>Description:</b>	<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>
<b>Date:</b>	05.09.06

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

<b>Document:</b>	<b>Land Transfer</b>
<b>Parties:</b>	City of Joondalup
<b>Description:</b>	Transfer of Land – Lot 6 Lawley Court, Joondalup
<b>Date:</b>	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.

**MOVED Cr Magyar, SECONDED Cr Jacob 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.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park



## **CJ171 - 10/06    NEW CITY POLICY - RECOVERY OF COSTS FROM PROSECUTIONS OF THE CITY – [18058]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Ian Cowie Governance and Strategy

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CJ061003\_BRF.DOC:ITEM 2

### **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 provides, as a general statement of intent, that the City will look to recover costs when legal proceedings have been taken against the City by another body.

### **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.

**OFFICER'S RECOMMENDATION:** That Council ENDORSES the draft City Policy entitled "Recovery of Costs from Prosecutions of the City" included as Attachment 1 to Report CJ171-10/06.

**MOVED Cr Magyar, SECONDED Cr Corr that Council:**

- 1 **ADVERTISES** the policy "Recovery of Costs from Prosecutions of the City" shown as Attachment 1 to Report CJ171-10/06 for a period of at least 28 days seeking public comment;
- 2 **CONSIDERS** endorsing the policy "Recovery of Costs from Prosecution of the City" after reviewing any submissions received during the public comment period.

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 1 refers*

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

## **CJ172 - 10/06 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 31 AUGUST 2006 – [02135]**

**WARD:** All

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

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CJ061003\_BRF.DOC:ITEM 3

### **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 Report CJ172-10/06;*
- 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 (in the role of a community representative) 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

**MOVED Cr John, SECONDED Cr Fishwick that Council:**

- 1 NOTES the unconfirmed Minutes of the Sustainability Advisory Committee meeting held on 31 August 2006 forming Attachment 1 to Report CJ172-10/06;**
- 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 APPOINTS Ms Melanie Barter, Mr John Willet, Mr Brett Dorney, Mr Dennis Godley (in the role of a community representative) 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.**

**AMENDMENT MOVED Cr Magyar, SECONDED Cr Park that an additional Point 7 be added to the Motion as follows:**

- “7 NOTES the Sustainability Advisory Committee has invited all Elected Members and the Corporate Executive to a meeting of the Sustainability Advisory Committee to receive a presentation from the Australian Association for the Study of Peak Oil and Gas regarding Peak Oil’s implications for the sustainability of Joondalup.”**

Cr Magyar spoke to the Amendment.

**The Amendment was Put and**

**CARRIED (12/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

The Original Motion as amended, being:

That Council:

- 1 **NOTES** the unconfirmed Minutes of the Sustainability Advisory Committee meeting held on 31 August 2006 forming Attachment 1 to Report CJ172-10/06;
- 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 **APPOINTS** Ms Melanie Barter, Mr John Willet, Mr Brett Dorney, Mr Dennis Godley (in the role of a community representative) 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;
- 7 **NOTES** the Sustainability Advisory Committee has invited all Elected Members and the Corporate Executive to a meeting of the Sustainability Advisory Committee to receive a presentation from the Australian Association for the Study of Peak Oil and Gas regarding Peak Oil's implications for the sustainability of Joondalup.

was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 2 refers*

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

## **CJ173 - 10/06 RESIGNATION OF MEMBER - CONSERVATION ADVISORY COMMITTEE - [12168]**

**WARD:** All

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

### **PURPOSE**

To accept the resignation of a member of the Conservation Advisory Committee.

### **EXECUTIVE SUMMARY**

A resignation has been received from Cr Geoff Amphlett as member of the Conservation Advisory Committee.

*This report recommends that Council ACCEPTS the resignation of Cr Geoff Amphlett as member of the Conservation Advisory Committee.*

### **BACKGROUND**

The current Conservation Advisory Committee membership is as follows:

- Cr S Magyar Presiding Person
- Cr M John
- Cr S Hart
- Cr J Park
- Cr G Amphlett
- Friends of Korella (Member – Mrs M Zakrevsky, Deputies – K McKenzie/W Woods)
- Friends of Hepburn Heights (Member Cr R Henderson – Deputy – Mr T Morald)
- Friends of Craigie Bushland (Member Mr J Wood – Deputy Mrs C Wood)
- Friends of Periwinkle (Member Mr B Fitzsimmons – Deputy Ms D Lullfitz)
- Friends of Maritana (Ms S Bailey – Deputy – Ms N Mattingley)
- Joondalup Coast Care Forum (Member Ms P Robertson – Deputy – Ms M Macdonald)
- Friends of Iluka Foreshore (Member – Dr M Apthorpe)
- Mr John Chester
- Mrs Wendy Herbert
- Ms Alice Stubber

### **DETAILS**

Cr Geoff Amphlett has tendered his resignation as member of the Conservation Advisory Committee due to pressures from work causing him to relinquish certain evening commitments.



**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

4.3.3 Provide fair and transparent decision-making processes.

**Legislation – Statutory Provisions:**

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council ACCEPTS the resignation of Cr Geoff Amphlett as member of the Conservation Advisory Committee.

**MOVED Cr Magyar, SECONDED Cr Park that Council:**

- 1 ACCEPTS the resignation of Cr Geoff Amphlett as member of the Conservation Advisory Committee;**
- 2 APPOINTS Cr Brian Corr to the Conservation Advisory Committee.**

Cr Magyar spoke to the Motion.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (11/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, Magyar, McLean and Park **Against the Motion:** Cr John

## **CJ174-10/06 REVIEW OF ADVISORY COMMITTEES OF COUNCIL – [15058]**

**WARD:** All

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

### **PURPOSE**

To present options to Council for the future operation of Advisory Committees.

### **EXECUTIVE SUMMARY**

This report identifies four options in relation to the operation of Advisory Committees. These are:

- Tailoring approaches to meet different objectives;
- Establishing a different Advisory Committee structure format;
- Induction and training for Advisory Committee members; and
- Developing a protocol for referrals between Council and its Advisory Committees.

It is recommended that Council reviews operating arrangements for the Sustainability Advisory Committee, the Conservation Advisory Committee and the Seniors' Interest Advisory Committee to maximise community engagement and ensure Council receives the highest possible quality of advice. It is also recommended that a training package be developed for Advisory Committee members.

### **BACKGROUND**

Council currently operates with three Advisory Committees which contain both Council members and members of the public. These are the:

- Sustainability Advisory Committee (SAC) - established to provide advice on actions to promote sustainability.
- Conservation Advisory Committee (CAC) – established to provide advice on the conservation and management of the City's natural biodiversity.
- Seniors' Interest Advisory Committee (SIAC) – established to ensure the concerns of seniors are relayed to the City.

The current membership and full terms of reference for each of these Advisory Committees are provided in Attachment 1. None of these Committees has been delegated powers by Council and so they operate on an advisory basis. Under the Local Government Act 1995, Committees which do not have delegated powers do not have to open their meetings to the public.

The last significant review of Council Committees occurred in February 2004. This review examined the roles and membership of all Committees and led to 11 Committees being disbanded.

In accordance with the Act, the current Council appointed members to the three Advisory Committees in May 2006. However, after almost 5 months of operation, it is now considered timely to review the focus of the SAC and CAC in particular. This is because:

- There can be a tendency for these Committees to take an operational rather than a strategic advisory focus;
- The Committees consume considerable staff time and resources in terms of the preparation of reports and meeting administration (including the setting of agendas and taking of minutes);
- It is beneficial to consider whether current Committee members represent the most comprehensive source of expertise on the relevant subject matters; and
- There are questions over whether the Committee structure provides the most appropriate mechanism for community engagement.

## **DETAILS**

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

Four potential options are identified to assist the operation of the Advisory Committees and, in particular, the CAC and SAC. Some of these options may be appropriate for all 3 Committees while others will be more relevant to the CAC and SAC.

#### **1 Tailoring Approaches to Meet Different Objectives:**

It appears that, at present, some Advisory Committees are trying to achieve two objectives. The first is community engagement while the second is obtaining the most comprehensive and best possible advice for the Council. Both of these objectives are valid and important. However, rarely can different objectives be achieved to their greatest extent possible by using just one vehicle. This is because, to achieve greatest success, the vehicle for achievement needs to be designed specifically for the job.

Considering the SAC and the CAC in this way, the following observations can be made. In terms of their operations, the CAC and the SAC follow Council's Standing Orders and consider formal reports. This process reflects provisions within the Local Government Act. However, this structure is not necessarily the best vehicle for community engagement as the formalised approach gives:

- Limited opportunity for general discussion and debate;
- It constrains networking due to the nature of the agenda;
- It precludes other community members with interests from being directly engaged unless they can become a member; and
- It does not encourage learning and the growth of knowledge through open discussion with eminent guest speakers.

In terms of membership, SAC members are nominated by members of the Committee with no maximum number of members specified. CAC members are community representatives with specialised knowledge or representatives of community groups protecting local bushland and the like. Again, no maximum numbers are specified. These are not necessarily the best mechanisms for obtaining the most comprehensive and best possible advice. Further, they do not align to the City's Public Participation Strategy which values broad inclusiveness. As the Committees rely on the willingness of local people to become involved, the approach does not necessarily engage experts from government agencies and the like operating outside of the City which weakens the advisory potential.

There are a range of ways in which the Advisory Committees could increase community engagement and take on a more professional advisory focus. A community engagement focus could be maximised by having forums and workshops with all interested community members. This involvement could be facilitated by advertising meetings to the whole community. Offering public meetings where specialist speakers make presentations could also be used to raise community knowledge and understanding. This is more clearly aligned to the Public Participation Strategy.

From the perspective of comprehensive and high level Council advice, optimum achievement could be facilitated by establishing Committees with:

- A small number of Elected Members;
- A small number of community members from the City of Joondalup selected on the basis of their expertise and ability to provide quality advice; and
- A small number of technical experts identified and selected specifically from academia, relevant government agencies or other appropriate bodies. This could include recently retired people with the requisite knowledge or people operating a consultancy in a relevant area. They would not necessarily be residents of Joondalup.

Should the suggestion be accepted that the Council seek to achieve maximum community engagement on relevant issues and to receive the most comprehensive and highest quality advice, a number of opportunities for progress are possible. One could be to establish a technical and specialist advisory committee which operates independently from the community engagement process. From a CAC perspective, this could involve the establishment of a Friends' Forum, for instance. The other is for integration of the advisory and engagement roles and this could occur in a range of ways. One option could be for a new specialist committee to hold formal meetings during one month to consider issues and provide advice to Council. Then during the next month, the Committee would participate in much broader community engagement outside of the formal meeting procedure arrangement and the Local Government Act requirements.

## **2 Establish a Different Committee Structure:**

The City's Advisory Committees currently cover a limited number of areas. However, the broad focus of the SAC which considers the integration of economic, social and environmental matters, ensures that the Advisory Committee structure can consider a very broad range of matters. This said, the broad nature of the sustainability concept,

which is in no way refined and narrowed by the SAC's Terms of Reference, may well mean that the SAC has interests in areas which are covered by other Committees. Consequently, a different model may provide advantages. However, this option would require a significant change to the current Advisory Committee arrangements and, consequently, is not supported unless other options to enhance operations are trialled and fail.

### **3 Induction and Training:**

Whilst the Council members who sit on Advisory Committees will have experience in Council processes and the decision making role, many community members on these Committees will have had little exposure to such processes. All Committee members need to have a clear understanding of the decision making process and the role of the Committee within that process. To achieve this, it would be prudent for the City to develop an induction and training program for newly-elected Committee members which includes information about:

- The major function of the Committee;
- Its role in the Council decision making process; and
- A member's role and responsibilities on the Committee.

This option is relevant to all Advisory Committees.

### **4 A Protocol for Referrals:**

A specific protocol could assist the operation of Advisory Committees in terms of their relationships with Council. The protocol could cover matters such as:

- How items are included on the agenda of Advisory Committees;
- What items and matters may be discussed at meetings;
- The operation of Standing Orders in relation to Committee deliberations; and
- The provision of Officer support.

This option is relevant to all Advisory Committees. However, it is not supported as it does not offer any fundamental change to arrangements and protocols can be overlooked.

### **Link to Strategic Plan:**

Outcome: The City of Joondalup is an interactive community.  
Objective: 4.3: To ensure the City responds to and communicates with the community.  
Strategies: 4.3.2: Provide fair and transparent decision making processes.

### **Legislation – Statutory Provisions:**

The Advisory Committees have been established in accordance with provisions of the Local Government Act 1995 relating to Committees.

### **Risk Management considerations:**

Concerns could be expressed that Council is considering changing community engagement and may weaken the engagement. However, regular reviews of Advisory Committee operations and careful analysis of the best way in which to achieve both community engagement and high level advice will ensure that Council needs in relation to advice are being met and community engagement remains effective.

**Financial/Budget Implications:**

While there are no specific budget line items affected by this report, staffing commitments are influenced by the way Advisory Committees operate.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Consideration of the operations of the SAC will ensure the Council receives the most appropriate advice in this area.

**Consultation:**

The report considers the most appropriate ways for the Council to engage with and consult the community.

**COMMENT**

Advisory Committees complement the formal and central decision making processes by allowing community and expert input into decisions of Council. However, it is noted that when Committees attempt to achieve two different outcomes (one being community engagement and the other being expert advice) difficulty can be experienced in achieving either outcome to the highest level. Based on this conclusion, it would seem appropriate that Council give further consideration to the best way of achieving community engagement, and the receipt of high quality advice. It would also appear appropriate that training be provided for all Committee members.

**ATTACHMENTS**

Attachment 1            Members and Terms of Reference for Sustainability Advisory Committee, Conservation Advisory Committee and Seniors' Interest Advisory Committee.

**VOTING REQUIREMENTS**

Simple majority.

**MOVED Mayor Pickard, SECONDED Cr Jacob that Council:**

- 1        ACCEPTS that the operating arrangements for Conservation Advisory Committee, Sustainability Advisory Committee and Seniors' Interest Advisory Committee be reviewed to achieve greater community engagement and the provision of the most comprehensive and highest quality advice to Council;**

- 2 **CONSIDERS** this matter further at a Strategy Session with a follow up Report to be provided to Council;
- 3 **SUPPORTS** the development of a training package to be provided to new Committee members.

**AMENDMENT MOVED Cr Magyar, SECONDED Cr Park that an additional Point 4 be added to the Motion as follows:**

**“4 REFERS Report CJ174-10/06 to the Committees for their information and comment.”**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (12/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

**The Original Motion as amended, being:**

**That Council:**

- 1 **ACCEPTS** that the operating arrangements for Conservation Advisory Committee, Sustainability Advisory Committee and Seniors' Interest Advisory Committee be reviewed to achieve greater community engagement and the provision of the most comprehensive and highest quality advice to Council;
- 2 **CONSIDERS** this matter further at a Strategy Session with a follow up Report to be provided to Council;
- 3 **SUPPORTS** the development of a training package to be provided to new Committee members;
- 4 **REFERS** Report CJ174-10/06 to the Committees for their information and comment.

**was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10agn101006.pdf](#)*

## **CJ175 - 10/06 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST - 2006 – [09882]**

**WARD:** All

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

CJ061003\_BRF.DOC:ITEM 4

### **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.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	<b>Cheques</b> 76351 - 76674 EFT 7384 - 7756 net of cancelled payments	\$4,791,465.37
	<b>Vouchers</b> – 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.

**MOVED Cr Fishwick, SECONDED Cr McLean 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 Report CJ175-10/06, totalling \$8,011,057.04.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 3 refers*

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

## **CJ176 - 10/06 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2006 – [07882]**

**WARD:** All

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

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CJ061003\_BRF.DOC:ITEM 5

### **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 Report CJ176-10/06.*

**BACKGROUND**

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

**DETAILS**

The financial activity statement for the period ended 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.

**MOVED Cr Park, SECONDED Cr Jacob that Council NOTES the Financial Activity Statement for the period ended 31 August 2006 forming Attachment A to Report CJ176-10/06.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 4 refers*

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

**CJ177 - 10/06 ON-STREET PARKING CLARKE CRESCENT,  
JOONDALUP – [34694]**

**WARD:** North

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

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CJ061003\_BRF.DOC:ITEM 6

**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 Report CJ177-10/06.*

## 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:**

<b>Account No:</b>	1.7230.4615.0529
<b>Budget Item:</b>	Signs
<b>Budget Amount:</b>	\$812,373
<b>YTD Amount:</b>	\$104,506
<b>Actual Cost:</b>	\$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

**MOVED Cr McLean, SECONDED Cr Hollywood 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 Report CJ177-10/06.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 5 refers*

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

**CJ178 - 10/06 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

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CJ061003\_BRF.DOC:ITEM 7

**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 054-05/06 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;*



## 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).

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 (conforming submission)	\$7,534,080.00
City of Wanneroo (alternative submission)	\$5,814,344.00

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.

The evaluation panel also considered the alternative offer submitted by the City of Wanneroo which excluded a bank guarantee amounting to \$300,000 and the offer was also subject to quarterly variations based on the Consumer Price Index (CPI) (all groups) for Perth and the Fuel Group Index of the CPI for Perth. It is also noted that the conforming tenders were based on the All Ordinaries Consumer Prices Indices, which is reviewed annually.

It is also noted that Cleanaway have offered a discount for the collection service if the City is prepared to extend the contract to the full 9 ½ year term. This translates to an annual saving of approximately \$28,500 and is considered to provide no real benefits to the City on the basis that it will limit future opportunities, specifically in relation to the option of combining the refuse and recycling collection services into a single contract following the initial 4½ year term.

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 offer 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 lump sum contract price for the period January 2007 through to June 2007 is \$576,577 (exclusive of GST), which is within the 2006/2007 budget provision totalling \$589,134.

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**

Simple Majority

**ADDITIONAL INFORMATION**

A typographical error on Page 31 of the agenda requires to be corrected.

The second paragraph under “Financial/Budget Implications” makes two references to “2006” that should read “2007”. The amended paragraph is provided below:

“The lump sum contract price for the period January 2007 through to June 2007 is \$576,577 (exclusive of GST), which is within the 2006/2007 budget provision totalling \$589,134.”

This correction has been made on Page 64 of these minutes.

**MOVED Cr Fishwick, SECONDED Cr Jacob that Council, in relation to Tender 054-05/06 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.**

**AMENDMENT MOVED Cr Corr, SECONDED Cr Magyar that the word “City” be amended to read “Council”.**

**The Amendment was Put and**

**CARRIED (12/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

**The Original Motion as amended, being:**

**That Council, in relation to Tender 054-05/06 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 Council, for a further five (5) year period, with the total term of the Contract not to exceed nine and half (9.5) years.**

**was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

## **CJ179 - 10/06 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

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CJ061003\_BRF.DOC:ITEM 8

### **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.

It is anticipated that the bins will be rolled out either later this year or early in the New Year subject to availability of stock.

## 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:

<b>Tenderer</b>	<b>Total Contract Price (GST Exclusive)</b>
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.

It is noted that the recommended tenderer has nominated approximately 20% recycling component within the bins being supplied.

**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).

Mayor Pickard advised this Item has been

**WITHDRAWN**

## **CJ180 - 10/06 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD ON 30 AUGUST 2006 – [12168]**

**WARD:** All

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

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CJ061003\_BRF.DOC:ITEM 9

## **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 Report CJ180-10/06;*
- 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

**MOVED Cr Magyar, SECONDED Cr John that Council:**

- 1        NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 30 August 2006 forming Attachment 1 to Report CJ180-10/06;**
- 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.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 6 refers*

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

**CJ181 - 10/06 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

CJ061003\_BRF.DOC:ITEM 10

**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:

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

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

<b>Subdivision Approvals Determined Under Delegated Authority Month of August 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
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



**MOVED Cr Jacob, SECONDED Cr McLean that Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 development applications described in Attachment 1 to Report CJ181-10/06 for the month of August 2006;**
- 2 subdivision applications described in Attachment 2 to Report CJ181-10/06 for the month August 2006.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7agn101006.pdf](#)*

## **CJ182 - 10/06 MINUTES OF SENIORS INTERESTS ADVISORY COMMITTEE HELD ON WEDNESDAY 2 AUGUST 2006 – [55511]**

**WARD:** All

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

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CJ061003\_BRF.DOC:ITEM 11

### **PURPOSE**

To note the unconfirmed minutes of the Seniors Interests Advisory Committee (SIAC) meeting held on 2 August 2006.

### **EXECUTIVE SUMMARY**

The SIAC met on 2 August 2006 and considered the “Seniors: This is Your Life” Event; Seniors Participation in the Joondalup Festival 2007; Seniors Interests Advisory Committee vacancies and Intergenerational Programs.

*It is recommended that Council:*

- 1 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 2 August 2006 forming Attachment 1 to Report CJ182-10/06;*
- 2 ENDORSES the objectives of the “Seniors: This is Your Life” event forming Attachment 2 to Report CJ182-10/06;*

- 3 (a) *UNDERTAKES a consultation process which enables seniors to contribute to the programming of the 2007 Joondalup Festival;*
- (b) *ADVERTISES for interested members of the community to participate in the planning process for the 2007 Joondalup Festival;*
- 4 *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*
- 5 *EXTENDS an invitation to Vasanti Sutherland and the Library Local Studies Officer to present information to the Committee on Tales of Times Past and Local History/Local Studies.*

## **BACKGROUND**

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

In accordance with its role, the Committee identified priority key focus areas that complement various tasks and actions of the City’s Seniors Plan 2004 - 2008. These include: seniors’ health issues, transport accessibility and affordability, and staying active through leisure and entertainment.

Recommendations by the Committee will facilitate progress on initiatives including hosting a week of activities for seniors in 2006, focusing on positive active ageing and developing a strategy that encourages seniors to actively participate in the planning process for the 2007 Joondalup Festival.

## **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.

The following motion was moved at the Committee meeting on 2 August 2006:

*“That the Seniors Interests Advisory Committee RECOMMENDS that Council ENDORSES the objectives of the “Seniors: This is Your Life” event;*

#### 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.

The following motion was moved at the Committee meeting on 2 August 2006:

*“That the Seniors Interests Advisory Committee recommends that Council:*

- 1 *UNDERTAKES a consultation process which enables seniors to contribute to the programming of the 2007 Joondalup Festival;*
- 2 *ADVERTISES for interested members of the community to participate in the planning process for the 2007 Joondalup Festival.”*

#### 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

The following motion was moved at the Committee meeting on 2 August 2006:

*“That the Seniors Interests Advisory Committee recommends that Council AGREES to the endorsement of nominations for Ms Helen Attrill, and Mr Kevin Rogerson as Seniors Interests Advisory Committee representatives, for the duration of the currently Committee’s term of office.”*

### 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.

The following motion was moved at the Committee meeting on 2 August 2006:

*“That the Seniors Interests Advisory Committee recommends that Council extends an invitation to Vasanti Sutherland and the Library Local Studies Officer to present information to the Committee on Tales of Times Past and Local History/Local Studies”.*

### 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 her 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.

Attachment 2 "Seniors: This is Your Life" Event

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cr Corr, SECONDED Cr Currie that Council:**

- 1 **NOTES** the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 2 August 2006 forming Attachment 1 to Report CJ182-10/06;
- 2 **ENDORSES** the objectives of the "Seniors: This is Your Life" event forming Attachment 2 to Report CJ182-10/06;
- 3 (a) **UNDERTAKES** a consultation process which enables seniors to contribute to the programming of the 2007 Joondalup Festival;
- (b) **ADVERTISES** for interested members of the community to participate in the planning process for the 2007 Joondalup Festival;

**4 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

**5 EXTENDS** an invitation to Vasanti Sutherland and the Library Local Studies Officer to present information to the Committee on Tales of Times Past and Local History/Local Studies.

Cr Corr commended Manager, Community Development for his input into the successful functioning of this committee.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8agn101006.pdf](#)*

**CJ183 - 10/06 PROPOSED MIXED USE DEVELOPMENT AT LOT 201 (88) LAKESIDE DRIVE, JOONDALUP – 42 MULTIPLE DWELLINGS AND ASSOCIATED USE (CONVENIENCE STORE) – [86007]**

This Item was dealt with earlier in the meeting after Petitions.

**CJ184-10/06 PROPOSED SHADE SAIL ADDITION TO PADBURY KINDERGARTEN: LOT 699 (2) CALEY ROAD, PADBURY – [07801]**

**WARD:** South-West

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

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**PURPOSE**

To request Council’s determination of an application for planning approval for a proposed shade sail addition to the Padbury Kindergarten, at (2) Caley Road, Padbury.

## EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed shade sail addition to Padbury Kindergarten. The shade sail will be used to provide shade for the children by covering the existing play equipment area.

Council's determination of the application is necessary due to the proposed front and side setbacks variations, being a variation to clause 4.7 of the City's District Planning Scheme No. 2 (DPS2).

The proposed setback variations will not impact negatively on the amenity of the area. It is recommended that the application be approved.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 699 (2) Caley Road Padbury
<b>Applicant:</b>	Aqua Shades
<b>Owner:</b>	City Of Joondalup
<b>Zoning: DPS:</b>	Civic and Cultural
<b>MRS:</b>	Urban
<b>Site Area:</b>	0.5025 Ha
<b>Structure Plan:</b>	Not applicable

The City of Joondalup has leased the subject site to the Padbury Kindergarten.

## DETAILS

The subject property is located at the corner of Caley Road and Alexander Road, Padbury (see attachment 1). The Padbury Community Hall is located on the same property being to the eastern side of the kindergarten building. Along Caley Road, opposite the kindergarten, there are residential dwellings. Bambara Primary School and Forrest Park are located along Alexander Road. The kindergarten is accessed from Caley Road.

The proposed shade sail will have four posts with a maximum height of 3.5 metres and will cover an area of approximately 30m<sup>2</sup>. These posts are proposed to be located three metres from Caley Road and one metre from Alexander Road. As per the requirements of clause 4.7 of District Planning Scheme No 2 (DPS2), the front setback and side setback requirements are required to be a minimum of nine metres and three metres respectively.

## Options

Council has the discretion to:

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

## Link to Strategic Plan:

Not applicable

## Legislation – Statutory Provisions:

Clause 4.5 of the DPS2 provides discretion to vary the development standards for non-residential buildings, as follows:

### 4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
  - (b) *have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
  - (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Unless otherwise provided for in Part 3 of the DPS2, clause 4.7 sets out the setback requirements for non-residential buildings.

### 4.7.1 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

- 4.7.1 *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

<i>Setback from street boundary</i>	<i>9.0 metres</i>
<i>Setback from side boundary</i>	<i>3.0 metres</i>
<i>Setback from rear boundary</i>	<i>6.0 metres</i>

- 4.7.2 *Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.*



Council in exercising its discretion to approve or refuse an application, shall have regard to the provisions of clause 6.8, as follows:

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

With the proposed use being a “D” use, the additional matters identified in clause 6.8.2 also require Council consideration in relation to this application for Planning Consent:

*6.8.2 In addition to the matters referred to in the preceding subclause of this clause, the Council, when considering whether or not to approve a “D” or “A” use application, shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

**Risk Management considerations:**

Not applicable

**Financial/Budget Implications:**

Not applicable

**Policy implications:**

Not applicable

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation:**

Letters advising of the proposal and inviting comment were sent to the owners of 20 Alexander Road, Padbury and to the Department of Education (Bambara Primary School) for a period of 14 days. No responses were received during the advertising period.

**COMMENT**

The development proposal does not comply with the setback requirements set out in clause 4.7 of DPS2. Clause 4.7 requires front and side setbacks of nine metres and three metres, respectively.

For this application, Caley Road is considered as the frontage and Alexander Road as the side boundary.

<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Front Setback (Caley Road)	9 m	3 m
Side Setback (Alexander Road)	3 m	1 m

The setback proposed within this application requires Council to exercise its discretion having regard to clause 6.8 of DPS2.

The size, location and shape of the proposed development is not expected to impact on the streetscape or visual amenity of the area. The proposal will be partly screened by the existing trees on the property and will be open in nature. Consequently it is considered that the proposed development will not have any adverse impacts on the amenity of the area.

In view of the above comments, it is recommended that the application for planning approval be granted.

## **ATTACHMENTS**

Attachment 1 Locality Plan  
Attachment 2 Development Plans

## **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr John, SECONDED Cr Evans that Council:**

- 1 EXERCISES discretion under clause 6.8 and 4.5 of District Planning Scheme No 2, and determines that:**
  - (a) a front setback variation to three metres and a side setback variation to one metre in lieu of nine metres and three metres, respectively;**

**is appropriate in this instance.**
- 2 APPROVES the application dated 7 July 2006 submitted by Aqua Shades, the applicant, on behalf of the owner, the City of Joondalup, for a proposed shade sail on Lot 699 (2) Caley Road, Padbury.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11agn101006.pdf](#)

**REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER**

<b>Name/Position</b>	<b>Mr Mike Tidy</b> – Acting Chief Executive Officer
<b>Item No/Subject</b>	C74-10/06 – Supplementary Appointment of Auditor
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mr Tidy's brother is an employee of Deloitte, but not an Auditor and not part of the audit team auditing the City of Joondalup.

**C74-10/06                      SUPPLEMENTARY APPOINTMENT OF AUDITOR –  
[58591]**

**WARD:**                      All

**RESPONSIBLE**      Mr Mike Tidy  
**DIRECTOR:**              Acting Chief Executive Officer

**PURPOSE**

The purpose of this report is to advise Council of changes in the appointment of the City's external auditor and to seek Council's approval to appoint a nominated replacement to enable the completion of the 2005/06 audit.

**EXECUTIVE SUMMARY**

The City's external auditor, Ms Leanne Karamfiles is currently on maternity leave. Council is required to formally appoint Mr Tim Richards as the City's auditor in order to finalise its 2005/06 financial year accounts.

It is recommended that Council:

*In accordance with Section 7.3 of the Local Government Act 1995 appoints Mr Timothy Richards of Deloitte as auditor to the City of Joondalup for the 2005/06 financial year, with the appointment to be in accordance with the terms and conditions outlined in the Local Government (Audit) Regulations 1996.*

**BACKGROUND**

The Local Government Act 1995 (the Act) requires the accounts and annual financial report of a local government for each financial year to be audited by an auditor appointed by the local government (section 7.2).

At its meeting of 19 August 2003, Council appointed Mr Graham McHarrie and Mr Peter McIver of Deloitte as the City auditors for the three financial years ending in June 2006.

At a subsequent meeting held on 20 July 2004 and following the receipt of a request from Deloitte Touche Tohmatsu, Council approved the appointment of Ms Leanne Karamfiles as an additional auditor to the City for the same period.

Both Messrs McHarrie and McIver are no longer in the Perth Office and Ms Karamfiles is now on maternity leave. Council has therefore been requested by Deloitte to appoint Mr Tim Richards as the partner responsible for City's audit for the 2005/06 financial year. This is the last year of Deloitte's audit contract and Mr Richards an audit partner of the firm and is a registered Company auditor- registration 282101- eligible for appointment under the Local Government (Audit) Regulations 1996

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

Not Applicable.

**Legislation – Statutory Provisions:**

In accordance with Section 7.3 of the Local Government Act 1995 it is recommended that Council appoint Mr Tim Richards to replace Ms Leanne Karamfiles.

**Risk Management considerations:**

Mr Richards is a qualified company auditor and there is no risk implication for his appointment.

**Financial/Budget Implications:**

There are no budget implications to the appointment of an alternate auditor.

**Policy Implications:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Deloitte has nominated Mr Tim Richards as the partner responsible for the City's audit.

**COMMENTS**

Mr Tim Richards satisfies all the audit criteria required under the Local Government Act (1995) and his appointment to complete the audit of the City's 2005/06 financial accounts is recommended to Council.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cr McLean, SECONDED Cr Magyar that Council, in accordance with Section 7.3 of the Local Government Act 1995 APPOINTS Mr Timothy Richards of Deloitte as auditor to the City of Joondalup for the 2005/06 financial year, with the appointment to be in accordance with the terms and conditions outlined in the Local Government (Audit) Regulations 1996.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **C75-10/06                      NOTICE OF MOTION NO 1 – CR BRIAN CORR - [61581]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Corr gave 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 COMMENT**

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.

**MOVED Cr Corr, SECONDED Mayor Pickard that the City SEEKS 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.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

**C76-10/06****NOTICE OF MOTION NO 2 – CR GEOFF AMPHLETT - [61581]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Amphlett gave 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:**

Cr Amphlett has submitted the following comments in support of the 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 COMMENT**

The City has received legal advice that, in particular circumstances, it is able to prosecute alleged offenders of graffiti crime who deface City 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.

**MOVED Cr Amphlett, SECONDED Cr McLean 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.**

Discussion ensued.

**AMENDMENT MOVED Cr Magyar** that in Point 2 of the Motion the words “maximum of” be inserted before “\$500”.

**There being NO SECONDER, the Amendment**

**LAPSED**

Further discussion ensued.

**AMENDMENT MOVED Cr Corr** that in Point 2 of the Motion, the words “apprehension or” be inserted after the word “successful”.

**There being NO SECONDER, the Amendment**

**LAPSED**

Discussion continued.

Cr John requested that the City investigate providing certain areas where young people can be allocated space to express their design work as has been done in other Councils throughout the world.

**The Motion as Moved Cr Amphlett, Seconded Cr McLean was Put and CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

#### **Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Albert Jacob</b>
<b>Item No/Subject</b>	C77-10/06 -Notice of Motion No 3 – Cr Richard Currie
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Jacob’s sister maintains the gardens at 41 Beddi Road, Duncraig and attends the church that owns the units.

**C77-10-/06**

#### **NOTICE OF MOTION NO 3 – CR RICHARD CURRIE - [61581]**

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

*“That, in relation to the rating of aged care facilities located at 41 Beddi Road, Duncraig and 7 Chessell Drive, Duncraig, and the submissions from the operators Duncraig Christian Fellowship and Retirees WA respectively, that the properties should be exempt from rates in accordance with the provisions of Sections 6.26(2)(g) of the Local Government Act 1995 the Council:*



- 1 *NOTES that these two aged care facilities have many similarities to other properties in the vicinity which have been determined to be rate exempt; and*
- 2 *DETERMINES that the properties at 41 Beddi Road and 7 Chessell Drive in Duncraig as they are currently being used by the Duncraig Christian Fellowship and Retirees WA for the purposes of the provision of not-for-profit aged care facilities for charitable purposes are rate exempt in accordance with the Local Government Act 1995 Section 6.26(2)(g)."*

Cr Currie has submitted the following comments in support of the motion:

"This motion is not meant to criticise the officers' handling of the submissions for rate exemption, however the Council has the final responsibility for the processes of the Local Authority and regardless of the delegated authority the Council must act according to its conscience and the needs of the community.

The two properties (41 Beddi Road and 7 Chessell Drive, Duncraig) are being used by "not-for-profit" organisations to provide living accommodation in the form of "lease for life" accommodation for the relief of the aged. If the religious and other similar organisations are not to provide this type of accommodation in the form of charity for the aged, it is doubtful that any other organisation will.

41 Beddi Road is on church property and integrates with the functions of the church of the Duncraig Christian Fellowship. It is situated in a street where the whole of one side of the street is occupied by Trinity Village, 7 Beddi Road, Duncraig and Lady McCusker, 27 Beddi Road, Duncraig, who were both granted rate exemption following a State Administrative Tribunal (SAT) test case 8/05. There is considerable similarities with these two establishments and 41 Beddi Road, which also is "lease for life" but at present is rated. There are 12 units on this property.

7 Chessell Drive, Duncraig is owned by Retirees WA. It consists of 24 "lease for life" units and is also very similar to the other properties mentioned. After a previous resolution of Council it was classified rate exempt but in later recent years, after the staff were granted delegated authority, it was reassessed by the officers and deemed to be rateable.

These are the only two properties that have "lease for life" units for the elderly that are owned and operated by religious and not-for-profit organisation in the City of Joondalup, that are being rated.

Finally, I am aware that SAT decisions and the Local Government Act are open to interpretation and sometimes it is easy to follow strictly the opinion of the staff, but in this case as an Elected Member I consider that we must have a more humane approach when dealing with the vulnerable and aged members of our community."

#### **OFFICER'S COMMENT**

While the Council has delegated the compilation of the rate record to the CEO, it is within the Council's powers to make its own decisions on such matters.

The SAT test case, which is mentioned in comments in support of the motion, related to four particular sites. The City subsequently received legal advice that indicated that many factors need to be considered when determining whether other sites would be rate exempt based on the test case. While the two facilities covered in the motion are similar to the test case to a degree, they are not exactly the same. The principal differences relate to the varied levels of care provided and support structures for the residents.

As the two facilities differ from the test case facilities in these regards, City officers took the view that these two facilities should be rateable. This decision was predicated on the belief that all residential properties should be contributing to City services. The more residents who are rate exempt, the greater is the cost burden on those paying rates or, alternatively, the standard of service provision is reduced.

Rate exemption for these two properties would cost the City the following amount in rates forgone:

41 Beddi Road, Duncraig	\$7,929.20
7 Chessell Drive, Duncraig	\$14,187.49

**MOVED Cr Currie, SECONDED Cr Fishwick that in relation to the rating of aged care facilities located at 41 Beddi Road, Duncraig and 7 Chessell Drive, Duncraig, and the submissions from the operators Duncraig Christian Fellowship and Retirees WA respectively, that the properties should be exempt from rates in accordance with the provisions of Sections 6.26(2)(g) of the Local Government Act 1995 the Council:**

- 1 NOTES that these two aged care facilities have many similarities to other properties in the vicinity which have been determined to be rate exempt;**
- 2 DETERMINES that the properties at 41 Beddi Road and 7 Chessell Drive in Duncraig as they are currently being used by the Duncraig Christian Fellowship and Retirees WA for the purposes of the provision of not-for-profit aged care facilities for charitable purposes are rate exempt in accordance with the Local Government Act 1995 Section 6.26(2)(g).**

Discussion ensued.

**AMENDMENT MOVED Cr Magyar, SECONDED Cr Corr that an additional Point 3 be added to the Motion as follows:**

- “3 SEEKS a report on the application of Section 6.26(2)(g) of the Local Government Act 1995 and the delegation of the powers under that section.”**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (10/2)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Evans, Hollywood, Jacob, John, Magyar, McLean and Park **Against the Amendment:** Crs Currie and Fishwick

Discussion continued.

**The Original Motion as amended, being:**

**That in relation to the rating of aged care facilities located at 41 Beddi Road, Duncraig and 7 Chessell Drive, Duncraig, and the submissions from the operators Duncraig Christian Fellowship and Retirees WA respectively, that the properties should be exempt from rates in accordance with the provisions of Sections 6.26(2)(g) of the Local Government Act 1995 the Council:**

- 1 NOTES that these two aged care facilities have many similarities to other properties in the vicinity which have been determined to be rate exempt;**
- 2 DETERMINES that the properties at 41 Beddi Road and 7 Chessell Drive in Duncraig as they are currently being used by the Duncraig Christian Fellowship and Retirees WA for the purposes of the provision of not-for-profit aged care facilities for charitable purposes are rate exempt in accordance with the Local Government Act 1995 Section 6.26(2)(g);**
- 3 SEEKS a report on the application of Section 6.26(2)(g) of the Local Government Act 1995 and the delegation of the powers under that section.**

**was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

**C78-10/06**

**NOTICE OF MOTION NO 4 – CR STEVE MAGYAR - [61581]**

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

*“That Council:*

- 1 ACCEPTS that the operating arrangements for the Conservation Advisory Committee (CAC) and the Sustainability Advisory Committee (SAC) need to be amended to achieve greater community engagement and the provision of the most comprehensive and highest quality advice to Council by:
 
  - 1.1 encouraging the members of the SAC and CAC to take the initiative by seeking out and arranging guest experts to attend meetings with reference material to enable the CAC and SAC to make informed recommendations to Council;
 
    - 1.1.1 encouraging the members of the SAC and CAC to draft recommendations to their relevant committees after receiving advice from the guest experts or consideration of relevant documentation;*
    - 1.1.2 encouraging the members of the CAC and SAC to attend Briefing Sessions to give deputations on technical items, if requested, by Elected Members or the CEO;***

- 1.2 *requesting the CEO to ensure that relevant operational staff and representatives of Bushland Friends Groups have regular forums to discuss on ground issues, preferably on-site;*
  - 1.2.1 *documenting the forum meeting;*
  - 1.2.2 *ensuring forum meetings action plans reference the actions to Management Plans, the Strategic Plan or other relevant documents as required;*
- 1.3 *opening the doors to the public for the meetings of the CAC and SAC;*
  - 1.3.1 *ensuring that the agenda are made publicly available on Council's website in a timely manner for the public;*
  - 1.3.2 *allowing the public to make statements and ask questions at the beginning and end of the meetings of the SAC and CAC;*
  - 1.3.4 *requesting the CEO to instruct the City's Media Officer to attend the meetings of the SAC and CAC to prepare media statements of issues discussed;*
  - 1.3.5 *requesting the media to attend the meetings of the CAC and the SAC to enable the general public to be informed and involved in the work of the Committees;*
- 2 *REQUESTS a report in six months time to review the progress of the new processes;*
- 3 *SUPPORTS the development of a training package to be provided to new Committee members.*
- 4 *ACKNOWLEDGES that the Standing Orders restrict the functioning of Advisory Committees and therefore in accordance with Section 3.12 of the Local Government Act 1995, commence the procedures to change local law, Standing Orders 2005, as follows:*
  - 4.1 *in Clause 14 (2), insert between (l) and (m), Public Question Time/Statement Time;*
  - 4.2 *in Clause 14, Footnote, delete footnotes 1 and 2, relating to Public Question Time and Statement Time at Committee meetings, and renumber the footnotes accordingly;*
  - 4.3 *in Clause 15, delete (7) and replace it with, "Questions at Committee Meetings must relate to the function, duties, or issues within the terms of reference for the Committee";*
  - 4.4 *in Clause 16, delete (2) and replace it with, "Public Statements at Committee Meetings must relate to the function, duties or issues within the terms of reference of the Committee";*

- 4.5 *In Clause 22, add the words “or refer it to a Committee for consideration”.*
- 4.6 *In Clause 23, add (5), “The Presiding Member of Committees established under Section 5.9 (2) (d) of the Local Government Act 1995, may invite guests to Committee meetings to give presentations on matters that relate to the function, duties or issues within the terms of reference of the Committee”;*
- 4.7 *In Clause 74, add (4) “An invited guest attending a Committee meeting is to sit in an area set aside for observers, and may be invited, by the Presiding Member to speak but not vote on a motion before the Committee.”*

Cr Magyar has submitted the following comments in support of the motion:

“Some issues have been identified regarding the functioning of Council’s Advisory Committees, please refer to Item CJ174-10/06.

Parts 1, 2 and 3 of the motion provide solutions to some of the issues identified by allowing greater public participation in the affairs of the Committees and ways for the Committees to provide the best advice to Council.

The implementation of Parts 1, 2 and 3 of the motion are restricted by the current Standing Orders unless the Committees adjourn the meeting, hold a workshop and then reconvene the meeting after completing the workshop. Part 4 of the motion will create the flexibility required to enable the Advisory Committees to provide the best advice to Council and allow the public to have greater participation in the affairs of their local government.”

#### **OFFICER’S COMMENT**

The Notice of Motion is considered premature. A draft report on the ‘review of the advisory committees of Council’ was distributed to Elected Members to provoke thoughts and elicit initial comments. As the draft report generated this Notice of Motion, the draft has been converted to a report which is now included in the Council agenda for decision-making.

The Notice of Motion itself presents a series of possible actions to achieve greater community engagement as well as ensuring Council receives comprehensive and high quality advice. There are many different ways in which these outcomes could be achieved and this is why the draft report recommended, and the report in the agenda recommends, further review and consideration of options. The actions presented in the Notice of Motion have not been evaluated against other possible options and so it is difficult to determine their relative merit.

There are also specific concerns with some of the actions raised in the Notice of Motion. For instance, point 1.1 is viewed as blurring the role of committee members in comparison to the City’s administration. Indeed, it could be viewed as conflicting with section 5.41 of the Local Government Act which states that the CEO is to manage the day-to-day operations of the local government. While members may identify possible speakers, ‘seeking out and arranging guest experts to attend meetings’ is considered a day-to-day administrative task.

Similar arguments apply to point 1.1.1 which encourages members 'to draft recommendations to their relevant committees'. It is an administrative role to prepare reports for Council or committee consideration and this is acknowledged in a variety of places including the Department of Local Government and Regional Development's guideline No 7 on "Clarity in Council motions". Recommendations should conclude these reports which can then be amended through motions by committee members during the meeting as considered necessary. However, it is not for committee members to draft the recommendations which should be at the conclusion of reports.

Point 1.1.2 also runs counter to section 5.41 of the Act which gives the CEO the role of 'ensuring advice and information is available'. It is not for individual committee members to provide Council with technical advice but for the CEO to prepare the most detailed and accurate information to enable Elected Members to make decisions. The CEO is able to call on appropriate experts to achieve this outcome.

The use of forums at point 1.2 is a possible way of engaging particular community members. However the administrative arrangements associated with such forums would be a matter for the CEO to consider in keeping with his role.

Whether the Conservation Advisory Committee (CAC) and Sustainability Advisory Committee (SAC) meetings should be open to the public is a matter of opinion. There is no legislative requirement to open these committee meetings to the public, as they have no delegated decision-making power. While Council could adopt the stance that these committees be opened, this decision should be made in the knowledge that behaviours and contributions of member are often altered when a meeting is open to the public.

In terms of point 1.3.2, it is debateable whether the public would want to make statements and ask questions of committees with no decision making power. It is considered likely that people would want to provide their views specifically to the decision making body. Amending the Standing Orders to facilitate statements and questions at advisory committee meetings needs to be considered in this light.

Item 1.3.4 requires the CEO to instruct a specific staff member. This runs counter to the Act which, at section 5.41, makes the CEO responsible for the management, supervision and direction of staff, not the Council.

**MOVED Cr Magyar, SECONDED Cr Corr that Council:**

- 1 ACCEPTS that the operating arrangements for the Conservation Advisory Committee (CAC) and the Sustainability Advisory Committee (SAC) need to be amended to achieve greater community engagement and the provision of the most comprehensive and highest quality advice to Council by:**
  - 1.1 encouraging the members of the SAC and CAC to take the initiative by seeking out and arranging guest experts to attend meetings with reference material to enable the CAC and SAC to make informed recommendations to Council;**
    - 1.1.1 encouraging the members of the SAC and CAC to draft recommendations to their relevant committees after receiving advice from the guest experts or consideration of relevant documentation;**



- 4.3 in Clause 15, delete (7) and replace it with, “Questions at Committee Meetings must relate to the function, duties, or issues within the terms of reference for the Committee”;
- 4.4 in Clause 16, delete (2) and replace it with, “Public Statements at Committee Meetings must relate to the function, duties or issues within the terms of reference of the Committee”;
- 4.5 In Clause 22, add the words “or refer it to a Committee for consideration”.
- 4.6 In Clause 23, add (5), “The Presiding Member of Committees established under Section 5.9 (2) (d) of the Local Government Act 1995, may invite guests to Committee meetings to give presentations on matters that relate to the function, duties or issues within the terms of reference of the Committee”;
- 4.7 In Clause 74, add (4) “An invited guest attending a Committee meeting is to sit in an area set aside for observers, and may be invited, by the Presiding Member to speak but not vote on a motion before the Committee.”

**MOVED Mayor Pickard, SECONDED Cr Jacob that consideration of Notice of Motion No 4 – Cr Steve Magyar be DEFERRED and reconsidered at a Strategy Session as part of the overall process of reviewing the Advisory Committees.**

The Motion was Put and

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hollywood, Jacob, John, Magyar, McLean and Park

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

### **C79-10/06                      NOTICE OF MOTION – CR B CORR - [65181]**

In accordance with Clause 26 of 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 31 October 2006:

“That a Report be prepared on the pro's and cons of the *“first-past-the-post”* and *“proportional preferential”* voting systems so that a Council preference can be conveyed to the relevant authorities.”



**BEST WISHES**

On behalf of fellow Elected Members and members of the public gallery, Cr McLean offered best wishes to Mayor Pickard and his fiancée Felicity and also to Manager, Approvals Planning and Environmental Services, Mr Chris Terelinck and his fiancée Jean on their forthcoming marriages and for long and happy lives together.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2140 hrs; the following Elected members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr T McLEAN  
Cr A JACOB  
Cr S MAGYAR  
Cr J PARK  
Cr G AMPHLETT  
Cr M JOHN  
Cr M EVANS  
Cr B CORR  
Cr R FISHWICK  
Cr R CURRIE