

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



ON TUESDAY, 12 DECEMBER 2006



**MINUTES OF COUNCIL MEETING
HELD ON TUESDAY, 12 DECEMBER 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 12 DECEMBER 2006

DECLARATION OF OPENING

The Mayor declared the meeting open at 1902 hrs.

ANNOUNCEMENT OF VISITORS

Nil

ATTENDANCES

Mayor:

TROY PICKARD

Councillors:

Cr GEOFF AMPHLETT	Central Ward	
Cr KERRY HOLLYWOOD	North Ward	
Cr TOM McLEAN	North Ward	
Cr STEVE MAGYAR	North-Central Ward	
Cr ALBERT JACOB	North-Central Ward	
Cr MICHELE JOHN	South-West Ward	<i>Absent from 2136 hrs to 2150 hrs</i>
Cr SUE HART	South-East Ward	
Cr BRIAN CORR	South-East Ward	
Cr RUSSEL FISHWICK	South Ward	
Cr RICHARD CURRIE	South Ward	

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>Absent from 2130 hrs to 2133 hrs</i>
MR MIKE TIDY	Director, Corporate Services	
MR CLAYTON HIGHAM	Director, Planning and Community Development	
MR DAVID DJULBIC	Director, Infrastructure Services	
MR IAN COWIE	Director, Governance & Strategy	<i>Absent from 2018 hrs to 2019 hrs</i>
MS CHRISTINE ROBINSON	Acting Manager, Marketing Communications & Council Support	
MR CHRIS TERELINCK	Manager, Approvals Planning & Environmental Services	
MR LAURIE BRENNAN	Media Advisor	
MS JANET HARRISON	Administrative Services Co-ordinator	
MS GILLIAN KELLY	Administrative Secretary	

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 Annual General Meeting of Electors held on 20 November 2006:

Mr K Zakrevsky, 49 Korella Street, Mullaloo

Q1 It stated in the video that \$90,000 a year would be saved on heating the pool at Craigie Leisure Centre. As \$900,000 to \$1M was required to get the bore completed, that will take ten years to recoup, and that is not including the interest. How can this be a saving?

A1 The \$90,000 a year saving on heating the pool and building at Craigie Leisure Centre is the estimated saving on energy costs gained from the use of geothermal bore technology. This saving is in comparison to using a gas boiler, being the heating method previously utilised at Craigie Leisure Centre.

The final cost for the geothermal bore construction was \$900,000. Advice from Lincolne Scott, the mechanical consultant indicated that the cost to install a gas boiler for heating purposes would be \$150,000, plus the additional running cost for the gas would be approximately \$95,000 (June 2005) per annum.

Additionally, had the geothermal project not proceeded the City would not have been entitled to the \$450,000 government grant that has been offered for the geothermal project. The conditions of the grant require the works to be completed.

The following table basically summarises the cost of the geothermal project based on assumptions used to proceed with the project:

	Gas Boiler	Geothermal
Capital Cost – initial	150,000	900,000
Government Grant	0	450,000
Capital Cost to City	150,000	450,000
Energy Cost – annual	95,000	5,000

The simple pay back period for the City based on the above figures is less than 3.5 years. It should also be noted that the original contract sum for the construction was \$690,000 and only increased due to significant problems experienced during construction. Had problems not been encountered the simple pay back period would have been 1 year.

Q2 What did the O'Neill Report cost?

A2 The total cost, including GST is \$9900.00

Q3 What are the legal costs to date associated with the SAT hearings?

A3 The total legal costs for the SAT hearings to date in relation to the Mullaloo Tavern, including GST is \$63,545.18

Ms M Moon, 6 Carew Place, Greenwood

Q1 *I contacted the Chief Executive Officer's office about comments made at the SAT on the Mullaloo issue, a Statutory Declaration made by the officers that they did not know which apartments were the short stay apartments. The Mullaloo Tavern had been through the Courts and it was clearly stated that the short stay apartments would be on the bottom level, they would not be referred to as multiple dwellings. I asked what configuration now allows these apartments to be. The Courts stated they were not to be multiple dwellings, they were never to be mentioned as multiple dwellings again, yet no development application was put in place by the City. Now if these have been configured into multiple dwellings they are now against the SAT decision on Sorrento which clearly stated that multiple dwellings cannot occur in R20. Is the configuration of the units as now approved under SAT given multiple dwellings*

A1 The configuration of the dwellings is a relevant issue and the City's lawyers have been instructed to attempt to resolve it. It should be noted that the configuration of the dwellings were in place prior to the State Administrative Tribunal determination concerning the Sorrento Beach Resort development application.

As it may be necessary to ask the SAT to make a further determination connected with this issue, any further detailed comment cannot be made for the time being.

The following questions were submitted in writing prior to the Council meeting on 12 December 2006:

Mr Stephen Kobelke, Sorrento:

Q1 *On what date did the administration of the City of Joondalup become aware that Mayor Pickard had held discussions with disgraced former Premier and paid political lobbyist Mr Brian Burke on behalf of the City of Joondalup?*

A1 The Mayor advised the Chief Executive Officer of his contact with Mr Burke on the day that he spoke to Mr Burke. Only one contact telephone call was made with Mr Burke and no meeting was held.

Q2 *The Times article quotes Mayor Pickard as having talks with Burke "about 5 months ago". What were the precise dates of the telephone calls or meetings with Burke by Mayor Pickard?*

A2 Refer to Answer 1 above.

Q3 *Were any of the other newly elected Councillors aware that Mayor Pickard was having secret discussions with Brian Burke at that time and if not when did the Councillors become aware of this?*

A3 These are not questions of the City but questions of individual Councillors. Consequently, it is not appropriate for the City to respond.

Q4 *Mayor Pickard mentions in the article that "he does not know the embattled lobbyist personally" even though Mr Burke was a constituent of Mr Pickard's City of Stirling seat of Coastal Ward. Can the Mayor Pickard describe the full nature of his relationship with Mr Brian Burke?*

Q5 *Has Brian Burke contacted Mayor Pickard in the last 5 years to ask for assistance or a favour in any local government matter or matters?*

A4-5 This is not a question of the City but a question to the Mayor. Consequently, it is not appropriate for the City to respond.

Q6 *With a City with a staff of over 500 and one of the most experienced leadership teams led by arguably Western Australia's best CEO Gary (Garry) Hunt, can the City explain why an elected official, namely Mayor Pickard, would have any need to approach a paid political lobbyist on behalf of the City of Joondalup and thus jeopardise the new start for the City after two and half years of administration?*

A6 The Council was concerned about a range of issues in relation to the Woodlake Retreat development with, arguably, the most significant of these being road access arrangements. In support of residents and ratepayers in the vicinity of Woodlake Retreat, the City sought urgent meetings with Members of the State Government to resolve the problem. Initial approaches did not lead to the meetings that the City required. The Mayor contacted Mrs Judy Hughes, MLA to assist with securing a meeting with the Hon. Minister for Planning and Infrastructure. This was unsuccessful. The Mayor then contacted Mr Burke, who was also unsuccessful in securing a meeting with the Minister. No payment has been made to Mr Burke.

Q7 *In the article CEO Hunt says the City does not have a position on a lobbyist register and one can understand that. However, after this incident, is the City considering a register for elected officers who actually make the first contact to political lobbyists for favours on behalf of the City of Joondalup.*

A7 No.

Mr Ron Privilege, Edgewater:

Q1 *Can the CEO please provide ratepayers with a detailed report concerning:*

- (a) *the nature and extent of the attempts to date by the City, if any, to recover from the Mullaloo Progress Association Inc the legal fees in respect of its failed Court case against the City of Joondalup concerning the Mullaloo Tavern development, and;*
- (b) *the endeavours by the City to seek the repayment of the former Commissioners' half a million dollars payout to the City's former CEO Denis Smith.*

A1(a) The recovery of outstanding amounts due by the Mullaloo Progress Association will be progressed in accordance with the City's usual debt recovery procedures.

A1(b) The City has no basis to seek to recover from the former Commissioners any payments made to the former CEO Mr Denis Smith.

Ms M Howard, Kallaroo:

CJ251-12/06- Change of Use of Medical Centre to Child Care Centre, Kallaroo

Q1 *Has Council approved an extension to Springfield Primary School car park, because this application will impact on the traffic at certain times of the day?*

- A1 A development application for proposed car park additions at Springfield Primary School (31 Bridgewater Drive, Kallaroo) was received in May 2005.

As the school is located on reserved land owned by a public authority, the Western Australian Planning Commission (WAPC) is the determining authority for the application.

In November 2006, the City advised the WAPC as follows:

- The application was not supported in the submitted design; and
- The proposal should be re-designed in order to provide circular flow for traffic on site and to facilitate left and right turning movements from Bridgewater Drive.

To date, the WAPC has not yet made a determination on the proposal.

A new development application for car park additions was received by the City in early December 2006. The City has not yet reviewed this proposal, however it will advise the WAPC of its recommendation in due course.

Mrs M Macdonald, Mullaloo:

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

- Q1 *As there is no Development Application attached to the Agenda and the attached plans as shown have many variations from the Development Application approved in August 2002, will the Councillors be giving retrospective approval to the total development built contrary to its development approval? Why isn't the original decision and plans attached to the Agenda so that true comparisons can be made?*
- Q2 *If Councillors are being referred to section S6.6.2 of the DPS2 what changes of discretionary use are they making in approving this application and why doesn't S4.8 apply and/or S4.5?*
- Q3 *Is the Council changing the use class of the units known as Residential Building and if so to what?*
- Q4 *Is the Council changing the use class of the convenience store to bottle shop?*
- Q5 *Is Council changing any use class?*
- Q6 *Will councillors be approving multiple dwellings on an R20 site? Are they aware that SAT ruled at Sorrento that this is impossible? Are they aware that the Supreme Court stated and agreed by solicitors for the City that the development approval approved group dwellings on site?*
- Q7 *Is the Council giving retrospective approval for a single use ramp between car park floors instead of a dual use ramp as approved?*
- Q8 *Is the Council giving approval to 119 bays instead of 160 as per the resolution of Council?*
- Q9 *Does the marking of the bays on the attached document conform to the requirements of Australian Standards as detailed in the missing development application and are the measurements shown on the plans correct?*

- Q10 *Do the disabled bays as shown meet the requirements of the original DA and other laws with respect to disability?*
- Q11 *Does the absence of a service bay for unloading meet the requirements of the original Development Application and will Councillors be approving this?*
- Q12 *Are councillors aware that all servicing of the building is done from across the road in the car park or from the pavement in front of the tavern?*
- Q13 *Do these new plans show 5 standing bays adjacent to the bottle shop and why aren't these car bays marked in the drive through?*
- Q14 *What happens to the movement of the traffic through the building when the drive through bays and car park are full and spilling into the exit lane?*
- Q15 *Will Councillors be approving a new façade, as the one built does not represent what was approved and shown to people signing the petition on which officers placed much emphasis in their report of August 2002?*
- Q16 *Does the ingress and egress as shown on the plans conform to the Australian standard and are they safe?*
- Q17 *Are they approving inadequate Landscaping on the site?*
- Q18 *Are they negating the requirement to have a current acoustic report?*
- Q19 *Are they negating the requirement that the residential building should have a management plan?*
- Q20 *Are they approving retail NLA greater 500sqm as laid down in the DPS2?*
- Q21 *If Councillors approve this application will they be stating that they have considered all the amenity issues related to the changes with respect to the locality, the beachgoers and the users of the site?*
- Q22 *Did Justice Chaney make a decision that Council should approve the development retrospectively? Isn't it a fact that Council do not have to do this and Justice Chaney can make this decision on the car bays himself and that Council does not have to ratify his decision? Is Council relieving him of his responsibility?*
- Q23 *Who gave approval for the development to go ahead when it didn't and could never meet it's development approval and why did they do this?*
- Q24 *Why isn't this retrospective development approval going out for public comment?*

A1-24 These questions are taken on notice to enable a detailed response to be provided.

Mr S Kobelke, Sorrento:

Re: Child Care Centre Bridgewater Drive Kallaroo

- Q1 *At the Briefing Session on Tuesday night Councillor Tom Mclean asked the valid question " Are most childcare centres in residential areas in Joondalup" and the Officers answered yes without detail.*

Isn't it a fact that most of Joondalup is zoned residential and accordingly most childcare centres are located in residential areas? But is it not also a fact that while they are in residential areas childcare Centres are located adjacent to non residential uses like shopping centres and community areas? And is it not a fact that this application is for an area that is heartland residential?

- A1 Child care centres throughout the City of Joondalup are located in a variety of zones including the Residential zone, Commercial zone and various Structure Plan areas. Similarly, child care centres within the City are located adjacent to a number of different land uses including commercial areas, public open space and houses.

The proposal currently being considered by Council is located in an area that is generally residential in nature, however the location of the proposed development is located adjacent to public open space and a primary school.

- Q2 *At the Briefing session the Officers offered the facts that a similar application for a childcare centre on Warwick Road Duncraig was refused because it was near Warwick Road. Isn't it a fact that on that application Warwick Road is divided by a wide bushed medium strip area?*

- A2 Yes.

- Q3 *Isn't it a fact that the main reason for the Officers refusal of that application was based on the loss of amenity for the surrounding residents as it was for the refused application in Craigie.*

- A3 The Child Care Centre at 107 Warwick Road, Warwick was refused by Council for six reasons, including traffic, amenity and car parking grounds.

- Q4 *While it is clear the applicant has done a lot of work on the preparation, isn't that just part of the process and in reality the quality of their operation and experience is irrelevant to the application as they are at liberty to on sell immediately the rezoning is approved.*

- A4 The "...the quality of their operation and experience ..." is not a valid planning consideration in relation to this matter. The framework for assessing an application for a child care centre is set out in the District Planning Scheme No. 2 and the relevant Policy, Policy 3-1 - Child Care Centres.

Most applications are dealt with by the City and the approval runs with the land and not the person. As such, any person can on-sell the site with a valid planning approval.

This application is not a rezoning proposal, it is a development application.

The following questions were submitted verbally at the Council meeting held on 12 December 2006:

Mr M Caiacob, Mullaloo

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

- A1 This matter originally listed for Council consideration relates to the SAT Directional Hearing and the item that Mr Caiacob has identified was not part of that. This question will be taken on notice in terms of the standard and circumstances.
- Q2 *With the City undertaking special Ranger patrols, conducting a Car Parking and Traffic Study and the acknowledgement that further parking prohibitions are required to control and make safe parking congestion, has Council and SAT been made aware of these issues and that small car bays listed in the Australian Standard are only appropriate in certain circumstances and the 50% ratio of large and small bays will continue to adversely affect the public safety of this locality?*
- A2 In terms of the matter being dealt with by SAT and the small car bays, Justice Chaney has made a direction. The response to the question of the size of the car bays would need to be referred to the Directional Statement. The review of the parking in the locality is the subject of an ongoing study. Reports and action will be taken where necessary, particularly in relation to Australian Standards and vehicle ingress and egress.

Mr W Boucher, Quinns Rock

Re: Mullaloo Beach Tavern Development

- Q1 *Why is it taking so long to deal with the various approvals for the facilities and activities of the Mullaloo Tavern?*
- A1 This development has a chequered history that goes back many years. The current development was subject to a Council decision in 2002 and there have been on-going legal issues, some initiated by the City, some initiated by the developer and some initiated by third parties. Because of the non-compliance in relation to some of the development applications or failure to adhere to development approval conditions, the City has taken action. The City would like to see a resolution as soon as possible.
- Q2 *How many questions about the Mullaloo Tavern have been asked by the Mullaloo Progress Association and individuals associated with that group since the planning approval in 2002, and what is the estimated cost to the ratepayers in reporting, attending, investigating these questions?*
- A2 To the end of November 2006, 489 questions have been asked. The City cannot tell you the exact cost, but if each question took an hour, (and many would have taken longer than that) then the average cost would be in excess of \$120,000.

Mr A Bryant, Craigie

Re: Mullaloo Physiotherapy Centre, 31 Linear Avenue, Mullaloo

- Q1 *Are health inspections carried out on the premises? I consider it a health hazard and customer complaints are ignored.*
- A1 This question will be taken on notice.

Re: Recycling Bins

- Q2 *Are we getting split recycling bins and if so why? Trucks picking up the bins do not have dividers, so what is the point? Are they not more costly to manufacture?*
- A2 The City is not having the split bin system. The new service will commence in the New Year.

Ms F Manners, Kallaroo

Re: CJ251 - 12/06 Proposed Change of use from Medical Centre and Single House to Child Care Centre - Lots 53 & 54 (Nos. 34 & 36) Bridgewater Drive, Kallaroo

Q1 *The report in the Agenda said that traffic would be barely noticeable, parking should be able to be contained on-site and planning conditions will minimise noise on surrounding residents. If the application is approved and the opposite occurs i.e., traffic conditions become hazardous, parking is not contained on-site and noise is not minimised, what action will Council take?*

A1 The comments made in the report are based on the best evidence that the City has. The City relies on the expert advice that has been given. There are remedies available in terms of noise and traffic, if it does become a serious problem, the City will look at traffic measures in that area. Based on the evidence the City has, it is not felt that it is the case.

Mrs P Morgan, Connolly

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

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

A1-2 *Response by Mayor Pickard:* These questions will be taken on notice and a response will be provided to Mrs Morgan and her daughter.

Mr M Sideris, Mullaloo

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

Q2 *Would Council advise ratepayers clearly and precisely why the report currently before Council tonight (CJ256-12/06) does not place before Council and its ratepayers all lawful Council policies, documents, legal advice and legal agreements (between the City of Joondalup and Rennet Pty Ltd) that have allowed this Council the legal right to endlessly waive both the financial penalties that should have been imposed for Rennet's numerous and serious breaches of its development conditions as alluded to*

by Council in the Supreme Court in 2003 or any cash in lieu car parking considerations in 2005/06 since half of the Mullaloo Hotel onsite parking bays built in 2004/05, some 60 car bays in total are too small to park a normal sized car, a family car or a four wheel drive, and there is also no onsite commercial parking provided at all, producing the effect that the entire Mullaloo Surf Club car park has now been given away by this Council for no cost, when in reality The Mayor's slip road as he now calls it, is worth well over \$6M in lost income to ratepayers?

A1-2 These questions will be taken on notice. In relation to the item originally submitted in the Agenda, the only decision that Council would have been making is in relation to the matter referred to us by the SAT. Any non-compliance is an issue that will be dealt with separately. The SAT directed Council to make a decision and that was the item that was originally tabled.

Ms M Moon, Greenwood

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

Q1 *Has Justice Chaney been informed by the City for car parking and strata title purposes, that there is an issue with classification of the permanent units?*

A1 The issue of the apartments and their associated car parking is one of the two issues that Justice Chaney is dealing with at the moment.

Q2 *When was Council informed there was an issue with the classification of the units at Mullaloo Tavern and when were the owners of the units informed of this issue?*

A2 This question will be taken on notice.

Mr S Kobelke, Sorrento

Re: Turnaround time of the Agenda going on the website and question time closing.

Q1 *On Friday the Agenda went on the website at 4.45 pm and I submitted a question regarding the Brian Burke affair at 5.04 pm, approximately 15 minutes later. Why hasn't the City shown me the courtesy of including my questions?*

A1 The time specified is 5.00 pm on Friday of the week the Agenda is distributed. The majority of the items going before Council are dealt with at the Briefing Session the week before. The item regarding the Mullaloo Tavern was brought forward in the public forum at that Session.

Re: Responses to questions that are outlined on Page xi of the Agenda.

Q2 *Question 4 relating to the Mayor's relationship with Mr Burke and question 5 relating to the number of times Mr Burke has contacted the Mayor in the last five years and the City responds that it is up to the Mayor to make a statement. Will you be making a statement on your long-term relationship with Brian Burke Mr Mayor?*

A2 *Response by Mayor Pickard:* The procedure at the City of Joondalup is that the public is unable to ask questions of an Elected Member. You may lobby Councillors or make an appointment to see me, but you will not be able to ask questions of individual Elected Members.

PUBLIC STATEMENT TIME**Mr T Pearman, Kinross**

Mr Pearman spoke in support of Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Mr R Wahl, Kallaroo

Mr Wahl spoke against Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Mr M Caiacob, Mullaloo

Mr Caiacob spoke about Governance issues within the City of Joondalup.

Ms D Piovesan, Iluka

Ms Piovesan spoke in support of Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Mrs C Hedley, Carramar

Mrs Hedley spoke in support of Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Mr F Manners, Kallaroo

Mrs Manners spoke against Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

C91-12/06**EXTENSION OF PUBLIC STATEMENT TIME**

MOVED Mayor Pickard, SECONDED Cr Hart that public statement time be extended for a period of ten minutes.

The Motion was Put and**CARRIED (11/0)**

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

Ms R Wallace, Ocean Reef

Ms Wallace spoke in support of Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Mr C Scafidas, Ocean Reef

Mr Scafidas spoke in support of Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Ms J Scafidas, Ocean Reef

Ms Scafidas spoke in support of Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Ms M Moon, Greenwood

Ms Moon spoke on issues with the Mullaloo Tavern and the DPS2.

Ms M Roeterdink, Kallaroo

Ms Roeterdink spoke against Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Mr S Kobelke, Sorrento

Mr Kobelke spoke in general about the Elected Members, Council and matters of the City.

Ms S Lowe, Ocean Reef

Ms Lowe spoke in support of Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

C92-12/06**EXTENSION OF PUBLIC STATEMENT TIME**

MOVED Mayor Pickard, SECONDED Cr Hart that public statement time be extended for a second period of ten minutes.

The Motion was Put and**CARRIED (11/0)**

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

Ms M Macdonald, Mullaloo

Ms Macdonald spoke on Mullaloo Tavern and the questions that have been asked in the past.

Ms J Richards, Hillarys

Ms Richards spoke in support of Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

Mr M Sideris, Mullaloo

Mr Sideris spoke on the lighting in the Council Chambers and Mullaloo Tavern issues.

Mr P Roeterdink, Kallaroo

Mr Roeterdink spoke against Item 16 - Change of Use of Medical Centre to Child Care Centre, Kallaroo.

APOLOGIES AND LEAVE OF ABSENCE

Apology - Cr Marie Evans

CONFIRMATION OF MINUTES

C93-12/06 MINUTES OF COUNCIL MEETING, 21 NOVEMBER 2006

MOVED Cr Corr SECONDED Cr McLean that the Minutes of the Council Meeting held on 21 November 2006 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (11/0)

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

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

National Award for Joondalup

I am pleased to announce that the City of Joondalup received a Commendation Award in the 2006 National Local Government Awards in Canberra.

Chief Executive Officer Garry Hunt and I received the award from the Federal Minister for Local Government Jim Lloyd at a presentation held at the National Museum of Australia.

The National Awards for Local Government are a Commonwealth Government initiative to foster and acknowledge innovation, excellence and continuous improvement in the Local Government sector and provides an opportunity for the City of Joondalup to sing its praises on a national scale.

The City received the Award in the Efficiency Improvement Category for the Organisational Review conducted in 2005.

The CEO initiated the Review to achieve greater efficiencies and effectiveness in service delivery and organisational practices. The Review was high level in nature in order to identify the key areas for organisation improvement.

The submission was titled '*The Inclusive Way*' to highlight the extensive staff involvement in the review.

Congratulations to the CEO and all staff involved.

Environmental Recognition

The City has also received a prestigious award for environmental recognition, again putting the City of Joondalup on a national scale.

The City has won several prestigious awards in the past for work in caring for the environment in recent years and we have received recognition again from Cities for Climate Protection (CCP) in our bid to reduce greenhouse gas emissions.

The City has already achieved Milestone 5 by using renewable landfill power, energy efficient lighting, air-conditioning, water pumps and computers, LPG vehicles and green waste recycling.

We are now entered into CCP Plus, as we continue to care for our environment.

Rugby League “Thank You”

I am very pleased to receive an appreciation plaque from Joondalup & Districts Rugby League Club, recognising the City's generous support.

The Club based at Admiral Park, Heathridge, received \$3,727 through our Sport Development Program.

The club fields under 7s through to first and premier grade sides as well as a women's non-contact team in the WA Women's Rugby League.

Reflection on the past months

Given that this is the last Council meeting for the year, I would like to take this opportunity to reflect on the past eight months, given that we had an election in May after two and a half years of Commissioners. I am pleased to report to the community that the Council of the City of Joondalup is travelling extremely well. I get the impression that Councillors feel comfortable in their role yet they are not complacent; they are active in the community and it is heartening to hear from elected members that not only do they want to sing the praises of the City of Joondalup internally but they wish to put the City of Joondalup on the map in Western Australia and indeed Australia. I think we have started to do that in recognition of the important role that the City of Joondalup plays as a satellite City to Perth and I look forward to continuing the good work that the Council has done over the last eight months in establishing confidence back in the community and providing good governance for one and all.

Christmas Wishes

Finally, on behalf of the Council and the staff at the City of Joondalup to the regular Council-watchers a Merry Christmas and thank you for your contribution throughout the last eight months and to all our residents a very Merry Christmas and a safe and happy New Year and may we all bring Christ back to Christmas this year.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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

Name/Position	Mr Ian Cowie – Director Governance and Strategy
Item No/Subject	CJ234-12/06 - Request for Annual Leave - Chief Executive Officer – [98394] [98394B]
Nature of interest	Financial Interest
Extent of Interest	Mr Cowie will benefit financially while acting as the Chief Executive Officer.

Name/Position	Cr M John
Item No/Subject	CJ248-12/06 - Round 4 State Underground Power Program Local Enhancement Projects – [04396]
Nature of interest	Financial Interest
Extent of Interest	Cr John has a property interest in the area covered by this Report.

Disclosure of interest affecting impartiality

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

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ251-12/06 - Proposed change of use from Medical Centre and single house to Child Care Centre - Lots 53 & 54 (Nos. 34 & 36) Bridgewater Drive, Kallaroo – [36418]
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard's relatives reside at 1 Oleander Way, Kallaroo near to the proposed application.

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

Nil.

PETITIONS

Nil.

REPORTS

Name/Position	<i>Mr Ian Cowie – Director Governance and Strategy</i>
Item No/Subject	<i>CJ234-12/06 - Request for Annual Leave - Chief Executive Officer – [98394] [98394B]</i>
Nature of interest	<i>Financial Interest</i>
Extent of Interest	<i>Mr Cowie will benefit financially while acting as the Chief Executive Officer.</i>

The Director Governance and Strategy left the Chamber at 2018 hrs.

CJ234 - 12/06 REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER – [98394] [98394B]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

CJ061121_BRF.DOC:ITEM 1

PURPOSE

To give consideration to the request for annual leave submitted by the Chief Executive Officer.

EXECUTIVE SUMMARY

The Chief Executive officer has requested annual leave for the period 25 December 2006 to 12 January 2007.

BACKGROUND

The Chief Executive Officer commenced his employment with the City of Joondalup on 31 January 2005.

DETAILS

The Chief Executive Officer (CEO) has requested annual leave for the period 25 December 2006 to 12 January 2007 inclusive. The CEO has delegated authority to appoint an Acting CEO for periods where he is absent from work while on leave, where such periods are for less than 35 days. The Directors of the City perform the Acting Chief Executive role on a rotational basis. The Director Governance and Strategy is the officer assigned to fill the role from 25 December 2006 until 12 January 2007.

Issues and options considered:

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The CEO, in accordance with his employment contract, is entitled to twenty five (25) days leave per annum.

Link to Strategic Plan:

Strategy 4.5.4 Implement best practice people-management policies and tools to assist in the achievement of the City's workforce objectives.

Legislation – Statutory Provisions

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Nil.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Hollywood SECONDED Cr Magyar that Council APPROVES the request from the Chief Executive Officer for annual leave for the period 25 December 2006 to 12 January 2007 inclusive.

The Motion was Put and

CARRIED (11/0)

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

The Director Governance and Strategy entered the Chamber at 2019 hrs.

AMENDMENT TO ORDER OF BUSINESS

MOVED Cr Hart SECONDED Cr Magyar that Council AMENDS its order to business to consider Item CJ251-12/06 - Proposed change of use from Medical Centre and single house to Child Care Centre - Lots 53 & 54 (Nos. 34 & 36) Bridgewater Drive, Kallaroo at this point.

The Motion was Put and

CARRIED (11/0)

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

Name/Position	Mayor Troy Pickard
Item No/Subject	<i>CJ251-12/06 - Proposed change of use from Medical Centre and single house to Child Care Centre - Lots 53 & 54 (Nos. 34 & 36) Bridgewater Drive, Kallaroo – [36418]</i>
Nature of interest	<i>Interest that may affect impartiality</i>
Extent of Interest	<i>Mayor Pickard's relatives reside at 1 Oleander Way, Kallaroo near to the proposed application.</i>

CJ251 - 12/06 PROPOSED CHANGE OF USE FROM MEDICAL CENTRE AND SINGLE HOUSE TO CHILD CARE CENTRE - LOTS 53 & 54 (NOS. 34 & 36) BRIDGEWATER DRIVE, KALLAROO – [36418]

This item was considered earlier in the meeting.

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ061121_BRF.DOC:ITEM 16

PURPOSE

To determine an application for planning approval for a proposed change of use from Medical Centre and Single House to Child Care Centre.

EXECUTIVE SUMMARY

The proposal extends across two lots, being Lot 53 (34) and Lot 54 (36) Bridgewater Drive, Kallaroo. Lot 53 was previously approved and used as a Medical Centre, while Lot 54 contains a single house.

The applicant is proposing to amalgamate the subject lots and make additions to the existing buildings to convert the site into a stand-alone child care centre with a capacity of 76 children and 8 staff, and an associated car park.

The proposal was advertised for public comment and 36 submissions were received. The submissions comprised 15 letters in support of the proposal, 3 neutral submissions and 18 objections to the proposal. In addition, a 44-signature petition objecting to the proposal was received.

The child care centre generally meets the requirements of the City District Planning Scheme No 2 (DPS2) and Policy 3-1 Child Care Centres, with the exception of a proposed reduced side setback and a proposed reduction in the depth of the front landscaping strip. The main issues raised during the public consultation period are addressed through conditions of planning approval. It is recommended that the proposed child care centre be supported.

BACKGROUND

Suburb/Location:	Lots 53 and 54 Bridgewater Drive, Kallaroo
Applicant:	Braig Pty Ltd
Owner:	Mr N Scafidas
Zoning:	DPS: Residential
	MRS: Urban
Site Area:	0.1547 hectares (combined)
Structure Plan:	Not applicable

To the immediate east and south-east of the subject site is an area of public open space (Whitfords Park West). To the north-east of the subject site is Springfield Primary School. The area generally to the west of the subject site is predominantly residential, comprising mainly single houses.

In 1981, the existing house at Lot 53 was approved for use as a Surgery, requiring internal modifications and the development of a car park at the front of the property, which still exists. In more recent times, the use of the dwelling has reverted to a single house.

A house was approved at Lot 54 in 1980, with various additions to the property approved over the following years.

DETAILS

The applicant is proposing to convert the existing buildings into a child care centre to accommodate a maximum of 76 children and 8 staff. The child care centre is proposed to operate from 7:00am to 6:00pm, Monday to Friday, with children proposed to arrive from 7:15am onwards.

Eighteen car bays are proposed to be provided on-site to accommodate visitor and staff car parking at the child care centre. The existing car park at Lot 53 will be re-marked to cater for vehicles.

The relevant requirements of the District Planning Scheme No 2 for the child care centre are summarised below:

Standard	Required	Proposed	Compliance
Front Setback	6 m	7m minimum	Yes
Side Setback	1.5m	1m	No
Rear Setback	1.5m	5m minimum	Yes
Open Space	8% of site	More than 8 %	Yes
	3m landscape strip	1.5m minimum	No
Number of car bays	76 children = 10 bays 8 staff = 8 bays Total = 18 car bays	18 car bays	Yes

Applicant Justification

In support of the application, the applicant has provided:

- Operational details of the proposal;
- A traffic engineer's report;

- An acoustic report;
- Supporting surveys and petitions (provided after the public advertising period had closed).

Options

Council has the discretion to:

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

Either of the options considered should take into account the degree of conformity of the proposal to the DPS2 and Council's policies.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

A child care centre is a discretionary or 'D' use in a Residential area. A 'D' use means:

"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by sub clause 6.6.2."

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8, 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:*

- interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- any relevant submissions by the applicant;*
- any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- any planning policy of the Council adopted under the provisions of clause 8.11;*
- any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

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

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable

Policy implications:**Policy 3-1 Child Care Centres**

This policy sets out guidelines for the development of a child care centre including the requirements for the provision of car parking and landscaping, the preferred location of child care centres, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas (Attachment 3 refers).

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The proposal was advertised for public comment for a period of 28 days, from 25 May to 22 June 2006. A sign was placed on-site and an advertisement inviting public comment was placed in the local newspaper. Twenty-five (25) letters advising of the proposal were also sent to properties in the immediate locality.

There were 36 submissions received during the public advertising period. The submissions comprised 15 letters of support for the proposal, 3 neutral submissions and 18 objections (refer to Attachment 1). In addition, a 44-signature petition objecting to the proposal was also received.

The main issues raised during the advertising period are outlined below:

- Traffic Impact
- Lack of parking
- Potential for increased crime and undesirable behaviour
- Negative impact on property values
- Non-compliance with the City's Child Care Centres Policy;
- Non-compliance with the Child Care Services Regulations
- Increased demand on sewerage facilities in the immediate area

In addition to comments received during the formal advertising period, the applicant subsequently submitted additional surveys undertaken on Bridgewater Drive, at Whitfords Shopping Centre and at other child care centres, indicating support for the proposal.

It should be noted that prior to the Briefing Session held on 5 December 2006, one submitter who was previously neutral on the proposal, subsequently advised the City that they wished to have their position changed to that of objection.

COMMENT**Response to objections**

The issues raised during the consultation process are addressed below:

Traffic Impact

The proposed development will increase traffic congestion along Bridgewater Drive, particularly given the close proximity to Springfield Primary School.

Comment

In response to this issue, the applicant commissioned a traffic impact study by a professional traffic engineer. A copy of the traffic report has been provided in the Councillors Reading Room for perusal.

The main findings of the report are as follows:

- The expected traffic volumes generated by the proposed child care centre should not exceed the capacity of Bridgewater Drive with the additional traffic volume to be 'barely noticeable';
- The proposed child care centre should not generate excessive delays or vehicular queues on Bridgewater Drive;
- All parking associated with the child care centre should be able to be contained on site;
- Ingress/egress to the site is acceptable;

The traffic impact study has been reviewed and the findings are considered to be accurate and appropriate.

Parking

The proposed car parking provision is inadequate for a centre of this size.

Comment

The City's Policy 3-1 requires that one parking bay be provided for each staff member, resulting in a need for 8 dedicated staff bays at the proposed child care centre.

As the child care centre is proposed to be accessed by separate two-way crossovers, the parking provision for children is classified as being "Type 2", requiring parking to be provided in accordance with the table below:

CHILDREN	BAYS
<25	5
26-30	6
31-56	7
57-64	8
65-72	9

The child care centre is proposed to accommodate 76 children. Policy 3-1 does not provide a specific parking requirement for this number of children, however in light of the ratio detailed in the Policy for child care centre of up to 72 children, it is considered reasonable that a parking requirement of ten bays be imposed.

In total, 18 bays are required (eight for staff and ten for parents). The proposed child care centre meets this requirement. It is recommended that a condition of planning approval be included requiring that the dedicated staff bays be appropriately marked and permanently set aside for this purpose.

Potential for increased crime and undesirable behaviour

A commercial property is a target for crime as it is unoccupied at night and weekends. This could potentially increase crime levels and undesirable behaviour in our residential area.

Comment

No evidence was submitted in support of this statement. The property was previously approved as commercial premises, and DPS2 allows the City to consider applications for child care centre in residential areas.

Negative Impact on Property Values

The proposed development has the potential to lower the value of housing in the immediate locality.

No evidence was submitted in support of this statement. Property values are not considered to be a valid planning consideration.

Child Care Regulations

The proposed child care centre does not comply with the child care regulations in relation to the number of staff.

Comment

The proposed staffing/children ratio is not a town planning issue. The Department for Community Development considers this aspect of the proposal when assessing the licence application.

Noise Impact

The noise generated by the development would adversely impact surrounding residents.

Comment

Noise emissions from residential and commercial activities are guided by the Environmental Protection (Noise) Regulations 1997 (the Regulations). In response to this issue, the applicant commissioned an acoustics consultant to prepare a noise impact assessment for the development. A copy of the acoustic report is available in the Councillors Reading Room for perusal.

The findings of the assessment are that:

- The proposed child play areas will comply with the Regulations, provided the boundary fence around the outdoor play area is 2 metres high;
- Noise from cars, including closing of doors and engine start-up, will also comply with the Regulations;
- Noise from air conditioning associated with the development will comply with the Regulations.

The findings of the report are supported and it is proposed that conditions be imposed on the development requiring the following measures to be implemented:

- The proposed 472m² playground is to be used by a maximum of 12 supervised children at any one time. These children are to be entertained by less noisy activities, eg painting or other learning activities;
- The rear gardens behind 34 and 36 Bridgewater Drive are to be surrounded by a 2 metre high masonry wall along the southern boundary;
- The existing fibro cement fence is to be retained between 34 and 36 Bridgewater Drive, apart from an opening near the rear wall of No 34;

It is considered that the above measures will result in the development meeting the Regulations, and minimising any noise impacts on nearby properties. The proposed masonry fence will be 200mm higher than a standard dividing fence, however, given its location on the subject site's western and southern boundaries, it will not result in any overshadowing over the adjacent property. The City can monitor the activities of the child care centre to ensure that any such conditions of planning approval are being complied with.

Sewerage Impact

The development will place strain on sewerage infrastructure in the locality.

The City is required to determine the proposal on its planning merits, as outlined in DPS2 and Policy 3-1. DPS2 allows child care centre to be developed in residential areas, subject to Council approval. The proponent would be required to make the necessary arrangements with infrastructure service providers prior to the development commencing.

Compliance with Policy 3-1 (Child Care Centres)

Several submissions have queried the merits of the proposed child care centre in relation to the City's Policy 3-1 (Child Care Centres). The Policy provides guidelines for the location, parking requirements, setbacks, landscaping and advertising procedures for new child care centre within the City. A comment on each of these criteria is provided below.

Location

(a) Road Hierarchy

Policy 3-1 states that, amongst other matters, a child care centre should not be located on Local Distributor roads in close proximity to District Distributors. Bridgewater Drive is classified in various ways, both as a Local Distributor road and also as an access road, with the closest District Distributors being Whitfords Avenue and Marmion Avenue. Bridgewater Drive does not intersect with either of these roads, and is located approximately 400m from Cygnet Street, which intersects with Marmion Avenue. Accordingly, it is considered that the proposal meets this criteria of the Policy.

Policy 3-1 also states that where located on a Local Distributor road, child care centre should be developed in such a fashion that they will not conflict with traffic control devices or encourage the use of nearby access roads for turning movements. The City, in its review of the traffic impact assessment for the proposed child care centres, is satisfied that the proposal will not create traffic conflict or excess traffic on nearby access roads, thereby meeting this criteria.

(b) Neighbouring Uses

Policy 3-1 states that, where possible, it is preferred to locate child care centres adjacent to non-residential uses such as shopping centres, medical centres/consulting rooms, school sites and community purpose buildings to minimise the impact such centres will have on the amenity of the residential area.

The proposed child care centre is to be located adjacent to an area of public open space to the east, single houses to the south, west, north and a school to the north-east. The location of the proposed child care centre in relation to other uses is considered acceptable and the implementation of various measures to control noise emissions from the development will minimise any impact on nearby residential areas.

(c) Existing Child Care Centres

The proponent has provided a Needs Analysis Study for the proposed child care centre, demonstrating a local demand for the facility. A number of submissions have questioned the validity of the Study, particularly in relation to vacancies at other child care centre within the locality. In response to this issue, the applicant has submitted additional surveys demonstrating local support and demand for the facility. A copy of the additional surveys has been placed in the Councillors reading room.

Parking

(a) Location

The Policy requires all parking to be provided at the front of child care centre buildings. The proposed development meets this requirement and will utilise an existing parking area built when the site was converted to a surgery in the 1980s.

(b) Design and Number

The proposed parking layout is classified as "Type 2" and meets the requirement for the number of bays in relation to staff and children numbers.

(c) Setbacks

The proposed child care centre involves the conversion of two existing dwellings that were previously approved by the City. The only construction proposed is a new kitchen that will link the two dwellings at the front of the development, a new entry area, a store-room and patio. The proposed additions comply with the setback requirements of the Residential Design Codes, with the exception of the store-room addition to Lot 54, which proposes a 1.0m setback in lieu of 1.5m.

While the outdoor play areas are proposed to be located adjacent to the private open space of the adjoining dwelling to the south, various measures are proposed to be implemented to minimise noise impacts.

(d) Landscaping

Policy 3-1 requires that all street frontages be landscaped and reticulated to a depth of three metres. In this instance, the proposal involves modification to the existing surgery building at No 34, including the usage of existing car parking and landscaping areas. The depth of the existing landscaping strip at No 34 varies between 1.5 and 3.0 metres, with the landscaping strip at the front of No 36 proposed to vary between 2 and 3 metres.

The proposed landscaping variation is considered acceptable. The landscaping provisions of the Policy are used as a guide when new developments are proposed on vacant lots. Given that the subject site has previously been used for commercial purposes and that the existing car parking area will be utilised as part of this development, it is recommended that a variation to the landscaping requirements of the Policy be supported.

The verge area at the front of the child care centre is proposed to be landscaped and reticulated in order to discourage patrons from parking on the verge.

(e) Advertising

The advertising procedures outlined in the Policy and DPS2 have been followed during the assessment of this proposal.

Conclusion

It is recommended that the proposed change of land use from Medical Centre and Single House to Child Care Centre be supported.

ATTACHMENTS

Attachment 1	Location Plans and Plan Highlighting Origin Of Submissions
Attachment 2	Development Plans
Attachment 3	Policy 3-1 Child Care Centres

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 6.8 and 4.5 of District Planning Scheme No 2, and determines that:
 - (a) a strip of 1.5 metres of landscaping in lieu of 3 metres;
 - (b) a side setback of 1m in lieu of 1.5m for the storeroom addition;are appropriate in this instance;
- 2 APPROVES the application dated 9 November 2005, submitted Braig Pty Ltd, the applicant and owner for a proposed change of use from Single House and Medical Centre to a Child Care Centre on Lots 53 and 54 (Nos 34 and 36) Bridgewater Drive, Kallaroo subject to the following conditions:

- (a) The child care centre shall operate from 7:00am to 6:00pm, Monday to Friday. The children shall arrive no earlier than 7:15am;
- (b) A maximum of seventy-six (76) children and eight (8) staff are permitted for the proposed child care centre;
- (c) A sign is to be erected to the satisfaction of the Manager Infrastructure Services, and at the applicant's cost, to advise parents that they cannot park on the existing verge;
- (d) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.01). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Infrastructure Management Services prior to the development first being occupied. These works are to be done as part of the building programme;
- (e) The existing stormwater disposal system to be cleared out;
- (f) The 472m² playground being used by a maximum of 12 supervised children at any given time;
- (g) The provision of a 2 metre high masonry wall along the common boundaries with the subject site and the properties at No. 38 Bridgewater Drive and 4 Shelley Place to the satisfaction of the Manager Approvals, Planning and Environmental Services. The height of the wall is to be measured from the high point on the common boundaries between the subject site and the adjoining properties.
- (h) Bin store area shall be provided with a concrete floor which grades to an industrial waste connected to sewer;
- (i) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals, Planning & Environmental Services, for the development site and adjoining road verge for approval with the Building Licence application. Mature vegetation, which does not compromise sightlines for vehicles on Bridgewater Drive, is to be planted and maintained in the adjoining verge area at the owners cost. For the purpose of this condition a survey of the existing trees shall be carried out, all mature Tuarts shall be inspected and assessed by a registered arboricultural consultant, a safety/maintenance report shall be prepared for the purpose of this development by this consultant and a detailed landscape plan shall be drawn to a scale of 1:200 and show: the location and type of existing vegetation to be retained or removed, the location of proposed trees and shrubs, any new lawns to be established and areas to be reticulated or irrigated;
- (j) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals Planning and Environmental Services;
- (k) Lots 53 and 54 Bridgewater Drive being amalgamated and a new Certificate of Title being issued for the amalgamated block, prior to the issuing of a Building Licence;

- (l) The applicant is to provide amended plans to the satisfaction of the Manager Approvals, Planning and Environmental Services depicting existing and proposed floor and ground levels for the subject site, including any areas of fill, cut and associated retaining;
- (m) Eight parking bays shall be marked and permanently set aside for the exclusive use of staff.

MOVED Cr Amphlett SECONDED Cr McLean that Council REFUSES the application dated 9 November 2005, submitted by Braig Pty Ltd, the applicant and owner for a proposed change of use from Single House and Medical Centre to Child Care Centre on Lots 53 and 54 (No. 34 and 36) Bridgewater Drive, Kallaroo for the following reasons:

- 1 The traffic impact of the development will have an adverse and potentially dangerous affect on the locality;**
- 2 The proposed development is not considered to be located in the preferred location for Child Care Centres, as encouraged by Policy 3.1.1, as it is located adjacent to residential properties.**
- 3 The increased intensity of uses will adversely impact upon the amenity of the adjoining and nearby residential properties;**
- 4 The commercial nature of the proposed use is not compatible with existing uses of other land within the locality;**
- 5 The proposed design of the development will adversely impact the amenity of adjoining properties by way of the building bulk that will be created by the proposed setback reduction.**

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf051206.pdf](#)

The Council reverted to the normal order of business at this point.

CJ235 - 12/06 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ061121_BRF.DOC:ITEM 2

PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 14 November 2006 to 21 November 2006.

EXECUTIVE SUMMARY

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

BACKGROUND

Not Applicable.

DETAILS

Document:	Deed of Settlement and Release
Parties:	City of Joondalup, Diana Holdings Pty Ltd, Perkins (WA) Pty Ltd
Description:	Council Report C83-10/06 – To finalise contractual issues between parties in relation to the drilling and construction of the geothermal bores at the Craigie Leisure Centre.
Date:	14.11.06

Document:	Section 70A Notification
Parties:	City of Joondalup, Alison Kaye Bosworth
Description:	To restrict occupation of the ancillary accommodation at Lot 555 Caladenia Street, Greenwood to dependent member(s) of the family of the occupier(s) of the main dwelling on the land.
Date:	21.11.06

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 Hart SECONDED Cr Magyar that the schedule of documents executed by means of affixing the Common Seal covering the period 14 November 2006 to 21 November 2006 be noted.

The Motion was Put and

CARRIED (11/0)

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

CJ236 - 12/06 SETTING OF MEETING DATES – 2007 – [08122]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ061121_BRF.DOC:ITEM 3

PURPOSE

To set Council's meeting dates for the 2007 calendar year.

EXECUTIVE SUMMARY

In accordance with the Local Government Act 1995, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended that the current three weekly cycle of meetings be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

Council has an adopted decision-making process consisting of a 'rolling' three weekly cycle of meetings, with the Council recessing for the Christmas/New Year period:

Week 1:	Strategy Session;
Week 2:	Briefing Session, with deputation sessions held at the commencement of Briefing Sessions;
Week 3:	Council meeting.

DETAILS

Issues and options considered:

Council is in recess during January each year, and meetings are set from February to December to be held on a Tuesday evening. Attachment 1 continues the current three weekly cycle into 2007. In order to accommodate the 2007 Easter period, the proposed Strategy Session in April is recommended to be held on a Wednesday.

Imminent legislative change means that Local Government Elections will be held on Saturday 20 October 2007. It is considered appropriate to set the date of Tuesday, 23 October 2007 for a Special Meeting of Council to elect a Deputy Mayor. To enable the Council to again conduct an induction programme for newly elected members, it is recommended that no meetings be scheduled during the two-week period following the election.

During Local Government Weeks in August 2005 and August 2006, the commencement time of Council meetings were amended to accommodate attendance by students from high schools within the City of Joondalup. At the Council meeting held on 18 July 2006, Council resolved to:

“REQUEST the CEO to arrange a rescheduling of the ordinary meeting of Council in 2007 during Local Government Week where Council can invite a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend a Council meeting commencing at 12 noon.”

Advice has been received that Local Government Week is proposed to be held from Friday 3 August 2007 to Monday 6 August 2007, and accordingly it is recommended that the Council meeting on Tuesday 7 August 2007 be scheduled to commence at 12 noon.

An alternative option would be for the Council to introduce a rolling four-weekly cycle, that is maintaining the current decision-making process and using the fourth week for additional information sessions, or utilising that week for the various committee meetings. A four-weekly meeting cycle option has been drafted and is provided at Attachment 2. It should be noted that due to the need to allow for the Easter period, Local Government Week, and the October Election, it has not been possible to allow a ‘free’ Tuesday consistently throughout the year.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.3 of the Local Government Act 1995 states:

Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

Public Notice of Council or Committee meetings

- 12 (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
 - (a) *the ordinary Council meetings; and*
 - (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

are to be held in the next 12 months;
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1);*

Risk Management considerations:

Failure to set and advertise Council's meeting dates will contravene the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The City currently operates a three weekly cycle of meetings and it is suggested that this system be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

ATTACHMENTS

Attachment 1 Possible meeting dates on the current rolling three-weekly cycle
Attachment 2 Possible meeting dates based on a four-weekly cycle

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION

That Council:

- 1 SETS the following meeting dates and times for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

Briefing Sessions - to be held at 6.30 pm in Conference Room 1	Council meetings - to be held in the Council Chamber.
Tuesday 13 February 2007	7.00 pm on Tuesday 20 February 2007
Tuesday 6 March 2007	7.00 pm on Tuesday 13 March 2007
Tuesday 27 March 2007	7.00 pm on Tuesday 3 April 2007
Tuesday 17 April 2007	7.00 pm on Tuesday 24 April 2007
Tuesday 8 May 2007	7.00 pm on Tuesday 15 May 2007
Tuesday 29 May 2007	7.00 pm on Tuesday 5 June 2007

Tuesday 19 June 2007	7.00 pm on Tuesday 26 June 2007
Tuesday 10 July 2007	7.00 pm on Tuesday 17 July 2007
Tuesday 31 July 2007	12 noon on Tuesday 7 August 2007
Tuesday 21 August 2007	7.00 pm on Tuesday 28 August 2007
Tuesday 11 September 2007	7.00 pm on Tuesday 18 September 2007
Tuesday 2 October 2007	7.00 pm on Tuesday 9 October 2007
Tuesday 13 November 2007	7.00 pm on Tuesday 20 November 2007
Tuesday 4 December 2007	7.00 pm on Tuesday 11 December 2007
January 2008 - Recess	

- 2 CONVENES a Special Meeting of Council at 7.15 pm on Tuesday, 23 October 2007 to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup for the purpose of electing a Deputy Mayor;
- 3 AGREES to hold deputation sessions in conjunction with the Briefing Sessions;
- 4 in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, GIVES local public notice of the meeting dates detailed in (1) and (2) above;
- 5 INVITES a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12 noon on Tuesday 7 August 2007.

MOVED Cr John SECONDED Cr Fishwick that Council:

- 1 **SETS the following meeting dates and times for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:**

Briefing Sessions - to be held at 6.30 pm in Conference Room 1	Council meetings - to be held in the Council Chamber.
Tuesday 20 February 2007	7.00 pm on Tuesday 27 February 2007
Tuesday 20 March 2007	7.00 pm on Tuesday 27 March 2007
Tuesday 17 April 2007	7.00 pm on Tuesday 24 April 2007
Tuesday 15 May 2007	7.00 pm on Tuesday 22 May 2007
Tuesday 12 June 2007	7.00 pm on Tuesday 19 June 2007
Tuesday 10 July 2007	7.00 pm on Tuesday 17 July 2007
Tuesday 31 July 2007	12 noon on Tuesday 7 August 2007
Tuesday 21 August 2007	7.00 pm on Tuesday 28 August 2007
Tuesday 18 September 2007	7.00 pm on Tuesday 25 September 2007
Tuesday 9 October 2007	7.00 pm on Tuesday 16 October 2007
Tuesday 13 November 2007	7.00 pm on Tuesday 20 November 2007
Tuesday 11 December 2007	7.00 pm on Tuesday 18 December 2007
January 2008 - Recess	

- 2 **CONVENES a Special Meeting of Council at 7.15 pm on Tuesday, 23 October 2007 to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup for the purpose of electing a Deputy Mayor;**
- 3 **holds deputation sessions in conjunction with the Briefing Sessions;**

- 4 in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, to GIVES local public notice of the meeting dates detailed in (1) and (2) above;**
- 5 INVITES a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12 noon on Tuesday 7 August 2007.**

AMENDMENT MOVED Cr Magyar SECONDED Cr Corr that Council:

- 1 SETS the following meeting dates and times for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

2007 – MEETING DATES BASED ON A FOUR-WEEKLY MEETING CYCLE
(Local Government Election on Saturday 20 October 2007)

Tuesday 13 February 2007 Review Committee
 Tuesday 20 February 2007 Strategy
 Tuesday 27 February 2007 Council
 Tuesday 6 March 2007 No meeting
 Tuesday 13 March 2007 Review Committee
 Tuesday 20 March 2007 Strategy
 Tuesday 27 March 2007 Council
 Tuesday 3 April 2007 No meeting
 Wednesday 11 April 2007– Easter week Review Committee
 Tuesday 17 April 2007 Strategy
 Tuesday 24 April 2007 Council
 Tuesday 1 May 2007 No meeting
 Tuesday 8 May 2006 Review Committee
 Tuesday 15 May 2006 Strategy
 Tuesday 22 May 2007 Council
 Tuesday 29 May 2007 No meeting
 Tuesday 5 June 2007 Review Committee
 Tuesday 12 June 2007 Strategy
 Tuesday 19 June 2007 Council
 Tuesday 26 June 2007 No meeting
 Tuesday 3 July 2007 Review Committee
 Tuesday 10 July 2007 Strategy
 Tuesday 17 July 2007 Council
 Tuesday 24 July 2007 Review Committee
 Tuesday 31 July 2007 Strategy
 Tuesday 7 August 2007 - Local Government Week – 12 noon meeting Council
 Tuesday 14 August 2007 Review Committee
 Tuesday 21 August 2007 Strategy
 Tuesday 28 August 2007 Council
 Tuesday 4 September 2007 No meeting
 Tuesday 11 September 2007 Review Committee
 Tuesday 18 September 2007 Strategy
 Tuesday 25 September 2007 Council
 Tuesday 2 October 2007 Review Committee
 Tuesday 9 October 2007 Strategy
 Tuesday 16 October 2007 Council
 Tuesday 23 October 2007 Special Council
 Tuesday 30 October 2007 No meeting *Induction sessions*
 Tuesday 6 November 2007 Review Committee
 Tuesday 13 November 2007 Strategy
 Tuesday 20 November 2007 Council

Tuesday 27 November 2007 No meeting (Possible date for AGM)
 Tuesday 4 December 2007 Committee of the Whole
 Tuesday 11 December 2007 Strategy
 Tuesday 18 December 2007 Council

2. BY ABSOLUTE MAJORITY establishes a Committee of the Whole and appoints to the Committee the Mayor and all Councillors;
3. The purpose of the Committee of the Whole is to discuss items appearing on the agenda. The role of the committee is to make recommendations to Council, and in some cases make decisions on behalf of the Council under delegated authority;
4. CONVENES a Special Meeting of Council at 7.15 pm on Tuesday, 23 October 2007 to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup for the purpose of electing a Deputy Mayor;
5. AGREES to hold deputation sessions in conjunction with the Committee of the Whole;
6. in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, GIVES local public notice of the meeting dates detailed in (1) and (2) above;
7. INVITES a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12 noon on Tuesday 7 August 2007.

Discussion ensued.

The Chief Executive Officer wished to place on record that:

- This issue had not been raised with him until immediately prior to this evening's Council meeting.
- The CEO has had no opportunity to consider the legislative implications of the proposed amendment.
- The CEO has concerns with the wording of the motion and the implications of the reference to delegated authority.
- During its Induction Programme, Council requested that the meeting process be reviewed in an open forum to enable all elected members to participate, and this review will be undertaken during the Strategic Workshop to be held in February 2007.

The Amendment was Put and

LOST (1/10)

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

Discussion ensued on the original Motion.

The Motion as Moved by Cr John and Seconded by Cr Fishwick was Put and

CARRIED (10/1)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn121206.pdf](#)

CJ237 - 12/06 ANNUAL GENERAL MEETING OF ELECTORS HELD ON 20 NOVEMBER 2006 – [65578]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ061121_BRF.DOC:ITEM 4

PURPOSE

For the Council to note the Minutes of the Annual General Meeting of Electors held on 20 November 2006 and to seek a report on the motions passed at that meeting before finalising its consideration of the motions.

EXECUTIVE SUMMARY

The Annual General Meeting of Electors of the City of Joondalup was held on 20 November 2006 in accordance with Section 5.27 of the Local Government Act 1995. Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council.

It is recommended that Council:

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

BACKGROUND

The City's Annual General Meeting of Electors was held on 20 November 2006 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by 22 members of the public with a total of nine motions passed at the meeting. The minutes of that meeting form Attachment 1 hereto.

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

DETAILS

The Motions passed at the Annual General Meeting of Electors are set out below:

MOTION NO 1 – NATURAL AREAS BUDGET

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

The Motion was Put and

CARRIED WITHOUT DISSENT

MOTION NO 2 – BUSH AREA FORUMS

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

The Motion was Put and

CARRIED WITHOUT DISSENT

MOTION NO 3 – REMOVAL OF ASBESTOS ROOFS

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

The Motion was Put and

CARRIED WITHOUT DISSENT

MOTION NO 4 – RECORDING OF COUNCIL MEETINGS

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

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

The Motion was Put and

CARRIED WITHOUT DISSENT

MOTION NO 5 - MULLALOO PARKING ISSUES

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

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

The Motion was Put and

CARRIED WITHOUT DISSENT

MOTION NO 6 – MULLALOO TAVERN

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

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

The Motion was Put and

CARRIED WITHOUT DISSENT

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

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

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

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

The Motion was Put and

CARRIED WITHOUT DISSENT

MOTION NO 8 – PREVENTION OF BEACH CONTAMINATION

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

The Motion was Put and

CARRIED WITHOUT DISSENT

MOTION NO 9 – CORPORATE STRUCTURE

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

The Motion was Put and

CARRIED WITHOUT DISSENT

Link to Strategic Plan:

Outcomes:

The City of Joondalup is an interactive community.

Objectives:

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

Strategies:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.33 of the Local Government Act 1995 states:

Decisions made at Electors' Meetings

5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –

- (a) at the first ordinary council meeting after that meeting; or
 - (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

Risk Management considerations:

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

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The motions carried at the Annual General Meeting of Electors held on 20 November 2006 are presented to the Council in accordance with the requirements of the legislation.

Given the number of the motions carried at the meeting and some of their complexities, it is recommended that a further report be presented to the first ordinary meeting of the Council in 2007. This will enable adequate research to be undertaken to assist the Council in making informed decisions in response to all the motions carried at the AGM.

ATTACHMENTS

Attachment 1 Minutes of the Annual General Meeting of Electors held 20 November 2006

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Magyar SECONDED Cr Mclean that Council:

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

The Motion was Put and**CARRIED (11/0)**

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf051206.pdf](#)

CJ238 - 12/06 POLICY COMMITTEE MINUTES AND POLICIES FOR ADOPTION – [18058]**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Ian Cowie
Governance and Strategy

CJ061121_BRf.DOC:ITEM 5

PURPOSE / EXECUTIVE SUMMARY

To present the unconfirmed minutes of the Policy Committee meeting held on 9 November 2006 and to seek Council support for the amendment of 3 policies. The amended Policies to be approved are found at Attachments 5, 6 and 7.

BACKGROUND

The Policy Committee met on 9 November to consider amendments to the following policies:

- City Policy 8-3: Elected Members – General
- City Policy 5-3: Cultural Development
- City Policy 5-4: Sustainability
- Council Policy 1-3: Sustainability

DETAILS

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

City Policy 8-3: Elected Members – General

The amendments made by the Policy Committee to Policy 8-3 are highlighted in Attachment 2. A 'clean' version of the amended policy is shown at Attachment 5.

Officer's Comment

The amended policy, shown at Attachment 5, is supported.

City Policy 5-3: Cultural Development

The Policy Committee's amendments to Policy 5-3 are highlighted in Attachment 3. A 'clean' version of the Policy is shown at Attachment 6.

Officer's Comment

The amended policy, shown at Attachment 6, is supported.

City Policy 5-4 and Council Policy 1-3: Sustainability

Attachment 4 highlights the Policy Committee's changes to Policies 5-4 and 1-3. Attachment 7 provides a 'clean' copy of the revised policies.

Officer's Comment

The amendments to Policies 5-4 and 1-3, shown at Attachment 7, are supported.

Issues and options considered:

- Council could decide to accept the Policies as amended by the Policy Committee; or
- Make further amendments to any or all of the Policies; or
- Not amend the Policies.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

The use of the Council Chamber and civic centre meeting rooms for political purposes could create a negative impression if not handled in an even manner. However, the Policy has been designed to ensure equity and fairness between political parties.

Financial/Budget Implications:

Not applicable.

Policy implications:

As identified in this Report.

Regional Significance:

Not applicable.

Sustainability implications:

Amendments to the Sustainability Policy will assist to facilitate sustainability.

Consultation:

Not applicable.

COMMENT

For easy reference, the current versions of policies 8-3 and 5-3, where the greatest number of amendments have been made, are included as Attachment 8.

ATTACHMENTS

Attachment 1	Unconfirmed minutes of Policy Committee meeting of 9 November 2006
Attachment 2	Amendments to Policy 8-3 highlighted.
Attachment 3	Amendments to Policy 5-3 highlighted.
Attachment 4	Amendments to Policies 5-4 and 1-3 highlighted.
Attachment 5	Clean version of amended Policy 8-3.
Attachment 6	Clean version of amended Policy 5-3.
Attachment 7	Clean versions of amended Policies 5-4 and 1-3.
Attachment 8	Current versions of Policies 8-3 and 5-3.

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Hart SECONDED Cr Hollywood that Council:

- 1 NOTES the unconfirmed minutes of the Policy Committee meeting dated 9 November 2006 forming Attachment 1 to Report CJ238-12/06;**
- 2 ENDORSES the following Policy amendments:**
 - (a) City Policy 8-3 – Elected Members – General, forming Attachment 5 to Report CJ238-12/06;**
 - (b) City Policy 5-3 – The City’s Art and Memorabilia Collections, forming Attachment 6 to Report CJ238-12/06;**
 - (c) City Policy 5-4 – Sustainability, forming Attachment 7 to Report CJ238-12/06;**
 - (d) Council Policy 1-3 – Sustainability, forming Attachment 7 to Report CJ238-12/06.**

The Motion was Put and

CARRIED (11/0)

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

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn121206.pdf](#)

CJ239 - 12/06 THE ADVANTAGES AND DISADVANTAGES OF VOTING SYSTEMS – [29068]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ061121_BRF.DOC:ITEM 6

PURPOSE AND EXECUTIVE SUMMARY

To inform Council of the various effects of “proportional preferential” and “first-past-the-post” voting systems.

BACKGROUND

A motion was passed at the Council Meeting of 31 October 2006, requesting that a report be prepared on the pros and cons of “first-past-the-post” and “proportional preferential” voting systems.

The motion arose because of the State Government’s recent decision to mandate the introduction of proportional preferential voting to Local Government elections. A lack of consultation and communication with Local Government saw WALGA commence a campaign against the decision.

DETAILS

The proposal put forward by the State Government is an electoral voting system that reflects the same method adopted by the Western Australian Legislative Council, namely, a proportional preferential system that uses a standard Single Transferable Vote preference method. The details of this system are discussed below.

This report describes the various electoral and voting systems adopted by a range of Australian jurisdictions within the scope of “proportional preferential” and “first-past-the-post” methods. A recent report on Electoral Reform, compiled by the Local Government Advisory Board, is used to inform much of the analysis of the various effects of each system. The section of the Advisory Board’s report which discusses this issue and the Board’s findings are provided as Attachment 1. A briefing note on voting systems prepared by WALGA is also provided as Attachment 2.

Proportional Representation:

Proportional representation (PR) is a form of electoral system used in multiple-member constituencies. It seeks to achieve elected representatives based on the proportion of the support candidates have in their electorate. PR aims to represent a “microcosm” of the various interest groups residing in an electoral area by allowing a diverse array of candidates to become elected.

The degree of proportionality that is achieved through PR will depend on the system of vote distribution that is adopted. In most State and Federal upper house elections, “proportional preferential” voting systems are used. The proportional element refers to the adopted electoral system and the preferential element refers to the method of vote distribution and majority requirement for candidate election.

The majority electoral requirement under a pure PR system is to achieve a “quota” of votes, which can be significantly less than an absolute majority (a majority of votes that equates to 50% plus one or greater). This system also reduces the value of a vote as it is moved between candidates, often referred to as a “transfer value”.

Single Transferable Vote System:

The single transferable vote (STV) is the preferential voting system currently used in WA Legislative Council and Federal Senate elections. It elects representatives from multiple-member electoral districts and aims to minimise the effects of wasted votes whilst ensuring that proportional representation is achieved. STV accomplishes this by requiring voters to rank candidates on a ballot paper in a number sequence from their most preferred to least preferred candidate. A “quota” is then calculated to determine the minimum number of votes that a candidate requires in order to become elected. Any votes a candidate receives that exceed this quota will be distributed to other candidates according to the preferences of the voter. In addition, if seats remain unfilled after this first process, the candidate with the least amount of votes is eliminated and their votes are subsequently redistributed. This will continue until all available seats are filled.

The formula used by State and Federal upper houses to determine their electoral quota is:

$$\text{Quota} = \frac{\text{(Vote)}}{\text{(Seats + 1)}} + 1$$

Votes: the number of valid votes cast

Seats: the number of seats to be filled

Some STV voting systems employ an “optional preferential” method of voting that requires voters to rank only a minimum number of candidates. This aids in simplifying the voting process, especially in instances where there are many candidates listed on the ballot paper.

Effects

The major benefits of an STV preferential system are:

- The effective utilisation of votes to ensure that votes in excess of the quota are not wasted on popular candidates.
- Assurance that votes are not expended on candidates who have little chance of successfully winning a seat.
- Achieving a group of representatives who more accurately reflect the various interest groups that reside in electoral areas.

The major disadvantages of an STV system are:

- The time-consuming and complex requirement of ranking all candidates in a number sequence. (If voters make any mistakes, their ballot is discounted).
- The underlying assumption that voters are aware of who all of the candidates are and have an understanding of what they support and are, consequently, able to rank them.
- The potential for “donkey votes” – (voters ranking candidates according to how they are listed on the ballot paper, rather than consciously deciding whom they wish to elect).
- The lesser number of seats there are to be filled, the higher the quota percentage becomes, aiding to exclude minority representatives from becoming elected.

- It has been argued, particularly by WALGA, that alliances and factions may be encouraged when determining preference flows, consequently increasing party politics.

Party-List Voting Systems:

Party-Lists (PL) are another form of preferential voting system used in multiple-member districts to emphasise proportional representation. Australian electoral systems use PL in two ways; voters can opt to vote either “above the line” or “below the line” on a ballot paper that lists candidates according to the political party they are affiliated with.

“Above the line” voting allows voters to mark a single preference against their preferred political party and the unused votes are then distributed according to the registered preferences of the party, rather than the preferences of the voter. This allows for simplicity, however, it also enables political parties to control vote distributions.

“Below the line” voting allows voters to rank all of the competing candidates according to their own preferences. Party lines have no consideration in this method of voting and voters may mark candidates across the party list. This system is complex, time-consuming and has a greater tendency for voter mistakes; however, it does eliminate the effects of party influence over the voting system.

Australian Electoral Commission figures show that over 90% of voters opt to use the “above the line” method of voting in State and Federal upper house elections because of its simplicity, voter’s association with party ideology and a lack of voter knowledge about individual candidates.

Majoritarian Representation:

Majoritarian representation (MR) refers to a type of electoral system generally using single-member constituencies to elect representatives. Under this system, the candidate with the greatest amount of votes is elected as the representative of their particular electorate. This candidate may achieve an absolute majority of votes (i.e. over 50% of votes cast) or a significantly smaller number of votes (so long as the total number of votes are greater than any other candidate). In the latter scenario, some consider the elected candidate to lack legitimacy because less than half of the area’s population has indicated support for the person.

Instances of small majorities do not always occur in MR electoral systems though. Absolute majorities may also transpire if a candidate is particularly popular, but it is not a requirement of the system for this to occur.

First-Past-The-Post Voting Systems:

The “first-past-the-post” system (FPP) is a majoritarian voting method used to determine electoral outcomes with simplicity and speed. FPP systems achieve this by requiring voters to place a single mark against their most preferred representative on a ballot paper that lists all of the competing candidates. The candidate that obtains the highest amount of votes is then elected.

Effects

The major advantages of the FPP voting system are:

- The ease with which voters can understand the system due to its simplicity, consequently reducing voter mistakes and encouraging more voters to participate in elections.
- The speed in which votes can be counted, allowing an election result to be delivered faster.
- Reduction in the costs of running an election due to the aforementioned speed and simplicity features.

The major disadvantages of the FPP voting system are:

- Many candidates are not elected by an absolute majority, meaning that a majority of voters do not prefer the winning candidate.
- Less candidates may run in a FPP election because of a fear that some votes may be split between candidates advocating similar policies.
- A candidate may be elected, despite the fact that on second preferences another candidate may receive more votes. (Noting that in an FPP system a candidate does not require an absolute majority on first preference).

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Not Applicable

Legislation – Statutory Provisions:

Relates to the proposed Amendment of the Local Government Act 1995.

Risk Management considerations:

Not Applicable

Financial/Budget implications:

Minimal anticipated costs, as outlined in Comments.

Policy implications:

Not Applicable

Regional Significance:

The issue of Local Government voting system changes will have state-wide applicability.

Sustainability implications:

Not Applicable

Consultation:

Limited, due to a lack of communication between the Minister and Local Governments, resulting in WALGA's campaign.

COMMENT

Firstly, the overall arguments for and against FPP and PR systems of voting involve a balance between the principles of simplicity vs. fair representation. Do electors want a system that is uncomplicated and easy to understand, or do they value more the need for equal and legitimate representation that looks after the needs of a large proportion of constituency interests?

Secondly, the issue of 'party politics' becomes a very significant issue for voting systems if ballot papers are constructed in a way that enables preferences to flow according to the preferences of parties rather than voters. This only applies if a PL system is adopted with an "above the line" voting option, otherwise, preferences will be distributed according to the interests of voters and the candidates whom they prefer.

Thirdly, PR voting systems are more applicable to Councils that adopt electoral systems without wards, or to Councils that have a ward system where several Council positions are simultaneously available per ward. This is due to the effects of the quota. The quota aims to lower high electoral barriers for representatives of minority groups, but in the same vein, must exclude others in order for the correct amount of positions to be filled. Single member electorates will necessarily produce a high quota.

Fourthly, it is difficult to ascertain how voters will react to a more complex voting system. The veracity of the claim that ranking large numbers of candidates is undesirable to voters is substantiated by Australian Electoral Commission (AEC) statistics on voter behaviour. The AEC have stated that over 95% of Australian voters choose to use the "above the line" voting option in Senate elections due to the large number of candidates requiring preferences in the "below the line" option. Conversely, Local Government elections do not list such large numbers of candidates as State and Federal Government ballot papers do, making it difficult to gauge whether voters would remain opposed to preferential methods of voting in Local Government elections. Additionally, the adoption of "optional preferential voting", (as used in Queensland Legislative Assembly elections), limits the number of candidates to be ranked by voters, further simplifying the voting process.

Fifthly, there are likely to be some increased costs for Local Government in changing its current voting system. These are likely to be particularly significant for regional Local Governments who do not use the Western Australian Electoral Commission (WAEC) because the Local Returning Officers will need to become familiar with the new system. For Joondalup, after consultation with the (WAEC), it appears that the estimated costs of altering an electoral system from an FPP system to a PR system are very limited. A figure in the low thousands is likely to cover the production of new ballot tickets; re-educating the public through information circulations and; informing Council and City staff of any changes through seminars conducted by the City in collaboration with the WAEC. The time needed to make an electoral change is also limited due to the comparatively smaller number of ballots and candidates involved in Local Government elections. According to the WAEC, computer systems are not necessarily essential for counting ballot papers and redistributing preference votes either, due to small candidate and ballot numbers. Therefore, the costs involved in changing from a FPP to a PR system of voting are not as considerable as some have thought.

Sixthly, the argument that Local Government elections should remain consistent with the State and Federal elections is unfounded based on the institutional designs of each level of government. State and Federal legislatures (except Queensland) base their design on

bicameral principles, (requiring two differently constructed houses of government to be formed by dissimilar electoral systems). This is not a consideration that need concern Local Governments because Councils are not divided into separate entities, requiring checks and balances upon each other.

For more information about voting systems:

- http://www.seo.sa.gov.au/apps/uploadedFiles/news/335/PR_Booklet_used_2006.pdf
- <http://www.waec.wa.gov.au/voting/content.asp?section=voting>
- http://www.aec.gov.au/_content/What/voting/count.htm
- <http://www.dlgrd.wa.gov.au/LocalGovt/AdvisoryBoard/StructuralElectoralReform.asp>

ATTACHMENTS

Attachment 1	Section of Local Government Advisory Board Report on Electoral Reform.
Attachment 2	WALGA briefing note on voting systems.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1 NOTES this report's analysis of different electoral systems;
- 2 NOTES the various effects that voting systems can have on electoral outcomes, as outlined in Attachment 2 to Report CJ239-12/06;
- 3 NOTES the findings of the Local Government Advisory Board's Electoral Reform Report as outlined in Attachment 1 to Report CJ239-12/06.

MOVED Cr Magyar, SECONDED Cr Corr that Council:

- 1 **NOTES this report's analysis of different electoral systems;**
- 2 **NOTES the various effects that voting systems can have on electoral outcomes, as outlined in Attachment 2 to Report CJ239-12/06;**
- 3 **NOTES the findings of the Local Government Advisory Board's Electoral Reform Report as outlined in Attachment 1 to Report CJ239-12/06;**
- 4 **NOTES that the Proportional Representation and Preferential Voting Systems rules are occasionally too strictly constructed and may result in incomplete ballots being not counted when the voter's intent regarding one or more of the preferred candidates can be clearly determined;**
- 5 **AGREES that the complexity and variety of local government elections in Western Australia require the Local Government Act to provide for a range of different voting systems;**

- 6** **AGREES** that fair representation is a greater priority than simplicity in elections;
- 7** **WRITES** to the Minister of Local Government, the West Australian Local Government Association and the Members of the Legislative Assembly and Legislative Council, whose electorates are in, or include parts or all of the City of Joondalup informing them of Council's decision and requesting them to support changes to the Local Government Act that result in fair representation and ensure that when a voter's intent can be clearly determined regarding one or more preferred candidates that the vote is counted.

Discussion ensued.

It was requested that Points 1 to 7 of the Motion be voted upon separately.

Point 1 of the Motion as Moved by Cr Magyar and Seconded by Cr Corr, being:

That Council:

- 1** **NOTES** this report's analysis of different electoral systems.

Was Put and

CARRIED (11/0)

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

Point 2 of the Motion as Moved by Cr Magyar and Seconded by Cr Corr, being:

That Council:

- 2** **NOTES** the various effects that voting systems can have on electoral outcomes, as outlined in Attachment 2 to Report CJ239-12/06.

Was Put and

CARRIED (11/0)

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

Point 3 of the Motion as Moved by Cr Magyar and Seconded by Cr Corr, being:

That Council:

- 3** **NOTES** the findings of the Local Government Advisory Board's Electoral Reform Report as outlined in Attachment 1 to Report CJ239-12/06.

Was Put and

CARRIED (11/0)

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

Point 4 of the Motion as Moved by Cr Magyar and Seconded by Cr Corr, being:

That Council:

- 4 NOTES that the Proportional Representation and Preferential Voting Systems rules are occasionally too strictly constructed and may result in incomplete ballots being not counted when the voter's intent regarding one or more of the preferred candidates can be clearly determined.

Was Put and

LOST (2/9)

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

Point 5 of the Motion as Moved by Cr Magyar and Seconded by Cr Corr, being:

That Council:

- 5 AGREES that the complexity and variety of local government elections in Western Australia require the Local Government Act to provide for a range of different voting systems.

Was Put and

LOST (2/9)

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

Point 6 of the Motion as Moved by Cr Magyar and Seconded by Cr Corr, being:

That Council:

- 6 AGREES that fair representation is a greater priority than simplicity in elections.

Was Put and

LOST (5/6)

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

Point 7 of the Motion as Moved by Cr Magyar and Seconded by Cr Corr, being:

That Council:

- 7 WRITES to the Minister of Local Government, the West Australian Local Government Association and the Members of the Legislative Assembly and Legislative Council, whose electorates are in, or include parts or all of the City of Joondalup informing them of Council's decision and requesting them to support changes to the Local Government Act that result in fair representation and ensure that when a voter's intent can be clearly determined regarding one or more preferred candidates that the vote is counted.

Was Put and

LOST (2/9)

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

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf051206.pdf](#)

CJ240-12/06 ESTABLISHMENT OF A NORTH-WEST CORRIDOR CO-ORDINATING COMMITTEE – [02153] [01435]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

To consider the establishment of a North-West Corridor Co-ordinating Committee for the Cities of Joondalup and Wanneroo.

BACKGROUND

During the Cabinet visit to the City of Wanneroo in October 2006, the Premier announced that the State government had agreed to establish a steering committee for the North-West corridor. This committee is designed to act as a forum within government that will promote effective co-ordination between government agencies and local government in regards to land use, economic development and infrastructure planning for the North-West sector.

A Terms of Reference for the steering committee has now been developed and State Cabinet has appointed the following 12 members:

Co-Chairs	Hon Ken Travers MLC and an independent person of suitable experience and ability. The name of this person is still to be confirmed.
Members of Parliament	Dianne Guise MLA, John Quigley MLA, Judy Hughes MLA and Tony O’Gorman MLA
Chair of the WAPC	Jeremy Dawkins
Minister’s Representatives	Department for Planning and Infrastructure, Department of Industry and Resources, Department of the Premier and Cabinet, Department of Treasury and Finance and Department for Housing and Works
Executive Officer	Steven Goldie

DETAILS

The steering committee contains no elected members from the Cities of Joondalup and Wanneroo. This is considered a weakness and, consequently, it is prudent that both Cities form their own committee to provide the most efficient and effective support to the State government in its endeavours. A North-West Corridor Co-ordinating Committee will ensure local government input is provided to the State government on a co-ordinated basis.

Co-operation between the Cities of Joondalup and Wanneroo is not new. The two Cities have formed a long-standing strategic partnership, which has achieved several milestones and will continue to achieve results for the region in the long term. The proposed new committee can add value to the State’s steering committee, which currently has tenure of only 12 months, by assisting to progress any strategic decisions that are made by the State government’s committee which cannot be finalised within the 12-month period.

The functions of the proposed committee will be as follows:

- 1 To ensure that urban and economic development within the corridor is being co-ordinated, and that both local governments actively engage the State and Commonwealth governments in dialogue relating to the timely provision of State and Commonwealth infrastructure.
- 2 To provide the State government with quality information to assist the government in preparing a review of the North-West Corridor Structure Plan and in establishing the current levels of demand for urban and economic development in the corridor. This will include providing the State government with the following key strategy documents for consideration in the review:
 - (a) City of Wanneroo Smart Growth Strategy;
 - (b) City of Wanneroo Economic Development Strategy and Local Employment Policy;
 - (c) City of Wanneroo Local Housing Strategy;
 - (d) Information on various key economic and urban development projects in the Cities of Joondalup and Wanneroo;
 - (e) City of Joondalup 20 Year Strategic Financial Plan; and
 - (f) City of Joondalup Tourism Development Strategy.
- 3 To provide feedback to both State and Commonwealth governments on the best ways to maximise the effectiveness and efficiency of both short and long term partnerships with all spheres of government and industry.
- 4 To co-ordinate industry forums when required.

Attachment 1 provides the draft Terms of Reference for this proposed committee.

Issues and options considered:

- To support the establishment of the new committee as outlined in the report.
- To support the establishment of the new committee but with amended terms of reference and operating arrangements to those outlined in this report.
- To reject the idea of establishing such a committee.

Link to Strategic Plan:

The City's Strategic Plan establishes a range of guiding principles, one of which is to establish partnerships and networks throughout the community.

Legislation – Statutory Provisions:

The committee will be appointed as an advisory committee to the City of Joondalup Council under Section 5.9(c) of the *Local Government Act 1995*.

Risk Management considerations:

There are no risks of substance in forming the committee.

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

The committee will have a regional focus.

Sustainability implications:

The committee will focus on economic sustainability.

Consultation:

The Mayor of the City of Wanneroo supports this initiative and the Wanneroo Council will make a decision on the matter at its meeting on 12 December 2006.

COMMENT

In keeping with Council's recent decision in relation to deputies to committees, no permanent deputies are recommended for this committee. Instead, in keeping with legislative requirements, should a member be unable to attend, a report will be prepared for Council to specifically appoint a deputy in situations where timelines allow for this to occur.

ATTACHMENTS

Attachment 1 A draft Terms of Reference.

VOTING REQUIREMENTS

Absolute majority.

MOVED Mayor Pickard SECONDED Cr John that Council:

- 1 ESTABLISHES a North-West Corridor Co-ordinating Committee for the Cities of Joondalup and Wanneroo;**
- 2 ADOPTS the Terms of Reference for the North-West Corridor Co-ordinating Committee as detailed in Attachment 1 to Report CJ240-12/06;**
- 3 APPOINTS the Mayor and four Councillors to the North-West Corridor Co-ordinating Committee;**
- 4 NOTES that should a member be unable to attend a committee meeting, where convenient, a deputy will be appointed by Council for the period that the member is unavailable.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (11/0)**

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

Nominations for the four positions on the North-West Corridor Co-ordinating Committee were submitted by Crs Fishwick, John, Amphlett, Jacob and Magyar.

There being five nominations for the four positions on the North-West Corridor Co-ordinating Committee, voting was undertaken by a show of hands, with votes being recorded by the Chief Executive Officer and the Director Governance and Strategy. Following a count of the votes, the Chief Executive Officer advised that the preferred candidates were Crs Fishwick, John, Amphlett and Jacob.

MOVED Mayor Pickard SECONDED Cr John that Council appoints Cr Russ Fishwick, Cr Michele John, Cr Albert Jacob and Cr Geoff Amphlett to the North-West Corridor Co-ordinating Committee.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (10/1)**

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

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21agn121206.pdf](#)

The Chief Executive Officer left the Chamber at 2130 hrs.

CJ241 - 12/06 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2006 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Director Corporate Services

CJ061121_BRF.DOC:ITEM 7

PURPOSE

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

EXECUTIVE SUMMARY

The October 2006 year to date report shows an overall variance (under spend) of \$3.8m 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 \$45.1m compared to a budgeted surplus of \$41.2m at the end of October 2006. The \$3.9m variance is primarily due to additional interest income, fees and charges, contributions, reimbursements and donations and lower than budgeted expenditure in employee costs and materials and contracts.
- **Capital Expenditure** is \$3,629k against the year to date budget of \$3,566k. The \$63k 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 October 2006 forming Attachment A to Report CJ241-12/06.

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 October 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 October 2006.

VOTING REQUIREMENTS

Simple majority.

MOVED Mayor Pickard SECONDED Cr Jacob that Council NOTES the Financial Activity Statement for the period ended 31 October 2006 forming Attachment A to Report CJ241-12/06.

The Motion was Put and

CARRIED (11/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf051206.pdf](#)

CJ242 - 12/06 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2006 – [09882]

WARD: All

RESPONSIBLE: Mr Mike Tidy
DIRECTOR Corporate Services

CJ061121_BRF.DOC:ITEM 8

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2006, totalling \$6,875,710.11.

It is recommended that Council NOTES the CEO's list of accounts for October 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ242-12/06, totalling \$6,875,710.11.

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 76927 - 77114 EFT 8128 - 8534 net of cancelled payments	\$4,767,545.68
	Vouchers – 203A, 205A – 210A	\$2,084,064.50
Trust Account	Cheques 201002 – 201058 Net of cancelled payments	\$24,099.93
	Total	\$6,875,710.11

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

Risk Management Considerations:

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

Financial/Budget Implications:

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

Policy Implications:

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

Sustainability Implications:

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

Consultation:

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

COMMENT

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

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Currie SECONDED Cr McLean that Council NOTES the Chief Executive Officer's list of accounts for October 2006 paid under delegated power in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ242-12/06, totalling \$6,875,710.11.

The Motion was Put and

CARRIED (11/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf051206.pdf](#)

The Chief Executive Officer entered the Chamber at 2133 hrs.

CJ243-12/06 MINUTES OF AUDIT COMMITTEE MEETING HELD ON 5 DECEMBER 2006 – [50068]

WARD: All

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

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 5 December 2006.

The Committee considered a report on the assessment of tender submissions in response to a tender for the provision of external auditing services. Three tender submissions were received. The new contract will be for a term of three years.

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 5 December 2006, forming Attachment 1 to Report CJ243-12/06; and*
- 2 *BY AN ABSOLUTE MAJORITY, ACCEPTS the tender submitted by Bentleys MRI Perth for the provision of Audit Services to the City and APPOINTS Mr Michael Hillgrove, Mr Patrick Warr and Mr Maurice Anghie as the City auditors for a period of three (3) years ending with the completion of the final audit of the 2008/09 financial year, in accordance with the Terms and Conditions specified in RFT 011-06/07.*

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). The appointment must be made on the recommendation of the Audit Committee, must be by absolute majority and can be for a maximum of 5 years.

The term of appointment of Deloitte Touche Tohmatsu ended with the completion of the 2005/06 financial year audit and new auditors need to be appointed.

A tender for the provision of audit services for a three-year term was advertised and three submissions were received and evaluated.

DETAILS

Issues and options considered:

These are detailed in the report in the minutes of the meeting of the Audit Committee held on 5 December 2006.

Link to Strategic Plan:

- 4.2.1 Provide efficient and effective service delivery

4.3.3 Provide fair and transparent decision-making processes

Legislation – Statutory Provisions:

Sections 7.2 – 7.8 of the Local Government Act 1995 deals with the appointment of auditors. There is a requirement under Regulation 7 of the Local Government (Audit) Regulations 1996 dealing with the audit agreement.

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondent and the appointment of its key personnel will represent a low risk to the City based on qualification, registration and local government audit experience.

Financial/Budget Implications:

For the last year of the previous Audit contract the City paid \$31,000.00 for the service.

The first year fee for the recommended tender is \$28,000.00 and is within the 2006/07 Budget provision of \$32,500.00.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The referees of the recommended tenderer were checked as part of the tender evaluation process. The Audit Committee discussed the tender report in its deliberations before making its recommendation.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 5 December 2006 are submitted to Council for noting. The Audit Committee's recommendation in relation to acceptance of a tender for the provision of audit services and the appointment of auditors is submitted for consideration and acceptance is recommended.

ATTACHMENTS

Attachment 1 Minutes of the Audit Committee meeting held on 5 December 2006.

VOTING REQUIREMENTS

Absolute majority.

MOVED Cr McLean SECONDED Cr Hart that Council:

- 1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 5 December 2006, forming Attachment 1 to Report CJ243-12/06;**
- 2 ACCEPTS the tender submitted by Bentleys MRI Perth for the provision of Audit Services to the City and APPOINTS Mr Michael Hillgrove, Mr Patrick Warr and Mr Maurice Anghie as the City auditors for a period of three (3) years ending with the completion of the final audit of the 2008/09 financial year, in accordance with the Terms and Conditions specified in RFT 011-06/07.**

The Motion was Put and**CARRIED BY AN
ABSOLUTE MAJORITY (11/0)**

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

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22agn121206.pdf](#)

**CJ244 - 12/06 TENDER 002-06/07 SUPPLY AND DELIVERY OF
PVC PIPES, FITTINGS AND SPRINKLERS FOR THE
CITY OF JOONDALUP – [81592]****WARD:** All**RESPONSIBLE DIRECTORS:** Mr David Djulbic Mr Mike Tidy
Infrastructure Services Corporate Services

CJ061121_BRF.DOC:ITEM 9

PURPOSE

This report is to seek the approval of Council to establish a panel contract and approve Elliotts Irrigation Pty Ltd, Total Eden and Hugall and Hoile as the successful tenderers for the Supply and Delivery of PVC Pipes, Fittings and Sprinklers for the City of Joondalup (Tender 002-06/07).

EXECUTIVE SUMMARY

Tenders were advertised on 7 October 2006 through statewide public notice for the Supply and Delivery of PVC Pipes, Fittings and Sprinklers in accordance with the requirements of RFT 002-06/07. Tenders closed on 24 October 2006. Four submissions were received from:

- Elliotts Irrigation Pty Ltd;
- Total Eden;
- Hugall and Hoile;
- Custom Irrigation.

It is recommended that Council, in relation to Tender 002-06/07 ACCEPTS:

- *Elliotts Irrigation Pty Ltd;*
- *Total Eden;*
- *Hugall and Hoile;*

as the successful tenderers for the Supply and Delivery of PVC Pipes, Fittings and Sprinklers in accordance with the requirements as stated in Tender Number 002-06/07 and the Schedule of Rates as outlined in Attachment 1 to Report CJ244-12/06 for a three (3) year period.

BACKGROUND

The City has a need to maintain existing reticulated and irrigated parks throughout the City as well as meeting the requirements of Capital Projects within the Dry Parks Development Programme.

DETAILS

Tenders were advertised on 7 October 2006 in The West Australian newspaper with the tenders closing on 24 October 2006. Four submissions were received from:

- Elliotts Irrigation Pty Ltd;
- Total Eden;
- Hugall and Hoile;
- Custom Irrigation.

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

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

The four submissions met all the essential requirements for the supply and delivery of PVC Pipes, Fittings and Sprinklers and were therefore carried forward into the second part of the evaluation process, which involves an independent assessment of the qualitative and quantitative criteria by each member of the evaluation panel. Each member of the evaluation panel assessed the submissions individually against the selection criteria using the weightings determined during the tender planning phase. The evaluation panel then discussed their assessments, leading to their recommendation to award the tender.

The prices submitted by Elliotts Irrigation Pty Ltd, Total Eden, Hugall and Hoile and Custom Irrigation, as detailed in the Pricing Schedule contained in their submissions, were competitive for those items tendered.

Custom Irrigation were able to provide 84% of items listed in the schedule.

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 002-06/07 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company
- The structure of the business
- Suitability of proposed goods
- Specialised equipment used
- Local infrastructure

Social and Economic Effects on the Local Community

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

Demonstrated Experience in Completing Similar Projects

- Scope of work
- Similarities between those contracts and this requirement
- 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 Elliotts Irrigation Pty Ltd, Total Eden and Hugall and Hoile represented value for money to the City.

Issues and options considered:

The City has selected the three highest scoring respondents being Elliotts Irrigation Pty Ltd, Total Eden and Hugall and Hoile. Prices submitted by the respondents were very competitive.

This selection was based on ability to supply the required. Whilst Custom Irrigation's submission was conforming, they were unable to supply materials listed and are also located in Balcatta.

The respondents selected all have extensive experience and knowledge within the reticulation and irrigation fields with comprehensive technical support facilities available on an 'as and when required' basis by the City. Three (3) respondents are located within the City of Joondalup boundaries. It is also noted that the City does not carry any stock and relies on purchasing direct from the suppliers.

Having a panel contract arrangement will allow greater flexibility for the City to meet its requirements as not only will the proposed respondents be strategically located within the City boundaries to adequately meet the operational needs in a timely manner with minimum downtime, the City also has the option to select those products that are keenly priced from any of the selected respondents, thereby enabling the City to maximise the opportunities in obtaining value for money.

The City, where deemed appropriate, may seek separate quotations from one or more of the respondents for individual requirements for technical advice and the supply and delivery of appropriate materials and goods for individual project requirements.

Link to Strategic Plan:

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

3 City Development.

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

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

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that the contract will represent a low risk to the City of Joondalup, as the successful tenderers are very well established companies with highly experienced personnel with extensive backgrounds in the industry. All the respondents are currently providing similar services to state and local governments, including the City of Joondalup.

Financial/Budget Implications:

The City has sufficient allocated funds for the purchase of reticulation and irrigation materials in accordance with the City's Operational Works Programme as authorised by Council annually and reviewed periodically. During the last financial year 05/06, the City incurred \$524,325 for the supply and delivery of PVC Pipes, Fittings and Sprinklers and is expected to incur \$1,456,000 over the three (3) year period of the Contract.

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

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Better management of water resources through tailored reticulation and irrigation systems for the City's parks and sporting facilities.

Consultation:

Not Applicable.

COMMENT

All the recommended respondents achieved very high weighted scores in the evaluation process and are all very well established organisations. Their proposed teams have extensive experience in the reticulation and irrigation industries within Western Australia and are providing technical services and materials and goods to state and local government authorities, including the City of Joondalup.

The evaluation panel considered that the selected respondents have the appropriate level of technical resources and expertise to provide the required services, as well as having comprehensive stocks of materials and goods readily available on a value for money basis and therefore recommends them as the preferred suppliers.

That the contract be awarded on a panel basis to ensure and maintain continuity of services and competitive pricing. The panel contract will cover areas of technical services required and provide options to the City as it may order requirements selected from the panel in order of needs, price ranking or availability of materials.

ATTACHMENTS

Attachment 1 Schedule of Rates.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hart SECONDED Cr Jacob that Council, in relation to Tender 002-06/07 ACCEPTS:

- **Elliotts Irrigation Pty Ltd;**
- **Total Eden;**
- **Hugall and Hoile;**

as the successful tenderers for the Supply and Delivery of PVC Pipes, Fittings and Sprinklers in accordance with the requirements as stated in Tender Number 002-06/07 and the Schedule of Rates as outlined in Attachment 1 to Report CJ244-12/06 for a three (3) year period.

The Motion was Put and

CARRIED (11/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf051206.pdf](#)

CJ245 - 12/06 TENDER 006-06/07 SUPPLY AND MAINTENANCE OF BOREHOLE PUMPS AND VERTICAL LINESHAFT TURBINE PUMPS – [18591]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

CJ061121_BRF.DOC:ITEM 10

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by Western Irrigation Pty Ltd for the supply and delivery including maintenance of Borehole Pumps and Vertical Lineshaft Turbine Pumps as and when required at various locations within the City of Joondalup for a period of three (3) years (Tender 006-06/07).

EXECUTIVE SUMMARY

Tenders were advertised on 14 October 2006 through statewide public notice for the supply and delivery including maintenance of Borehole Pumps and Vertical Lineshaft Turbine Pumps as and when required at various locations within the City of Joondalup. Tenders closed on 1 November 2006. Two submissions were received from:

- Tyco Pumping Systems
- Western Irrigation Pty Ltd

It is recommended, in relation to Tender Number 006-06/07 that Council ACCEPTS the tender submitted by Western Irrigation Pty Ltd for the supply and delivery including maintenance of Borehole Pumps and Vertical Lineshaft Turbine Pumps at various locations within the City of Joondalup as and when required in accordance with the requirements as stated in Tender 006-06/07 and the Schedule of Rates as outlined in Attachment 1 to Report CJ245-12/06 for a three (3) year period.

BACKGROUND

The scope of work includes the supply, delivery and maintenance of submersible bore hole pumps as and when required at various locations within the City of Joondalup. Appropriately trained and highly competent persons shall carry out all maintenance work associated with repair of the submersible pumping units. All parts to be used are Australian made unless otherwise approved by the City's Superintendent. All service records, documentation including Australian Standards under this Contract shall be made available to the City within 24 hours on request.

DETAILS

Tenders were advertised on 14 October 2006 through statewide public notice for the supply and delivery including maintenance of Borehole Pumps and Vertical Lineshaft Turbine Pumps as and when required at various locations within the City of Joondalup. Tenders closed on 1 November 2006. Two submissions were received from:

Tenderer	Schedule	Average Price \$ for Various Items (GST Exclusive)
Western Irrigation Pty Ltd	1 (Option 1) (Option 2)	\$5,684.83 and \$6,651.00 (standard) \$7,154.33 and \$7,870.50 (stainless steel)
	2 (Option 1) (Option 2)	\$1,613.60 (per unit) \$1,805.60 (per unit)
	3 (Items 1 - 3)	\$79.67 per metre \$63.67 per unit (Option 1 couplings)
	(Item 4) (Item 5)	\$7,222.00 (45 metres) \$8,218.00 (45 metres)
	4 (Item 1) (Item 2)	\$60.00 labour hourly rate \$275.00 per test
Tyco Pumping Systems	1 (Option 1)	\$5,437.50 per unit (Stainless Steel)
	2 (Option 1) (Option 2)	\$1,676.00 (per unit) \$2,639.00 (per unit)
	3 (Items 1 - 3)	\$60.75 per metre \$104.67 per unit (Option 1 Couplings) \$87.00 per unit (Option 2 Couplings)
	(Item 4) (Item 5)	\$7,650.00 (45 metres) \$8,685.00 (45 metres)
	4 (Item 1) (Item2)	\$88.00 labour hourly rate \$181.00 per test

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

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

The Selection Criteria for Tender Number 006-06/07 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company and the structure of the business
- Suitability of proposed goods and services
- Service and Maintenance – availability of parts, frequency and response times
- Specialised 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 Western Irrigation Pty Ltd represented value for money to the City.

Issues and options considered:

Should the Contract not proceed, the risk to the City will be medium as the City operates bores and pumping units to irrigate 'public open space' for community recreational activities. Disruption to sporting fixtures will result if a bore fails and if the grass dies off, as sporting fields become unsuitable for use, which will have some impact on the community.

Link to Strategic Plan:

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

3 City Development.

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

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

Legislation – Statutory Provisions:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or

worth more, than \$50,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondent will represent a low risk to the City based on it being a very well established company with a team of experienced key personnel in the irrigation industry.

Financial/Budget Implications:

The City has sufficient allocated funds in its annual maintenance and Capital Works budget, as adopted by Council, for this Contract to proceed. During the last financial year 05/06, the City incurred \$421,811 for the supply and maintenance of pumps and is expected to incur in excess of \$1,000,000 over the three (3) year period of Contract.

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

Policy implications:

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

The successful Tenderer is a Western Australian company located in Booragoon, WA and its Greenwood depot is located within the City of Joondalup. Over 15 of its employees reside in the Wanneroo and Joondalup area.

Regional Significance:

Not Applicable.

Sustainability implications:

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

Consultation:

Not applicable.

COMMENT

Western Irrigation Pty Ltd achieved the highest qualitative score and was the lowest priced offer received for items that the City will use most which are under Schedule 2 (options 1 and 2), Schedule 3 (items 4 & 5) and Schedule 4 (items 1 and 2 for labour hourly rate).

Western Irrigation currently services the bore pump supply and maintenance requirements of a number of local authorities, including Stirling, Wanneroo, Vincent, Cambridge, Melville, Fremantle, Cockburn, as well as the West Australian Department of Housing and Works and the City of Joondalup.

It is a third party accredited company to ISO9002 and operates with documented Occupational Safety and Health procedures.

The company owns and operates a range of specialized equipment required for maintenance of pump equipment. This includes such items as a workshop pump test facility (enabling performance tests to recognized standards), as well as manufacturer's specialized tools and equipment for dismantling, assessment and reassembly of pump and motor components.

The supply, delivery and maintenance of submersible bore hole pumps will be on an as and when required basis. The Contract pricing will be for a fixed and firm Schedule of Rates for the first twelve (12) month of the Contract period during which it shall not be subject to adjustment for rise and fall in any costs and the charges detailed shall not be subject to variation for profits, labour, fuel, materials, taxes, levies, insurance, GST administration expenses or any other charges in connection with supply under the Contract.

Thereafter, price variations may be negotiated in accordance with the All Groups Consumer Price Index (CPI) indices for labour rates and the Producer Price Index (PPI) indices for materials and supplies.

ATTACHMENTS

Attachment 1 Schedule of Rates.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Jacob SECONDED Cr John that Council in relation to Tender 006-06/07 ACCEPTS the tender submitted by Western Irrigation Pty Ltd for the supply and delivery including maintenance of Borehole Pumps and Vertical Lineshaft Turbine pumps as and when required at various locations within the City Of Joondalup in accordance with the requirements as stated in Tender 006-06/07 and the schedule of rates as outlined in Attachment 1 to Report CJ245-12/06 for a three (3) year period.

The Motion was Put and

CARRIED (11/0)

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf051206.pdf](#)

CJ246 - 12/06 TENDER 007-06/07 LAYING OF BRICK PAVERS WITHIN THE CITY OF JOONDALUP – [88590]

WARD: All

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

CJ061121_BRf.DOC:ITEM 11

PURPOSE

This report is to seek the approval of Council to accept the tender submitted by Tapps Contracting Pty Ltd for Laying of Brick Pavers within the City of Joondalup on an 'as and when required' basis for a period of three (3) years (Tender 007-06/07).

EXECUTIVE SUMMARY

Tenders were advertised on 7 October 2006 through statewide public notice for Laying of Brick Pavers within the City of Joondalup. Tenders closed on 24 October 2006. Four submissions were received from:

- Access Brickpaving Co
- Affirmative Paving
- Allstyle Brickpaving
- Tapps Contracting Pty Ltd

It is recommended, in relation to Tender Number 007-06/07 that Council ACCEPTS the tender submitted by Tapps Contracting Pty Ltd for Laying of Brick Pavers within the City of Joondalup in accordance with the requirements as stated in Tender 007-06/07 and the Schedule of Rates as outlined in Attachment 1 to Report CJ246-12/06 for a three (3) year period.

BACKGROUND

The scope of work includes but is not limited to the preparation of sand bedding, laying of brick pavers and compaction in accordance with the Specification detailed in Section 3 of the Request. The brick and concrete block pavement, as and when required, shall be constructed in the location and to the lines and levels shown on the relevant Drawings. The levels shall be such that the pavement will be free draining. The Work to be performed under the Contract shall be subject to execution within certain restricted working hours and the Contractor shall observe these requirements.

DETAILS

Tenders were advertised on 7 October 2006 through statewide public notice for Laying of Brick Pavers within the City of Joondalup. Tenders closed on 24 October 2006. Four submissions were received from:

Tenderer		Average Rate (\$) All Specified Tasks (GST Exclusive)
Name	Location	
Tapps Contracting Pty Ltd	Balcatta	\$17.72
Allstyle Brickpaving	Connolly	\$18.20
Access Brickpaving Co	Shenton Park	\$21.80
Affirmative Paving	Wangara	\$33.00

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

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

The Selection Criteria for Tender Number 007-06/07 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

- A brief history of the company and the structure of the business
- Details of specialised facilities, systems or 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 Tapps Contracting Pty Ltd represented value for money to the City.

Issues and options considered:

Should the contract not proceed, the risk to the City will be high as the construction and maintenance of the paved footpaths and paved roads is critical to the maintaining of the road network in a safe and usable state for the community.

Link to Strategic Plan:

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

3 City Development.

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

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

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 company with a fully equipped team and previous satisfactory performance in supplying services of this nature.

Financial/Budget Implications:

The City has sufficient allocated funds in its annual maintenance and Capital Works budget, as adopted by Council, for this Contract to proceed. The total cumulative Contract value over the three (3) years of the Contract is approximately \$923,566.00 (excluding GST) based on previous requirements.

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

Policy implications:

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

The successful Tenderer is based in Balcatta and the company's directors and five of its employees reside in the City of Joondalup. It obtains its materials, where possible, in Joondalup and use local businesses for services associated with this requirement.

Regional Significance:

Not Applicable.

Sustainability implications:

This Contract will ensure the City is able to upgrade and maintain the paved road network in a safe and usable state, providing a safe environment for the community.

Consultation:

Not applicable.

COMMENT

Tapps Contracting Pty Ltd achieved a high qualitative score and is the lowest priced offer received at \$17.72 (GST Exclusive), and is considered the best value for money option for the City.

It is a well established company that has been providing paving services since its inception in 1989 and is also a current supplier of paving services for the City of Joondalup since 1997, for the City of Stirling since 1996 and the Town of Victoria Park since 2000.

Tapps Contracting operates from its Balcatta Office with a fully equipped team of twelve key personnel with extensive paving experience. The company has in-house safety management guidelines in place.

The provision of the paving services will be on an as and when required basis. The Contract pricing will be for a fixed and firm Schedule of Rates for the first twelve (12) month of the Contract period during which it shall not be subject to adjustment for rise and fall in any costs and the charges detailed shall not be subject to variation for profits, labour, fuel, materials, taxes, levies, insurance, GST administration expenses or any other charges in connection with supply under the Contract.

Thereafter, price variations may be negotiated in accordance with the All Groups Consumer Price Index (CPI) indices for labour rates and the Producer Price Index (PPI) indices for materials and supplies.

ATTACHMENTS

Attachment 1 Schedule of Rates.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Jacob SECONDED Cr Amphlett that Council in relation to Tender 007-06/07 ACCEPTS the tender submitted by Tapps Contracting Pty Ltd for laying of brick pavers within the City of Joondalup in accordance with the requirements as stated in Tender 007-06/07 and the schedule of rates as outlined in Attachment 1 to Report CJ246-12/06 for a three (3) year period.

The Motion was Put and

CARRIED (11/0)

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf051206.pdf](#)

CJ247 - 12/06 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD 25 OCTOBER 2006 – [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

CJ061121_BRF.DOC:ITEM 12

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee Meeting held on 25 October 2006 for endorsement by Council.

EXECUTIVE SUMMARY

The intention of this report is to inform Council of the proceedings of the Conservation Advisory Committee meeting that was held on 25 October 2006.

It is recommended that Council:

- 1 *NOTES the Minutes of the Conservation Advisory Committee Meeting held on the 25 October 2006 forming Attachment 1 to Report CJ247-12/06;*
- 2 *NOTES that Item 1 on the Conservation Advisory Committee Meeting Agenda Review of Advisory Committees of Council was deferred to the 29 November 2006 Conservation Advisory Committee Meeting;*
- 3 *NOTES that Item 2 on the Conservation Advisory Committee Meeting Agenda Strategic Plan Key Performance Indicators was deferred to the 29 November 2006 Conservation Advisory Committee Meeting;*
- 4 *LISTS \$50,000 as a high priority in the half-yearly budget review to assist in identifying bushland being affected by irrigation, and to determine on-ground solutions to reduce the problem in the event that the City is unsuccessful in obtaining Australian Government Water grant funding assistance.*

BACKGROUND

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

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

DETAILS

Three items were on the Agenda at this meeting:

Item 1 was Review of Advisory Committees of Council. This report was presented at the 10 October 2006 Meeting of Council. Council resolved to refer the report to the Conservation Advisory Committee for comment.

The CAC considered the report and resolved to defer the item to the 29 November CAC Meeting.

Item 2 was the Strategic Plan Key Performance Indicators. This report was presented to Council on the 29 August 2006, Council accepted the report and requested that Key Focus Area 2 – Caring for the Environment be referred to the Conservation Advisory Committee to develop Key Performance Indicators for the preservation of Joondalup's natural biodiversity. The CAC deferred the item to the November 2006 CAC Meeting, officers were requested to provide information to Committee Members on the City's Natural Areas KPI System that is currently being used by the City as a tool for natural areas management.

Item 3 on the CAC Agenda was The Impact of Reticulation on Bushland in the City of Joondalup. At the September 2006 CAC Meeting the Presiding Person requested this report address the outcomes associated with overspray from the City's irrigation systems on bushland and examine measures to reduce the overspray. The Committee acknowledges that bushland in Western Australia is damaged by the addition of irrigation water.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

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

Strategies

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:Environmental

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

Social

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

Consultation:

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

COMMENT

Of the three items on the Agenda of the 25 October Meeting of the Conservation Advisory Committee Items 1 and 2 were deferred to the November CAC Committee Meeting. The Report titled "The Impact of reticulation on Bushland in the City of Joondalup" was considered by the Committee, the Committee were of the belief that reticulation being deposited in bushland within the City's Reserves was having a deleterious affect on the bushland and funds should be sought through the mid year budget review process to resolve the problem.

The Committee was also informed that federal funding of \$50,000 had also been sought through the Australian Government Water Fund and that the City will be informed if the grant submission is successful later in the year.

ATTACHMENTS

Attachment 1 Minutes of 25 October 2006 meeting of the Conservation Advisory Committee.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Magyar SECONDED Cr Hart that Council:

- 1 NOTES the Minutes of the Conservation Advisory Committee Meeting held on the 25 October 2006 forming Attachment 1 to Report CJ247-12/06;**
- 2 NOTES that Item 1 on the Conservation Advisory Committee Meeting Agenda Review of Advisory Committees of Council was deferred to the 29 November 2006 Conservation Advisory Committee Meeting;**
- 3 NOTES that Item 2 on the CAC Meeting Agenda Strategic Plan Key Performance Indicators was deferred to the 29 November 2006 Conservation Advisory Committee Meeting;**
- 4 LISTS \$50,000 as a high priority in the half-yearly budget review to assist in identifying bushland being affected by irrigation, and to determine on-ground solutions to reduce the problem in the event that the City is unsuccessful in obtaining Australian Government Water grant funding assistance.**

Cr Hart spoke to the motion.

The Motion was Put and**CARRIED (11/0)**

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf051206.pdf](#)

Name/Position	Cr M John
Item No/Subject	<i>CJ248-12/06 - Round 4 State Underground Power Program Local Enhancement Projects – [04396]</i>
Nature of interest	<i>Financial Interest</i>
Extent of Interest	<i>Cr John has a property interest in the area covered by this Report.</i>

Cr John left the Chamber at 2136 hrs.

CJ248 - 12/06 ROUND 4 STATE UNDERGROUND POWER PROGRAM LOCAL ENHANCEMENT PROJECTS – [04396]

WARD - South & South-West

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

This report examines the issues and implications for the City, in the provision of underground power and street lighting for Local Enhancement Projects as part of Round Four of the State Underground Power Program.

EXECUTIVE SUMMARY

The State Underground Power Program is a State Government initiative introduced in 1996 and run by the Office of Energy and implemented by Western Power with the goal of having underground residential power distribution to half of Perth's houses by 2010. The extent of underground power in the City of Joondalup exceeds 60%.

The State Underground Power Program consists of two components which incorporate undergrounding of overhead power in both residential and major streetscape enhancement projects.

Office of Energy has now announced Guidelines for Localised Enhancement Projects (LEP) and has requested Expressions of Interest for project areas by 2 February 2007.

The LEP program provides an opportunity to beautify gateways, traffic routes of scenic significance, and centres of tourism or heritage value. The main criteria for LEP projects include factors such as regional location, heritage, tourism, visual and geographical significance as well as potential amenity improvements.

Expression of Interest projects will be evaluated by March 2007, projects short listed for Stage 2 Detailed Proposals are announced by April 2007 and then Consultation and Detailed Design to follow thereafter. Design and Construction is phased over the following two years with the last project expected to start construction in 2009.

LEP projects are funded 50% by the State Government and 50% by the local government authority (LGA) up to a maximum contribution of \$250,000 by Western Power/Office of Energy. Expenditure beyond that amount must be guaranteed by the LGA before Western Power would undertake a project.

The submission of two Expression of Interest projects areas along West Coast Drive from Beach Road to The Plaza ties into the redevelopment of the streetscape in this location as part of the City's 2006/07 Five Year Capital Works Budget as listed in the Streetscape Enhancement Program. As the criteria of the LEP requires a maximum contribution of \$250,000 by the state with the local government contributing an equal amount, it is proposed that the City submits two separate projects that when combined will cover the full length of the proposed West Coast Drive streetscape enhancement project.

It is recommended that Council:

- 1 *Submits an Expression of Interest in Round 4 of the 2006/07 State Underground Power Program by nominating the following sections:*
 - *South section – West Coast Drive from Beach Road through to Gull Street in Marmion.*
 - *North section – from Gull Street to The Plaza in Sorrento*
- 2 *SUPPORTS this project to proceed on the basis that the City contributes 25% and recovers 25% of the portion of the costs from affected residents on a user pays principle, with the State Government contributing 50%.*

BACKGROUND

The City has approximately 53,000 residential properties in the municipality, of which around 19,000 are serviced by overhead power and the remainder by underground power. The street lighting is based on this supply network with generally timber poles for overhead power and steel poles for underground power. Except for Iluka, Harbour Rise Estate in Hillarys and Joondalup City Centre, the street lighting is owned and operated by Western Power on behalf of the City.

The City has made submissions to Office of Energy in 2001, 2003 and 2005 for grants for Major Residential Projects (MRP) for the provision of underground power in overhead power areas.

As part of the 2005 submission the City has been successful in its expression of interest submission relating to the residential component of the programme for the Greenwood West locality, and is currently discussing with Western Power the time frames prior to undertaking the community survey component of the programme.

It is also noted that West Coast Drive was previously included within a major residential project EOI submission which was submitted in 2003 and 2005.

This report deals with the major streetscape enhanced component of the state underground power programme known as Localised Enhancement Projects (LEP). The submission of an Expression of Interest in the LEP program continues the City's strategy of applying for grants to upgrade and renew infrastructure within the City.

DETAILS

Status of State Under Ground Power Program (SUGPP) and Local Enhancement Projects

Local Enhancement Projects fall under the banner of the SUGPP which is a State Government initiative introduced in 1996, run by the Office of Energy (OoE) and implemented by Western Power (WP) with the goal of having underground residential power distribution to half of Perth's houses by 2010. The extent of existing underground power in the City of Joondalup exceeds 60%.

In general the SUGPP improves the reliability of power in an area, accelerates the renewal of the power infrastructure, reduces maintenance and distribution losses and costs, enhances the streetscape and the visual amenity of public places, improves safety and security and increases property values. The LEP program provides an opportunity to beautify gateways, traffic routes of scenic significance and centres of tourism or heritage value in both urban and rural areas.

Office of Energy has now announced Round 4 of the SUGPP for Local Enhancement Projects and has requested Expressions of Interest to be submitted by 2 February 2007. OoE in conjunction with WP will assess all EOI submissions using technical and non-technical criteria to select short listed project areas by March 2007. Following announcement in April 2007, those LGAs with short listed projects will be invited to develop detailed proposals including surveys of residents, lodge a non-refundable \$5,000 deposit to cover design work and determine funding strategies to cover the total project design and construction costs. The timeline from Expression of Interest, Survey and Consultation, Detailed Design, Approval of the Minister and signing of formal agreements could take up to 12 months with the last of the short list projects expected to start construction in 2009.

Cost of Conversion using the Local Enhancement Projects Program

Local Enhancement Projects have a maximum length of 1,000 metres and a budget rate of \$530 per metre. The projects are generally 50:50 funded by the State Government and the Local Government, with a maximum contribution of \$250,000 by the State. Any increase in scope of work and costs must be met by the participating Council.

The LGA can fund its portion of a project or elect to recover the cost from affected ratepayers/residents on a user pays principle.

Should Council elect to not use the user pays principle then it needs to ensure that whatever proportion or contribution is made to a project scheme or area, it is applied equitably across the City. Further costing information is provided under the section Financial Implications & Comment.

Local Enhancement Project Selection Criteria

There are a number of criteria for Local Enhancement Projects. As the LEP program mainly targets non-metropolitan areas, projects in regional towns are given preference. However metropolitan councils may apply for grants within the program. Unlike Major Residential Projects where the main criteria is Power System Reliability, Local Enhancement Projects consider factors such as:

- Geographical Location – higher scores are given to rural and regional towns than metropolitan locations;
- Heritage Significance – the proximity of a project to a heritage precinct or a listed heritage location;
- Tourism Significance – the proximity of the project to a tourism precinct, tourism facilities, iconic sites and parks;
- Visual Significance – existing or planned streetscape enhancements and natural landscape features within the project area;
- Geographical Significance – the significance of the project area to the district and region in which it is located including land use such as town centre, commercial or residential;
- Other Items of Significance – other amenity and potential improvements which can be achieved from underground power in the project area.

Other information that will be used in assessing Expression of Interest Projects are:

- Power System Reliability – the record of outages of the overhead system, age, history and potential vulnerability to storm damage and traffic crashes involving power poles.
- Demonstrated commitment and ability to jointly fund the project including a strategy to acknowledge and manage the risk of underfunding leading to increased costs;
- Acknowledgement that if a project does not proceed to implementation after selection to a Detailed Design Stage, then full development and design costs to be reimbursed;
- Requirement to lodge a \$5,000 non-refundable deposit should a project be short listed and proceed to a Detailed Design Stage. This deposit covers the cost of any preliminary design work involved to assess and undertake design work to further develop the submission.
- Project Budget Issues – size of project area, number of lots and connections, existing streetscape, soil conditions and infrastructure improvements such as infill sewerage.
- Community support for the project – although a detailed survey is not required, evidence of community support improves the score for this criterion.

Benefits of the LEP Program to the City

There are many benefits to the City by being involved in the LEP program which include:

- Better visual and cleaner streetscape.
- Better street lighting leading to a safer community with less crime, vandalism and graffiti and less opportunity for crime, vandalism and graffiti;
- Reduced street lighting costs if high efficiency lamps are used;
- A healthier community - better night time walking/exercise environment and more use of public transport because of safer access to public transport facilities;
- Safer roads and paths with less possible collision objects such as power poles, stay poles and stay wires close to the road.

Costs of the LEP Program to the City

The City will incur costs in making and administering an EOI submission and these include:

- Administration costs for EOI and, if successful, Stage 2 detailed submissions;
- External consulting costs for surveys, public relations and technical advice;
- Project management and coordination costs;

Some of these costs can be recouped as part of a project scheme if a submission is successful.

Proposed Local Enhancement Projects

Local Enhancement Projects are generally based on strip development, townsites and precincts that suit the 1000 metre distance limit and the costing rate of \$530 per metre. In conjunction with the other criteria, the most suitable site for an LEP project area in the City is the strip of West Coast Drive from Beach Road, Marmion to The Plaza, Sorrento as Shown on Attachment 1.

This project area is also funded in the City's 5 Year Capital Works Budget Streetscape Enhancement Program – Project SSE1005: 2006/07 - \$50,000, 2007/08 - \$500,000 & 2008/09 - \$500,000. This project involves a widened coastal dual use path, retaining walls, path lighting and lookouts from Beach Road to Raleigh Road. An underground power scheme will complement this significant streetscape enhancement project.

The City has requested information from Western Power on the reliability of the existing overhead power system for this section of West Coast Drive and is currently awaiting a response to that request.

Due to the 1000 metre general limit on LEP projects, this 1700 metre length of West Coast Drive will be submitted as two EOI projects as shown on Attachment 1. In this way the City can take advantage of a Western Power contribution to both project areas rather than one only if submitted as a single project.

However, under the guidelines, Office of Energy may only support one project area per Council per Round of the LEP program.

It is anticipated that the next calls for EOI projects will be in 2008 for LEP projects. This is yet to be confirmed by Western Power.

Sewer Infill Scheme

The Sewer Infill scheme under the control of the Water Corporation is currently in progress in the West Coast Drive area of Marmion and Sorrento. By the time actual underground power construction work would occur on the ground, the sewer infill works will be completed. Refer to Attachment 1 for location details.

Link to Strategic Plan

This Report relates to several Key Focus Areas (KFA) including KFA 1 - Community Wellbeing, KFA 2 - Caring for the Environment and KFA 3 - City Development.

The specific objectives achieved from the above KFAs are:

- KFA 1 - Community Wellbeing - Objective 1.4 - To work with the community to enhance safety and security in a healthy environment;
- KFA 2 - Caring for the Environment - Objective 2.1 - To plan and manage our natural resources to ensure environmental sustainability;
- KFA 3 - City Development - Objective 3.1 - to develop and maintain the City of Joondalup's assets and built environment.

Legislation - Statutory Provisions:

Not Applicable

Risk Management Considerations

Risk Issues for the City with the SUGPP are mainly financial. This would occur if an EOI project submission were selected for short listing and proceeds to a Detailed Proposal Stage. The City is obliged to pay a \$5,000 non-refundable deposit and any other design and development costs which may occur during the detail proposal stage.

By signing the Formal Agreement to proceed to with the project, the City is also committed to funding at least 50% of the project cost regardless of how it is to be funded. As a result, a detailed community survey will need to be undertaken to ensure ratepayer support for the project and any costing scheme adopted by the City.

Financial Implications:

There are 2 main issues for the City when considering a Local Enhancement Project submission - the costs of administering a project area and the detailed costing scheme to be applied to the project areas.

A detailed costing scheme will need to be considered by the City so that any proposed City contributions, Ratepayer Contribution, payment plans and discounts can be calculated. Western Power has provided an amended project cost in this area of \$530/metre including reinstatement. Therefore, if the two projects areas were each 850 metres long, the cost of each section would be \$450,500. Based on a 50:50 contribution, the City's and Western Power's costs would be \$225,250 each. Refer to Attachment 2 for more detailed information.

Therefore, the detailed costing scheme may need to consider:

- The City contribution in lieu of improved valuations to the area
- Using a fixed service fee rather than a variable GRV valuation

- Discounts for pensioners
- Discounts for existing underground power connections
- Special consideration for nearby transformers and switchgear
- Reductions for multiple customers on a single property
- Payment options (those previously considered by the City included full up front payment with a discount incentive or payment by instalments over 2 to 5 years with an interest charge).

There may also be a cost to the City for its contribution to the scheme because of its own facilities in a project area. The energy consumption of facilities on reserves, carpark lighting, etc is used on a pro rata basis for working out its proportional cost to underground the overhead network which supplies those facilities. A similar approach is used for business, schools, etc. in large residential projects.

Policy Implications:

Not Applicable

Regional Significance:

Although Beach Road is a boundary road with the City of Stirling it is unlikely there will be any significant issues with the scheme that would require its approval.

Sustainability Implications:

Social Benefits - are accrued through improved safety, amenity, health and well being, reduced vandalism, crime and anti-social behaviour and a better urban and local streetscape.

Environmental Benefits – may be achievable if the lighting uses the latest technology in illumination and illumination control equipment. Newer type luminaires such as metal halide and compact fluorescent use less energy for the same amount of lumination output than the most common used luminaires of mercury vapour and are less dangerous in terms of disposal of mercury lamps.

Financial Benefits accrue through more efficient lighting technology to reduce ongoing energy costs and the financial cost of the social benefits – less crime, vandalism and graffiti and a healthier community. The value of these social benefits may be included in any financial model.

Consultation:

Consultation will be required when a project area is selected for a Stage 2 Detailed Submission. At that time a detailed lot by lot survey will be undertaken outlining the Local Enhancement Project, its aims, costs, benefits and preferred payment options.

COMMENT

The proposed Local Enhancement Project areas, West Coast Drive from Beach Road, Marmion to The Plaza, Sorrento, fits the project criteria in terms of location, benefits, power system reliability and amenity and landscape improvements. However, the method the City adopts to pay for its contribution to these project areas needs to consider factors such as equity and amenity.

Attachment 2 shows the details of the two project sections and a combined project over the full length. Option A details the costs if the City were to fund the project from its own

resources, ie; all ratepayers contribute to the cost of under-grounding a section of overhead power in West Coast Drive.

Option B details the costs per lot if the City was to recover the full cost from each of the lot owners.

Option C details the costs per lot if the City were to contribute 25%, lot owners 25% and State Government 50%.

It is considered that, of the above 3 funding options, the option, which best preserves equity across the whole of the City is Option C, and it is recommended that two Expression of Interest projects be submitted for 2006/07 Round Four Local Enhancement projects as shown on Attachment 1 on the basis that the City fund its portion of the project by recovering 25% of the costs from affected residents on a user pays principle, with the City contributing 25% and the State 50%. This approach recognises that West Coast Drive only has residential lots on one side and not both sides which is the case for other residential project areas considered by Council previously.

It is noted that should Council be successful at the EOI stage, it would then be necessary to undertake a community survey to ascertain the level of support amongst affected residents to pay the required contribution. Should there be a lack of support by the community at that time, then Council has the option to withdraw the proposal on a user pay basis and proceed with Council funding the full 50%, or to withdraw entirely from the project.

ATTACHMENTS

- 1 Map detailing Proposed Expression of Interest Local Enhancement Project areas in Marmion and Sorrento;
- 2 Projects Costs and Funding Options

VOTING REQUIREMENTS

Simple Majority.

ADDITIONAL INFORMATION

Attachment 2 to this report was required to be updated following the Briefing Session held on 5 December 2006. Whilst a revised electronic attachment was provided on the electronic agenda, the version provided in the hardcopy agenda was incorrect. This attachment has been corrected in the minutes of this meeting.

MOVED Cr Fishwick SECONDED Cr Currie that Council:

- 1 SUBMITS an Expression of Interest in Round 4 of the 2006/07 State Underground Power Program by nominating the following sections:**
 - South section – West Coast Drive from Beach Road through to Gull Street in Marmion;**
 - North section – from Gull Street to The Plaza in Sorrento;**
- 2 SUPPORTS this project to proceed on the basis that the City contributes 25% and recovers 25% of the portion of the costs from affected residents on a user pays principle, with the State Government contributing 50%.**

Discussion ensued.

The Motion was Put and

CARRIED (10/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Magyar, Jacob, Hart, Corr, Fishwick, Currie and Amphlett

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9agn121206.pdf](#)

Cr John entered the Chamber at 2150 hrs.

CJ249 - 12/06 PROPOSED AMENDMENT NO 35 TO DISTRICT PLANNING SCHEME NO 2 TO PROTECT NATURAL AREAS OF SIGNIFICANCE – [89579]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ061121_BRF.DOC:ITEM 14

PURPOSE

The purpose of this report is to respond to the Conservation Advisory Committee's (CAC) proposal to protect natural areas of significance under District Planning Scheme No 2 (DPS2).

EXECUTIVE SUMMARY

The CAC sought support from Council to protect the significant natural areas within the City as identified by the Perth Biodiversity Project (PBP) process, by placing them in Schedule 5 (Clause 5.3.1) – Places and Objects Having Significance for the Purpose of Protection of the Landscape or Environment, under DPS2.

Ninety-four (94) reserves contain bushland that are managed by the City. The CAC has requested Council to place 31 of these reserves under Schedule 5 of the DPS2. Several of these reserves were grouped together and upon further examination of land title and zoning information, a total of 34 reserves are proposed to be placed within Schedule 5 of DPS2.

Of the 34 reserves, 17 contain bushland only and the remaining 17 have a combination of bushland and active/grassed areas (ovals, playgrounds). For reserves containing bushland only, the entire reserve is proposed to be placed in Schedule 5. For the 17 reserves that have a combination of bushland and active/grassed areas, reference is made within Schedule 5 to accompanying plans which delineate the bushland areas.

In order to facilitate this proposal, an amendment to clause 5.3 of DPS2 is proposed, together with the reference to plans referred to and listed in Schedule 5 being outlined under Clause 1.4 - *Contents of the Scheme* of DPS2.

It is recommended that Council initiates Amendment No. 35 to DPS2 to gauge public comment about this proposal.

BACKGROUND

The CAC has been working to produce a local biodiversity strategy for the City. Natural areas of high ecological value have been identified by utilising structured processes made available to Council by the Western Australian Local Government Association, through the PBP. The Local Biodiversity Guidelines produced by the PBP advise that natural areas identified through this process be protected by the use of town planning schemes.

Council at its meeting on 22 November 2005 (CJ256 – 11/05 refers) resolved to note the list of thirty one (31) reserves shown in Attachment 2 to that report as recommended by the CAC for inclusion in Schedule 5 of DPS2.

Council also resolved to note that a further report will be provided on the CAC's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of DPS2.

Reserve Selection

The City of Joondalup's CAC requested that more of the City's natural areas be protected and actively managed for conservation purposes. It was recognised at the time that some form of scientifically based prioritisation or ranking of natural areas would be necessary in order to ensure that the most important areas for biodiversity protection were selected.

The State Government, through Bush Forever, identified and protected regionally significant natural areas and gave the expectation that Local government (with the support of State Government) would in turn identify and protect locally significant natural areas. Bush Forever aimed to protect at least 10% of the original extent of each vegetation complex on the Swan Coastal Plain, however it has been recognised that around 30% is required to effectively conserve biodiversity.

Properly managed and protected locally significant natural areas will help not only to increase the percentage of each vegetation complex protected, but can also provide "stepping stones" or habitat corridors between regionally significant areas. These corridors allow the movement of fauna and plant seed and pollen between otherwise isolated islands of bushland, therefore increasing their long-term viability.

In 2003, the Perth Biodiversity Plan Project was established under the auspices of the WA Local Government Association. The project aimed to assist in identifying, assessing and prioritising City owned or vested natural areas.

In 2004, the City's natural areas were assessed and prioritised using the criteria developed by the Perth Biodiversity Plan. Of the ninety four (94) natural areas assessed, seventy two (72) ranked as "Priority 1A Locally Significant Natural Areas", which are areas of high value in a regional (or greater) context for their ecological values; eight (8) ranked as Priority 1B Locally Significant Natural Areas, which are areas of local significance and fourteen (14) ranked as Priority 2 Locally Significant Natural Areas.

Sixty six (66) of the natural areas ranked as priority 1A, plus the Coastal Reserve, are now receiving varying levels of active management.

The Selected Reserves

The CAC has recommended that the Council consider listing 31 of the high priority natural areas in Schedule 5 of the City's District Planning Scheme for the protection of their environmental and landscape values. Several of these reserves were grouped together and upon further examination of land title and zoning information, a total of 34 reserves are proposed to be placed within Schedule 5 of DPS2. The reserve location, title/address details,

name, size and vegetation description are provided for all 34 reserves, together with a plan for each of the 17 reserves that have a combination of bushland and active/grassed areas (ovals, playgrounds), in Attachment 1.

Of the 34 reserves, 32 are zoned Local Reserves 'Parks and Recreation' and two (Central Park & Lakeside Park) are zoned 'Centre' under DPS2.

The Marmion Coastal Reserve is zoned 'Parks and Recreation' under the Metropolitan Region Scheme (MRS) and the provisions of the MRS apply to this land and not those within DPS2. The Marmion Coastal Reserve proposal put forward by the CAC is therefore unable to be listed within Schedule 5 of DPS2.

DETAILS

Issues and options considered:

DPS2 Clauses

A number of clauses within DPS2 relate to the proposal, as outlined in Attachment 2. Clause 2.3 applies to local reserves generally, while Clause 5.3 allows specific areas/sites to be identified and listed in DPS2 under Schedule 5 as 'Places and Objects Having Significance for the Purposes of Protection of the Landscape or Environment.'

Differences between DPS2 provisions

The differences in DPS2 provisions relating to the development of Local Reserves is set out in table form below:

Clause 2.3.3 of DPS2	Clause 5.3 of DPS2
<p>Without written approval of Council, no person shall:</p> <ul style="list-style-type: none"> ▪ demolish or damage any building or works; ▪ construct, extend, or alter any building or structure other than a boundary fence; ▪ excavate spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved; ▪ remove or damage any tree; ▪ carry out or commence to carry out any other development on any Local Reserve. 	<p>Approval of the Council is required for:</p> <ul style="list-style-type: none"> ▪ the alteration or removal of any building or object or part thereof. ▪ the commencement or carrying out of any renovation, modification, refitting, decoration or demolition of any building. ▪ the clearing, excavation or filling of any land; ▪ the felling, removal, killing or causing of irreparable damage to any tree. ▪ the erection of any fence.

The principal differences within the clauses relate to:

- the expressions used to describe similar activities (eg tree removal, demolition of buildings),
- the erection of a fence requires Council approval under clause 5.3.

Proposed Modification to Clause 5.3 of DPS2

Under Clause 5.3, it is proposed to insert the following new clause after clause 5.3.2.2;

- 5.3.2.3 *For the avoidance of doubt, the requirement for approval under clause 5.3.2.1 is in addition to any other requirement for approval under the Scheme.*

The effect of this proposed new clause is to ensure that it is clear that for reserves listed in Schedule 5, the provisions of both Clause 2.3.3 and Clause 5.3 of DPS2 apply to those reserves, and approval is required under both clauses.

Proposed Modification to Clause 1.4 of DPS2

Under Clause 1.4, it is proposed to insert the following after (d) agreed Structure Plans;

- (e) Plans referred to in Schedule 5

As plans delineating the bushland areas of reserves will be included in DPS2 under Schedule 5, appropriate reference needs to be made to those plans.

Options

The options available in considering this proposal are:

- Do not support the inclusion of the reserves into Schedule 5 of DPS2.
- Support the proposed amendment to Clauses 1.4 and 5.3 of DPS2 and the inclusion of 34 reserves into Schedule 5 the DPS2, for the purposes of public advertising.
- Support the proposed amendment as above, however, include and/or delete other additional reserves into Schedule 5.

Link to Strategic Plan:

Key Focus Area - Caring for the Environment

Outcomes - The City of Joondalup is environmentally responsible in its activities.

Objectives - To plan and manage our 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:

Should the Council support the amendment to clause 1.4, 5.3 and inclusion of the reserves and maps into Schedule 5 of DPS2, initiation of an amendment to DPS2 is required.

Part 5 of the Planning and Development Act 2005 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed.

Should Council resolve to initiate the amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for forty two (42) days.

Upon closure of the advertising period, the Council considers all submissions received during the advertising period and resolve to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the

Western Australian Planning Commission (WAPC) that makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

There are sufficient funds to cover the statutory process and associated advertising costs for the amendment proposal.

Policy implications:

This proposal does not have any policy implications.

Regional Significance:

Not applicable.

Sustainability implications:

Environmental

A CAC objective is “To make recommendations to Council for the Conservation of the City of Joondalup’s natural biodiversity”.

Social

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

Consultation:

The proposal has been considered and supported by the CAC.

Legal advice has suggested that to avoid any doubt, a clause be added to DPS2 that outlines that where reserves are listed in schedule 5, approval under Clause 5.3.2.1 is in addition to any other approval requirements under the scheme.

Legal advice also suggested that in order to apply DPS2 provisions to land, the land needs to be accurately described using words or a plan with accurate dimensions. Where only a portion of a reserve is to be included in Schedule 5, a description via reference to a plan is required. The plan shows relevant dimensions and an area and forms part of the scheme document.

COMMENT

Potential Future Active Areas

Several reserves have been identified where extension of the active areas may be considered in the future, which may have an impact on existing bush areas. These reserves are:

- Bonnie Doon Park, 21 Bonnie Doon Gardens, Connolly

- Cranston Park, 29 Cranston Loop, Kinross
- Sandalford Park, 12 Sandalford Drive, Beldon
- Beaumaris Park, 40 Beaumaris Boulevard, Ocean Reef
- Caledonia Park, 32 Caledonia Avenue, Currambine
- Timberlane Park, 80 Timberlane Drive, Woodvale

It is noted that the removal of vegetation would require the approval of Council regardless of the inclusion of the reserve in Schedule 5 of DPS2. On this basis, it is not considered appropriate to exclude the above reserves from inclusion in Schedule 5.

Impact of Listing Reserves in Schedule 5 of DPS2

All local reserves currently have a level of protection under Clause 2.3.3 of DPS2 as it requires that, unless the proposed development is a public work exempted by the Planning and Development Act, or written approval of the Council is first obtained, no person shall

- demolish or damage any building or works,
- construct, extend, or alter any building or structure other than a boundary fence,
- excavate, spoil or waste the land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved,
- remove or damage any tree or carry out or commence to carry out any other development on any Local Reserve.

The inclusion of these reserves into Schedule 5 may afford minimal increased protection under DPS2 from that they already have under Clause 2.3 of DPS2, as the differences between development provisions under Clause 2.3 and Clause 5.3 of DPS2 (as set out in the table under Details), do not differ greatly in significance, particularly with respect to vegetation removal.

However, inclusion of the reserves into Schedule 5 provides a clear commitment and indication that those reserves are important local conservation areas. The reserves are all owned by the Crown and management orders (vesting) in favour of the City of Joondalup are in place.

It is therefore recommended that Council resolve to initiate Amendment No. 35 to DPS2 to amend clauses 1.4 and 5.3 of DPS2 and to include 34 reserves (including maps of each reserve) into schedule 5 of DPS2.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Proposed amendments to DPS2 and List of Proposed Reserves & Accompanying Maps for inclusion into Schedule 5 of DPS2 |
| Attachment 2 | DPS2 Clauses |

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, ADOPTS the amendments to the City of Joondalup District Planning Scheme No 2 as outlined within Attachment 1 to Report CJ249-12/06 for the purposes of advertising for a period of 42 days;

- 2 Prior to the advertising period commencing FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required.

ADDITIONAL INFORMATION

Following the Briefing Session, the report was amended to exclude reference of Lot 998 Treetop Avenue at the Edgewater Quarry, which is held in freehold ownership. The intent was, however, to remove reference to all land within the quarry site, including both the reserved portion and the land held in freehold ownership.

Attachment 1 to this report has therefore been amended to remove all reference to Edgewater Quarry on page 4 and by the removal of Plan No 5.7 – Quarry Park, Edgewater.

This revised Attachment 1 is provided at Appendix 24 hereto.

A revised report deleting all reference to the Edgewater quarry site is also included at Appendix 24. This shows, in tracked change form, the changes to the report previously received.

MOVED Cr Magyar SECONDED Cr Hart that Council:

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, ADOPTS the amendments to the City of Joondalup District Planning Scheme No 2 as outlined within revised Attachment 1 to Report CJ249-12/06 (forming Appendix 24 in the Minute Book) for the purposes of advertising for a period of 42 days;
- 2 Prior to the advertising period commencing FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required.

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

Appendices 10 & 24 refer

To access this attachment on electronic document, click here: [Attach10agn121206.pdf](#)

[Attach24min121206.pdf](#)

CJ250 - 12/06 MODIFICATION TO POLICY 3-2 - HEIGHT AND SCALE OF BUILDINGS WITHIN RESIDENTIAL AREAS – [08375]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ061121_BRF.DOC:ITEM 15

PURPOSE

The purpose of this report is for Council to consider a modification to Policy 3-2 (Height and Scale of Buildings within Residential Areas).

EXECUTIVE SUMMARY

The policy provides guidelines for the assessment of building height for planning and building proposals in residential areas. The policy was initially prepared in response to community concern regarding the impact of large dwellings on surrounding properties.

A review of the policy has revealed that its wording could be clarified in order to improve its alignment with the provisions of Council's Town Planning delegations. The intention of the amendment is not to extend or alter the delegation powers.

It is recommended that the proposed modification to the policy be adopted for the purposes of public advertising.

BACKGROUND

Council first adopted the policy in March 1998 (DP78-03/98 refers) and it was referred to at that time as Policy G3-17. The policy was further amended in April 2000 (CJ086-04/00).

A review of the City's Corporate Policy Manual was undertaken in June 1999 (CJ213-06/99 refers) and in October 2005 (CJ206-10/05 refers) which renumbered the policy to 3.1.9 and 3-2 respectively.

The Height and Scale of Buildings Within Residential Areas Policy presently applies to all development in residential zones within the City, with the exception of areas in which building height and scale are otherwise addressed in structure plans, prepared in accordance with Part 9 of the City's District Planning Scheme No.2 (DPS2).

Town Planning delegations have been reviewed on various occasions, with the assistance of a number of internal and external sources, most recently in December 2005. As a result there is an identified need to add clarity to the relationship between the delegations and the Policy.

DETAILS

Issues

Statement No. 4 of the policy is not easily comparable with Council's current Town Planning delegations. Statement No. 4 (b) currently reads as follows:

Applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council's development approval is required. Non-complying applications shall be processed as follows:

- (a) *In cases in which notified landowners have raised no concerns or objections AND the application is supported by the Manager Approvals, Planning and Environmental Services, the application shall be processed under delegated authority;*
- (b) *In cases in which notified landowners have raised concerns or objections OR the application is not supported by the Manager Approvals, Planning and*

Environmental Services, the application is to be presented to Council for determination.

Council's Town Planning delegations (issued under Part 8.6 of the DPS2) delegates the determination of applications for planning approval for a single house and up to ten grouped or multiple dwellings to officers.

Based on legal advice and the current Town Planning delegations, in practice, there is no difference in how (a) and (b) above are implemented.

In considering this issue, Council can:

- Adopt the draft amendment and advertise it for the purposes of public comment,
- Refuse to adopt the amendment,
- Defer consideration of the amendment. This is not recommended as this will not resolve the current confusion in regard to the policy wording and the town planning delegations.

Link to Strategic Plan:

The following objective and strategy in the City's Strategic Plan 2003-2008 is applicable to this report;

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

Strategy 3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation or amendment of local planning policies.

Once the draft amendment to a policy is prepared, it is required to be advertised in accordance with Clause 8.11.3 by way of a notice published once a week for two consecutive weeks in a local newspaper giving notice where the draft policy may be inspected. The draft amendment to the policy would also be advertised on Council's website. The specified period for advertising should not be less than twenty one (21) days.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

None. There is no change proposed to the application of the policy, or the associated approval processes.

Sustainability implications:

Not applicable.

Consultation:

In the event that Council adopts the draft amendment to the policy for advertising, it is recommended that the proposal be advertised for a minimum period of twenty one (21) days, with a notice placed in the local newspaper for two (2) consecutive weeks as required under Clause 8.11.3 of DPS2.

Upon completion of advertising, Council is required to consider all submissions and proceed to either adopt or refuse the amendment to the policy.

COMMENT

The policy (first drafted in 1998) contains terminology that does not easily align with that of Council's 2005 Town Planning delegations.

It is proposed that Statement 4 of the Policy be modified to reflect the powers delegated under the DPS2, as follows:

- 4 *Applications which exceed the building threshold envelope shall be deemed to be non-complying applications for which Council's development approval is required. Non-complying applications shall be processed in accordance with the relevant Town Planning delegations, issued under Part 8.6 of the City's District Planning Scheme No.2.*

Sections 4(a) and 4(b) are proposed to be deleted from the Policy.

The modified wording of Statement 4 will simply reflect the City's current delegated operations when dealing with residential planning and building applications. The modified wording will also provide sufficient flexibility, should Council resolve, at a future stage, to modify the Town Planning delegations.

The proposed modification will not alter the intent or provisions of the Policy. The proposal will remove ambiguity that currently exists in relation to the process of determining development proposals that are considered under the policy.

It is recommended that the proposed amendment be advertised for 21 days for public comment.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Tracked changes - Policy 3-2 Height and Scale of Buildings within Residential Areas. |
| Attachment 2 | Town Planning delegations |

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Jacob SECONDED Cr Hollywood that Council:

- 1 **in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES a proposed modification to Policy 3-2 Height and Scale of Buildings within Residential Areas, forming Attachment 1 to Report**

CJ250-12/06 for public comment for a period of twenty one (21) days, to commence from 11 January 2007;

- 2 NOTES that on completion of advertising the matter will be the subject of additional consideration by the Council.**

Cr Jacob spoke to the motion.

PROCEDURAL MOTION – THAT THE MOTION BE DEFERRED

MOVED Cr Corr SECONDED Cr Hart that the following motion be DEFERRED to the next ordinary meeting of Council pending further investigation and information:

“MOVED Cr Jacob SECONDED Cr Hollywood that Council:

- 1 in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADVERTISES a proposed modification to Policy 3-2 Height and Scale of Buildings within Residential Areas, forming Attachment 1 to Report CJ250-12/06 for public comment for a period of twenty one (21) days, to commence from 11 January 2007;**
- 2 NOTES that on completion of advertising the matter will be the subject of additional consideration by the Council.”**

The Procedural Motion was Put and

CARRIED (7/4)

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf051206.pdf](#)

CJ251 - 12/06 PROPOSED CHANGE OF USE FROM MEDICAL CENTRE AND SINGLE HOUSE TO CHILD CARE CENTRE - LOTS 53 & 54 (NOS. 34 & 36) BRIDGEWATER DRIVE, KALLAROO – [36418]

This item was considered earlier in the meeting.

CJ252 - 12/06 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – OCTOBER 2006 – [07032] [05961]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ061121_BRF.DOC:ITEM 1

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 October 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 October 2006 under delegated authority and those applications dealt with as an "R-code variations for single houses" for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of October 2006		
Type of Approval	Number	Value (\$)
Development Applications	83	16,283,553.00
R-Code variations (Single Houses)	22	5,109,316.00
Total	105	21,392,869.00

The number of development applications received in October 2006 was 145.

There were 5 applications determined by Council during this month with the total estimated value of \$7,841,764.00.

Subdivision Approvals Determined Under Delegated Authority Month of October 2006		
Type of Approval	Number	Potential new Lots
Subdivision Applications	3	117
Strata Subdivision Applications	4	6

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

DETAILS

Issues and options considered:

Not Applicable

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

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

Of the 83 development applications determined during October 2006, consultation was undertaken for 32 of those applications. Of the 7 subdivision applications determined during October 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.

Lot 9001 (500) Burns Beach Road, Burns Beach (Burns Beach Structure Plan Area) – Application SU132510 for 115 residential lots and 1 public open space lot

This subdivision application relates to Stage 7 of development of the land. The application was in accordance with the Agreed Burns Beach Structure Plan and therefore supported by the City.

ATTACHMENTS

Attachment 1 October 2006 decisions – Development Applications
Attachment 2 October 2006 decisions – Subdivision Applications

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett SECONDED Mayor Pickard that Council NOTES:

- 1 the determinations made under Delegated Authority in relation to the development applications described in Report CJ252-12/06 for the month of October 2006;**
- 2 the determinations made under Delegated Authority in relation to the subdivision applications described in Report CJ252-12/06 for the month October 2006.**

The Motion was Put and

CARRIED (11/0)

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf051206.pdf](#)

CJ253 - 12/06 WHITFORDS VOLUNTEER SEA RESCUE GROUP - PROPOSAL FOR FUNDING AND SUPPORT – [06995]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ061121_BRF.DOC:ITEM 18

PURPOSE

To provide details on a request received from the Whitfords Volunteer Sea Rescue Group (WVSRG) for financial assistance and support from the City towards the purchase of a new rescue vessel.

EXECUTIVE SUMMARY

The WVSRG has provided a rescue service to the regional boating community for over 30 years. The group is based at the Ocean Reef Marina and services an area that extends from City Beach (Town of Cambridge) in the south to Alkimos (City of Wanneroo) in the north (including the coastal areas of the Cities of Stirling and Joondalup).

In 2004, the WVSRG received \$80,000 from the City of Joondalup towards the cost of a replacement rescue vessel. The group recently commissioned a second boat that will be completed and ready for duty by Christmas 2006, with the WVSRG funding the total cost of the purchase. Anticipating the expanding population to the north, and acknowledging the next closest sea rescue post is at Two Rocks, the WVSRG is planning for a third vessel, that will be permanently located at Mindarie Marina.

The City has received a proposal for funding and support from the WVSRG, requesting a financial contribution of approximately \$85,000, on a dollar-for-dollar basis, towards the purchase of a third vessel.

It is recommended that Council:

- 1 ACKNOWLEDGES that financial support for the Whitfords Volunteer Sea Rescue Group should be considered as a regional issue;
- 2 AUTHORISES the City to approach the north zone of the Western Australian Local Government Association (WALGA) to consider the issue and develop an equitable funding strategy;
- 3 AUTHORISES the City to approach the State Government to seek financial support for the Whitfords Volunteer Sea Rescue Group.

BACKGROUND

The WVSRG has been in operation in the local area for some 30 years, serving the local boating community through the provision of a 24-hour support base and educational facilities for the public. The group was incorporated in 1977 and is also registered as a not-for-profit, Charitable Organisation and Public Benevolent Institution.

The group's patrol area extends from City Beach (City of Cambridge) in the South to the 'Alkimos' wreck north of the Mindarie Marina (City of Wanneroo) and out to sea as far as operational limits permit. This area includes Hillary's Boat Harbour, Ocean Reef Boat Harbour and Mindarie Keys (the three (3) busiest recreational boat harbours in WA).

In the early years the group averaged around 30 rescues per year, however recently this average has increased to in excess of 300 rescues per year. These rescues range from retrieval of boats which have broken down, to full search and rescue services. As a result, the group has grown to a team of 100 active volunteers and 1500 Associate members through the Radio Network System. The WVSRG is the largest volunteer sea rescue operation in Western Australia.

The group provides a marine radio listening watch 24 hours a day 365 days of the year and "On Board" Rescue Vessels from 8:00am to 6:00pm every weekend and public holiday. Respective crews then remain on duty on a "call out" basis for the week.

The WVSRG is registered by the Australian Yachting Association and the Maritime Challenger TAFE as an official accredited learning institution to provide courses for the public in Small Craft Proficiency. The group also operates basic navigation and general radio usage courses free of charge to the public.

In 1996, the rescue vessel 'Green 1' was purchased and in 2000 the WVSRG purchased its second dedicated standby rescue vessel, 'Green 4'. The dedicated rescue vessels are supported by eight (8) privately owned rescue boats, which stand ready to provide assistance when required.

In 2004, 'Green 1' was sold and replaced with a new vessel named 'Stacy Hall'. The total cost of the boat was \$496,500 with a grant of \$80,000 from the City of Joondalup, \$29,500 from Lotteries, \$150,000 from FESA and \$237,000 from WVSRG.

A second replacement vessel has recently been commissioned and will be completed ready for duty by late 2006, with the group funding the total cost of the purchase.

In anticipation of the projected population increase to the north between Ocean Reef and Alkimos, and given that the next closest sea rescue post is in Two Rocks, the WVSRG plan to purchase a third boat to enable them to enhance their comprehensive rescue service.

DETAILS

The City has received a proposal for funding and support from WVSRG. The proposal requests that the City contribute approximately \$85,000 on a dollar-for-dollar basis to assist in purchasing a new boat (totalling \$170,000). The Group does not yet have a project plan, however the proposal indicates that they will be ready to purchase the vessel in late 2007 or early 2008.

Issues and options considered:

In considering the WVSRG proposal, two (2) key issues were identified;

- 1 Should the City of Joondalup be the sole organisation responsible for supporting the group;
- 2 What percentage of registered boat owners in the region resides within the City of Joondalup.

Support currently provided the City

The WWSRG is situated at the Ocean Reef Marina. The group currently leases a community facility from the City at the marina on a peppercorn rental basis. The group has exclusive use of the building.

The City is currently engaging a consultants to develop a concept plan for the redevelopment of the Ocean Reef Marina. This is a large-scale project involving significant capital investment. The WWSRG will be a stakeholder in the redevelopment process, with the concept plan to consider the group's specific requirements for the delivery of the service.

Support from other Organisations

The WWSRG receives annual funding through its contract with the State Government and FESA. The total grant amount of \$200,000 is shared with the Fremantle Volunteer Sea Rescue Group and Cockburn Volunteer Sea Rescue Group.

The Town of Cambridge provides the WWSRG with an annual contribution of \$5,000 towards operational expenses.

Boat Owners in the Northern Suburbs

The WWSRG patrols an area that spans the boundaries of four (4) local government authorities: Cambridge, Stirling, Joondalup and Wanneroo. There are no boat launching ramps in Cambridge or Stirling, however, a significant proportion of boat owners residing in these areas utilise the boat ramps located in Joondalup.

In addition, those boat owners residing in eastern metropolitan Local Government Authorities also utilise these launching facilities. Detailed below is a table listing the number of registered boat owners within the region, with a breakdown on each individual each local government authority;

Local Government Authority	Number of Registered Boat Owners	Percentage of Registrations within the Region (%)
City of Wanneroo	1,841	12.1%
City of Joondalup	4,855	32.0%
City of Stirling	3,384	22.2%
Town of Cambridge	1,344	8.9%
City of Swan	2,015	13.3%
Town of Bassendean	236	1.5%
City of Bayswater	1,508	10.0%
Total	15,183	100.0%

Link to Strategic Plan:

The service provided by the WWSRG links with the following outcome in the City's Strategic Plan 2003-2008.

Outcome: The City of Joondalup is a safe and healthy City.

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

Strategies: 1.4.2 Contribute to the protection of human health.

Legislation – Statutory Provisions:

No legislation/statutory provisions were identified.

Risk Management considerations:

Proposals seeking financial assistance and support towards the WVSRG will be an ongoing issue for the City. Previously, there has not been a structured approach for this support, with the City receiving ad hoc requests making budget forecasting difficult.

Due to the extent of the patrol area covered by the WVSRG, financial assistance and support is a truly regional issue and not the sole responsibility of the City of Joondalup. In recommending a regional approach, the City is looking to ensure that the WVSRG has a wider range of sustainable support options in the future.

Financial/Budget Implications:

The proposal suggests that the total cost of the third vessel would be approximately \$170,000 with the WVSRG seeking a contribution from the City of \$85,000 (on a dollar-for-dollar basis). As yet, a detailed and costed project brief has not been developed.

Policy implications:

No policy implications have been identified.

Regional Significance:

The service offered by the Whitfords Volunteer Sea Rescue Group extends from City Beach in the south to Alkimos in the north. The Group provides a significant regional service for all boat owners who launch their vessels from the Hillarys Marina, Ocean Reef Marina and Mindarie Marina. The Group also provides marine educational services for the boating community as a whole.

Sustainability implications:

By encouraging the WVSRG to approach other local governments, the City can ensure that future financial support is shared. The sharing of financial support results in a more sustainable situation, and ensures that the WVSRG has a broad range of support options.

Consultation:

The WVSRG has provided the City with the proposal for funding and support and also the additional information that was required to compile this report.

COMMENT

The WVSRG provides a valuable service to regional boating. The group is one of many community service groups supported by the City. Equity is paramount when supporting community service organisations, and given that the City already leases a building to the group on a peppercorn rental basis and contributed \$80,000 in 2004 towards a rescue vessel, the support provided is already significant.

In the proposal submitted, the group indicates that it is concerned not only with financial support, but also ongoing support and recognition in other ways. Developing a sound working relationship with the group should be the City's priority, and assistance should be provided in more ways than just financial donations on an ad-hoc basis, when a significant purchase is required.

The City would be best served to provide a diverse range of support services to the WVSRG. This may include considerations for funding assistance and the facilitation of discussions with the relevant local government authorities to gain regional support for the group. With the group's regional service delivery, support from all regional local governments would provide the group with an extended network of opportunities for funding and assistance. Regional support would also lessen the financial responsibilities currently being placed on the City of Joondalup.

ATTACHMENTS

Attachment 1 Proposal for Funding and Support Whitfords Volunteer Sea Rescue Group.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Magyar SECONDED Cr Jacob that Council:

- 1 ACKNOWLEDGES that financial support for the Whitfords Volunteer Sea Rescue Group should be considered as a regional issue;**
- 2 AUTHORISES the City to approach the north zone of the Western Australian Local Government Association (WALGA) to consider the issue and develop an equitable funding strategy;**
- 3 AUTHORISES the City to approach the State Government to seek financial support for the Whitfords Volunteer Sea Rescue Group.**

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf051206.pdf](#)

CJ254 - 12/06 TURF CRICKET WICKET AGREEMENT FOR WHITFORD AND DISTRICTS SENIOR CRICKET CLUB – [08032]

WARD: Central

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

CJ061121_BRF.DOC:ITEM 19

PURPOSE

To approve a 'deed of settlement' on the City's agreement with the Whitford and Districts Senior Cricket Club for the maintenance of turf cricket wicket facilities at MacDonald Park Padbury.

EXECUTIVE SUMMARY

In June 2005, Council endorsed a recommendation to offer its three (3) resident cricket clubs a financial contribution towards the cost of maintaining turf cricket wickets (CJ139 - 06/05). These clubs are Joondalup Districts Cricket Club, Ocean Ridge Senior Cricket Club and Whitford and Districts Senior Cricket Club.

Prior to the Council decision in 2005, the Whitford and Districts Senior Cricket Club was the only club that had a turf cricket wicket maintenance agreement (2000-2005) in place with the City. The expiration of the 2000-2005 Agreement between the City and the Whitford and Districts Senior Cricket Club provided the City with an opportunity for a new arrangement to be developed that would offer assistance equitably to all cricket clubs utilising turf wickets. Upon a review prompted by the club, it was determined that one of the clauses in the Whitford and Districts Senior Cricket Club's previous agreement alluded to a continuation of the terms and conditions for a further five (5) years until 2009/2010.

The 2000-2005 Agreement between the City and the Whitford and Districts Senior Cricket Club infers that the City will continue to pay the Club \$20,000 a year (plus CPI) for a second five (5) year term, which suggests there would be a payment to the club beyond 2005.

Legal opinion on the matter has been sought, concluding that the City should offer the Club a 'deed of settlement' to resolve the issue. This represents an additional cost of \$7,500 per annum (plus CPI) for the five (5) years of the agreement, over and above the amount (\$12,500 per annum) endorsed by Council in June 2005.

It is recommended that Council:

- 1 *AUTHORISES the Chief Executive Officer to approve a 'Deed of Settlement' on the City's agreement with the Whitford and Districts Senior Cricket Club;*
- 2 *CONFIRMS annual payments of \$20,000 (plus CPI) for a period of five (5) years concluding at the end of the 2009/2010 summer season;*
- 3 *NOTES that from the end of the 2009/2010 summer season, the Whitford and Districts Senior Cricket Club will maintain turf cricket wicket facilities at MacDonald Park, Padbury in line with the City's standard agreement.*

BACKGROUND

Three clubs in the City of Joondalup use turf cricket wickets. These are Joondalup Districts Cricket Club, Ocean Ridge Cricket Club and Whitford and Districts Cricket Club. Prior to June 2005, each club had a different arrangement with the City for the use and maintenance of the turf cricket wickets.

Joondalup Districts Cricket Club

In 1999, the Club relocated to the Iluka District Open Space and took over maintenance of the turf cricket wickets. The Club did not receive any financial contribution from the City however, the City received ongoing correspondence from the Club seeking financial assistance, which was not supported.

Ocean Ridge Senior Cricket Club

The Club did not receive any financial contribution from the City for the maintenance of the turf cricket wickets at Flinders Park, Hillarys. The Club took over the maintenance of the wickets from the Whitfords and Districts Cricket Club in 2003.

Whitford and Districts Senior Cricket Club

In 1995, the Club entered in to a five (5) year agreement with the then City of Wanneroo for an annual financial contribution (\$25,000 per annum) towards the maintenance of the turf cricket wicket facilities at MacDonald Park, Padbury (see Attachment 1). In 2000, the City offered the Club a second five (5) year agreement (see Attachment 2), with expiration to occur at the end of the 2004/2005 cricket season.

Following ongoing correspondence from the Joondalup Districts Cricket Club, the perceived expiration of the agreement with the Whitford and Districts Senior Cricket Club (2000-2005), and the emergence of Ocean Ridge Senior Cricket Club as a turf user, an opportunity was identified to review the way in which the City's turf cricket wickets were managed. It was considered important to establish new maintenance agreements with all three clubs, to ensure equity between clubs and the continued provision of quality turf wickets in the City. A formula was developed that would see the City assist each club in the preparation of centre wicket blocks, with a sum of \$2,500 being provided per cricket pitch. The model allocated funding totalling \$45,000 per annum for five (5) years with the following funding distribution.

Joondalup Districts Cricket Club	\$25,000
Ocean Ridge Senior Cricket Club	\$7,500
Whitford and Districts Senior Cricket Club	\$12,500

Council endorsed the new model on 28 June 2005 (CJ139 - 06/05). The new model resulted in a reduction in the City's financial contribution to the Whitford and Districts Senior Cricket Club from \$20,000 to \$12,500 per annum. The Club has since argued that the 2000-2005 Agreement that they had with the City, included a further five (5) year option, requiring the City to pay a maintenance contribution equal to \$20,000 plus CPI each year, until expiration in 2009/2010.

DETAILS

The Whitford and Districts Senior Cricket Club believe that clause 3.1 in the 2000-2005 Agreement provides them with the option of a further five (5) year maintenance agreement.

The wording of the clause is:

3.1 The current subsidy being paid to Whitford and Districts Cricket Club shall be gradually reduced by \$1,000 per annum, until the subsidy reaches a figure of \$20,000 per annum per wicket square. This reduction is to be proportional to the number of wicket squares per club. The \$20,000 subsidy will be scheduled to commence in the first year of the second five-year term.

The *second five year term* suggested in this clause, was not discussed any further in the 2000-2005 Agreement, and it is not clear if it was the City's intention at the time of writing the agreement, to offer the Club any options for extension. The City was of the opinion that the 2000-2005 agreement was the second five-year option, following the initial agreement that operated from 1995-2000.

The wording in clause 3.1, alludes to a *second five-year term*, consequently, the Club's expectation is that the terms and conditions of the agreement would continue until 2009/2010. While clause 3.1 may not have intended to offer the Club support for a further five (5) years, this is the interpretation of the club. Legal advice was sought to provide the City with direction on the issue and it was concluded that the City should continue with the terms of the agreement for a further five (5) years.

The Club has conditionally signed the new agreement, providing that the financial component is reviewed and amended to ensure that they receive \$20,000 per annum (plus CPI) for the duration. The Club has no other objections to the new agreement.

A 'deed of settlement' has been developed to resolve the dispute (see Attachment 3). The purpose of the 'deed of settlement' is to identify the new financial arrangements between the City and the Club and clearly state the expiration date of the agreement. The new maintenance agreement is an annexure to the 'deed of settlement'. The agreement between the City and the Whitford and Districts Senior Cricket Club is identical to the agreements in place with the other two (2) cricket clubs who use turf wickets.

Issues and options considered:

Two (2) options were considered when deciding how to move forward with this situation.

Option 1

Not to recognise the Whitford and Districts Senior Cricket Club's *second five year term*, citing the original intention of the agreement not to provide a further five (5) year option. The Club would then be offered assistance in line with new model endorsed by Council on 28 June 2005 (\$12,500 per annum).

This option is not favoured due to the legal advice received, and the potential negative impact on the relationship with the Whitford and Districts Senior Cricket Club.

Option 2

To continue with the implementation of the turf cricket wicket maintenance agreement endorsed by Council in June 2005, while recognising that there is some ambiguity in the Whitford and Districts Senior Cricket Club's previous agreement with the City, and that a separate payment of \$7,500 per annum (totalling \$20,000 for 2005/2006, with CPI added for subsequent years) be made to the Club for five (5) years to match the level of support provided in their previous agreement.

A 'deed of settlement' has been developed to resolve the dispute, with the new agreement and its standard terms and conditions included as an annexure to the document.

This option is considered favourable, as it allows a positive relationship to be maintained with the Club. This would also eliminate the prospect of further actions from the Club. The proposal is accountable and transparent.

Link to Strategic Plan:

The City of Joondalup's Strategic Plan 2003 - 2008 identifies the following objectives and strategies that relate to the strategic planning of community facilities:

Key Focus Area 1 - Community Wellbeing

Objective 1.3

To continue to provide services that meet changing needs of a diverse and growing community.

Strategy 1.3.1

Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environments.

Strategy 1.3.3

Provide support, information and resources.

Key Focus Area 4 - Organisational DevelopmentObjective 4.3

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

Strategy 4.3.1

Provide effective and clear community consultation.

Strategy 4.3.1

Provide fair and transparent decision-making processes.

Risk Management considerations:

The expectations of the Whitford and Districts Senior Cricket Club need to be managed so that they are aware that on the expiration of the 2009/2010 agreement, the Club would revert to the standard arrangement that is in place at that time.

The recommendations create an equity issue with the two (2) other cricket clubs in the City who receive funding for the maintenance of turf cricket wickets.

Financial/Budget Implications:

Following Council's endorsement of the new funding model in June 2005, the City allocated \$45,000 in the 2005/2006 budget. The Whitford and Districts Senior Cricket Club allocation of \$12,500 has been provided to the Club.

In the 2006/2007 budget, \$12,500 was allocated as the City's contribution to turf cricket wicket maintenance at MacDonald Park, Padbury. Under the proposed recommendations in this report, an additional \$15,800 needs to be added to this sum, resulting in a 2006/2007 total of \$28,300. This represents \$7,500 back payment for 2005/2006, and \$20,800 for 2006/2007 (\$20,000 plus 4% CPI).

Over the five (5) year period of the agreement with the Whitford & Districts Senior Cricket Club, the total cost to the City will be \$108,326 (calculated using 4% CPI for each year). Under the proposed agreement endorsed by Council in June 2005, the total amount over the five (5) year period would have been \$62,500.

Draft Budget for 2006/07:

Account No:	1.7210.4401.3120.9999
Budget Item:	Turf Wicket Maintenance - MacDonald Park, Padbury.
Current Budget Amount:	\$12,500
Proposed Budget Amount:	\$28,300
Increased Cost in 2006/07:	\$15,800

Policy implications:

No policy implications have been identified.

Regional Significance:

Not applicable.

Sustainability implications:

No sustainability implications have been identified.

Consultation:

The City has been in consultation with the Whitford and Districts Senior Cricket Club to resolve this issue. The position presented in this report is a reflection of this open discussion.

COMMENT

In the report presented to Council in June 2005, the City sought to implement an equitable and transparent model for the management of turf cricket wicket facilities until the conclusion of the 2009/2010 summer season. The change being recommended to the annual financial contribution for the Whitford and Districts Senior Cricket Club will mean that the amount allocated is not in line with the formula developed. This additional funding will result in an additional cost to the City of \$45,826 over the five (5) year period.

The ambiguous nature of the Club's 2000-2005 Agreement with the City, led the Club and the City to have differing interpretations. In recognising this dispute, the City developed a 'deed of settlement' to resolve the issue. As a result, the City will maintain its standard maintenance agreement with the club, and make extraordinary payments to the club. The additional payments recommended, will result in the Whitford and Districts Senior Cricket Club continuing to provide quality turf cricket wicket facilities at MacDonald Park, Padbury.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | 1995 - 2000 Agreement for Maintenance of Turf Wicket Facilities at MacDonald Park, Padbury. |
| Attachment 2 | 2000 - 2005 Agreement for Maintenance of Turf Wicket Facilities at Macdonald Park Padbury. |
| Attachment 3 | Deed of Settlement; 2005/06 - 2009/10 Agreement for Maintenance of Turf Cricket Wicket Facilities at Macdonald Park Padbury. |

VOTING REQUIREMENTS

Simple majority.

MOVED Cr Amplett SECONDED Cr Magyar that Council:

- 1 AUTHORISES the Chief Executive Officer to approve a 'Deed of Settlement' on the City's agreement with the Whitford and Districts Senior Cricket Club;**
- 2 CONFIRMS annual payments of \$20,000 (plus CPI) for a period of five (5) years concluding at the end of the 2009/2010 summer season;**
- 3 NOTES that from the end of the 2009/2010 summer season, the Whitford and Districts Senior Cricket Club will maintain turf cricket wicket facilities at MacDonald Park, Padbury in line with the City's standard agreement.**

The Motion was Put and**CARRIED (11/0)**

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

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf051206.pdf](#)

CJ255 - 12/06 MINUTES OF SENIORS INTERESTS ADVISORY COMMITTEE HELD ON WEDNESDAY 4 OCTOBER 2006 – [55511]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ061121_BRF.DOC:ITEM 20

PURPOSE

To note the unconfirmed minutes of the Seniors Interests Advisory Committee (SIAC) meeting held on 4 October 2006.

EXECUTIVE SUMMARY

At its meeting held 21 November 2006, Council DEFERRED its decision to endorse the minutes of the Seniors Interests Advisory Committee held on 4 October 2006, due to clarification of the committee membership and quorum. The minutes now reflect the correct number of committee members in attendance at that meeting (Attachment 1).

The SIAC met on 4 October 2006 and considered the Seniors Plan Status Report, A Transitions in Ageing Research Project and a School Volunteer Program presentation.

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 4 October 2006 forming Attachment 1 to Report CJ255-12/06;*
- 2
 - (a) *NOTES the Seniors Plan Status Report;*
 - (b) *NOTES the progress of actions and tasks as outlined in the Seniors Plan 2004-2008*
- 3
 - (a) *NOTES the Transitions in Ageing Research Project Report;*
 - (b) *NOTES that the document be a key resource in the review of the Seniors Plan;*
- 4 *NOTES the information from the School Volunteer Program presentation.*

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 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, staying active through leisure and entertainment.

Recommendations of the Committee will facilitate progress on initiatives that are generated by the provision of ongoing Seniors Plan status reports. Other initiatives that complement the Seniors Plan such as the Transitions in Ageing Research Project Report will be useful resources to inform the review of the Seniors Plan, whilst the School Volunteer Program promotes intergenerational activities.

DETAILS

The Committee meeting on Wednesday 4 October 2006 focussed on:

- A Status Report on the Seniors Plan 2004-2008;
- The Transitions in Ageing Research Project Overview; and
- The School Volunteer Program Presentation

Status Report on the Seniors Plan 2004-2008

The SIAC discussed the Plan and City officers advised that the Plan had an achievement rate of 87%; equated to 20 of 23 actions being implemented. Challenges to be continued or to be reconsidered in the future include storage standards for community buildings and a community safety program. At its July meeting, the SIAC resolved not to progress the "Absolutely Everybody" program; rather, to promote existing intergenerational community programs.

The following motion was moved at the Committee meeting on 4 October 2006:

"That the Committee NOTES the progress of actions and tasks as outlined in the Seniors Plan 2004 -2008."

Officer's Comment

Although the review of the Seniors Plan will commence early in 2007, the SIAC has been reviewing the Plan since August 2005. Status reports are ongoing and assist the SIAC and Officers to identify and review actions progressively. This process ensures that the Plan is a working and sustainable document, linked with actions that are able to be implemented or identifying those that present challenges.

Transitions in Ageing Research Project - An Overview 2006

The Transitions in Ageing Research Project was published in August 2006 by the State Government Office of Seniors Interests & Volunteering, which commissioned the research. A major finding of the research highlighted that the "absence of depression" was the key predictor of successful ageing.

The research is a valuable resource for the SIAC to consider, as the objective of the Committee is to "provide advice to Council to ensure that the concerns of seniors are

adequately represented in the City's planning processes and the strategic directions being developed for older people across the City." The document will be used to inform the review of the Seniors Plan, as it outlines positive and active ageing predictors.

The major objectives of the research were to investigate:

- Which life transitions seniors believed had the most important continuing influence, either positive or negative, on their lives;
- Whether or not seniors were ageing successfully; and
- Which life transitions were most closely related, either positively or negatively, to people assessing the satisfaction with their quality of life, as they grew older.

The following motion was moved at the Committee meeting on 4 October 2006:

"That the Seniors Interests Advisory Committee recommends that Council:

- 1 *NOTES the findings of the "Transitions in Ageing Project – An Overview 2006 Report;*
- 2 *NOTES the document to be a key resource in the review of the Seniors Plan."*

Officer's Comment

It is essential to keep the SIAC up-to-date with current and contemporary seniors information when it is published. This enables the Committee to make informed decisions, particularly at this time when a review of the Seniors Plan is due to commence early in 2007.

School Volunteer Program Presentation

At the SIAC meeting on 2 August 2006, a report provided the Committee with information on two established intergenerational programs: the School Volunteer Program (SVP) and Tales of Times Past. Subsequently, invitations were extended to Christine Gray and Vasanti Sunderland to attend the SIAC meeting on 4 October 2006 to conduct presentations on their respective programs. Christine Gray provided a presentation to the Committee; Vasanti Sunderland was unable to attend, however she will attend the meeting on 6 December 2006.

Officer's Comment

The presentation by Christine Gray - CEO of the School Volunteer Program, enabled the SIAC to obtain a thorough understanding of the School Volunteer Program. Officers have commenced the process of promoting the SVP through the provision of a promotional opportunity for the SVP during the recent Seniors: This is Your Life event, as well as distributing SVP information as appropriate. This will continue in the Officer's interactions with the community.

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.

Regional Significance:

The Seniors Interests Advisory Committee is a locally focussed 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 seniors throughout the region and the state.

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 Terms of Reference and guidance from the City's Seniors and Strategic Plans. The issues presented to SIAC at this meeting; a status report on the Seniors Plan and a report on the Transitions in Ageing Research Project – An Overview 2006, are considered highly relevant to the needs of seniors. The presentation by Christine Gray - CEO of the School Volunteer Program is also of significance because of the intergenerational context of the program and that it is operating successfully in schools within the City. Support by the Council on the matters discussed will be considered as a strong endorsement of the initiatives in the Seniors Plan.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee held on 4 October 2006.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Corr SECONDED Cr Currie that Council:

- 1 **NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 4 October 2006 forming Attachment 1 to Report CJ255-12/06;**
- 2 (a) **NOTES the Seniors Plan Status Report;**
(b) **NOTES the progress of actions and tasks as outlined in the Seniors Plan 2004-2008;**

- 3 (a) NOTES the Transitions in Ageing Research Project Report;**
- (b) NOTES that the document be a key resource in the review of the Seniors Plan;**
- 4 NOTES the information from the School Volunteer Program presentation.**

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16agn121206.pdf](#)

CJ256 - 12/06 RETROSPECTIVE APPROVAL - RE-MARKING OF CAR PARKING BAYS - MULLALOO TAVERN DEVELOPMENT LOT 100 (10) OCEANSIDE PROMENADE, MULLALOO

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ061121_BRF.DOC:ITEM 21

PURPOSE

To request Council's determination of an application for retrospective Planning Approval for the remarking of car parking bays at Lot 100 (10) Oceanside Promenade, Mullaloo.

EXECUTIVE SUMMARY

The development of the site was approved in August 2002. The approved plan included a multi-deck parking area. Upon the construction of the deck, the parking area was evaluated as being non-compliant with the approved plan. The City ultimately issued a "Stop Notice" seeking the cessation of any land uses on site, and the land owner responded by appealing this decision in the State Administrative Tribunal (SAT).

A determination on the Stop Notice was made on 22 September 2006. No structural modifications to the building are required provided that the bays are marked out as detailed in evidence given during the SAT hearing. Further, the SAT was satisfied that the reduction in the total number of car parking spaces from 121 to 119 (excluding the 5 drive through bays) were acceptable based on the reduced number of dwellings and the subsequent reduction in parking demand.

The applicant submitted plans which are consistent with those put before the SAT and has indicated on the plans the bays to be designated as small car bays. As such this application formalises the carparking arrangements originally provided in the approval granted by the City in 2002.

Subsequent to the submission of the application for Planning Approval, the applicants have now re-marked the car parking areas based on the plans lodged with the City. As a result of this action, this application is now for retrospective approval for the re-marking of the car parking areas.

This application is not a reconsideration of any past proposals presented to Council and arises only as a result of the SAT consideration of the Stop Notice.

It is therefore recommended that, the arrangements for parking be approved subject to confirmation that the bays are marked in compliance with the SAT plans.

BACKGROUND

Suburb/Location:	Lot 100 (10) Oceanside Promenade, Mullaloo
Applicant:	Hardy Bowen
Owner:	Rennet Pty Ltd
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	2,377m ²
Structure Plan:	Not applicable

13/08/02	Approval granted for a mixed use development – tavern shops and residential.
22/04/05	Application lodged for shade sails, bi-fold tavern doors and roof over driveway.
28/07/06	Separate application lodged for the roof over the driveway.
19/09/06	Approval granted for a roof over the vehicle exit lane.
22/09/06	SAT decision handed down regarding Stop Notice and carparking.
29/11/06	Plans lodged for line marking of car bays.
04/12/06	Additional letter and signed plans by line marking company and applicant's traffic engineer received.

Notably, the development approval issued in September 2002 included 2 conditions of approval regarding parking, as follows:

- “1 The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;*
- 2 Carparking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide.”*

Upon the construction of the deck, it was found that the car park did not accord with the approved plan.

In April 2006, the City issued a Stop Direction Notice to prevent the tavern from further trading due to non-compliance with certain conditions of planning approval relating to car parking. The owners appealed against the issue of that Notice.

DETAILS

The SAT's decision of 22 September 2006 accepted that 119 car bays can comply with AS 2890.1 (ie condition 1 of the 2002 approval), provided that some bays are remarked and 59 of the car bays are designated as small bays. It was clarified that there is no need to carry out any structural modifications, but simply repositioning and re-marking of the bays.

The plans lodged by the applicants provide for a total of 119 bays of which 59 of the bays are designated small bays.

It was also accepted by SAT that only 119 car parking spaces would be required due to a reduction in the number of dwellings provided on the site.

Justice Chaney in making his determination referred to the expert witness statement lodged with the SAT by traffic engineer Claire Smith. That report identified that currently 59 bays within the building are currently designated as small car bays.

Legal advice has clarified that it is not open to the Council to refuse the application. The advice states that:

- “1 The decision of Judge Chaney, although not a decision on an application for planning approval, dealt expressly with the merits of the revised parking layout the subject of the application now before Council. The Judge determined that the marking out proposed is acceptable from a planning perspective.*
- 2 In making that decision, the Judge had all the powers and functions of the Council. In effect, he “stood in the shoes of the Council”, so the determination is basically the same as a prior determination by the Council of the planning merits.*
- 3 The decision by the Judge is the “correct and preferable” decision, pursuant to the SAT Act.*
- 4 The Judge was originally of the view that a new application would be unnecessary, but accepted that as his decision is not strictly a planning approval, a new approval from the Council would be needed in order for the City to be able to enforce compliance with the parking layout.*
- 5 For the Council to refuse the proposal in the circumstances would be manifestly unreasonable (in a legal sense), and would involve an error of law that could be set aside by the Supreme Court. Any challenge in the Supreme Court or the SAT would almost certainly lead to a costs order against the City.”*

Justice Chaney in making his decision has effectively made the final determination on this matter and did express his view that the issue did not give rise to any additional amenity or planning impacts.

By determining an application, the Council effectively puts on record an approved plan, which will provide the official record of the approved parking arrangement.

Link to Strategic Plan:

Not Applicable

Legislation – Statutory Provisions:

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of clause 6.8.1, 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.*

In relation to applications for retrospective approval the Council shall have regard to the provisions of clause 6.12 as follows:

6.12 APPROVAL OF EXISTING DEVELOPMENTS

6.12.1 *The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.*

6.12.2 *An application to the Council for planning approval under subclause 6.12.1 shall be made on such form as the Council provides from time to time.*

6.12.3 *A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this subclause it is permissible.*

6.12.4 *The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval.*

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

No Applicable

COMMENT

The SAT has supported the proposal presented by the owners Traffic Engineer's to provide 119 car parking spaces on site (excluding the 5 drive through bays) through the re-positioning and re-marking of the car parking areas.

In arriving at this position, Justice Chaney acknowledged that 121 car parking spaces were originally required and only 119 would now be provided. However, Justice Chaney stated the following in his findings:

“37 *As I have already observed, the extent of the non-compliance with conditions 1 and 2 of the parking bays as presently marked is such that the direction under s 214 should be maintained. However, it would be a relatively simple matter to very significantly reduce the level of non-compliance by re-marking the bays in the manner identified by Ms Smith. Without the structural modifications to the building, by a simple re-marking of the bays, all 119 bays could comply with AS 2890.1, provided 59 were designated as small car bays. There would thus be a shortfall of 2 bays from the 121 bays originally depicted on the development approval plans. Of the 119 bays, 22 would not be of the dimensions required by condition 2. Notwithstanding that non-compliance, if the bays were marked as suggested by Ms Smith, in my view the s 214 direction should then be set aside. As I have said, whether or not a notice should issue involves the exercise of a discretion. The reason I would exercise that discretion against affirming the direction, in the circumstances of this case are as follows:*

(i) *The overall shortfall in bays is only two of 121.*

- (v) *The development approval plans contemplated a total of 15 residential units. It was on that number of units that the parking requirements were assessed. The change to 14 units on the TPAT plans, and then 12 units on the 2004 building plans would all have resulted in a reduced calculation as to the parking bay requirements. Although it is accepted that the total number of bays was never addressed in relation to subsequent plans, and thus the original requirement remained, the actual parking demand is reduced as a result of the changes to the plans after the initial approval.”*

Consequently, SAT has resolved to allow the applicants to amend the marked out car parking layout, including the total number of car parking spaces of 119, in accordance with the plans submitted to SAT.

Having identified in paragraph 37 v) that the actual parking demand would be accepted at 119 instead of the original 121 car parking spaces through the reduction in the number of residential units, the 119 car parking spaces would satisfy the demand for the development. Having regard to the legal position at this time – it is not reasonably open to the Council to adopt additional or alternate resolutions (for example in regard to new conditions or cash-in-lieu contributions), other than those which accord with the SAT findings.

Under ordinary circumstances, it may not be so critical that bays are marked to within a small margin of the design, however in this case, and due to the already marginal dimensions of the bays – it is considered critical that the bays are provided as required by the SAT.

In light of the applicant re-marking the car parking areas prior to a determination by Council, arrangements have been made for a licensed surveyor to check that the car park bay markings are consistent with the submitted plans.

In light of the above comments and subject to confirmation that the parking bays have been correctly marked out, it is recommended that the application for retrospective planning approval be granted.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Aerial Photograph
Attachment 3	Development Plans

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES the application for Retrospective Planning Approval dated 27 November 2006 and additional plans submitted on the 4 December 2006 by Hardy Bowen, the applicants, on behalf of the owners, Rennet Pty Ltd for the re-marking of car parking bays at Lot 100 (10) Oceanside Promenade, Hillarys subject to:
 - (a) the car parking spaces allocated to the dwellings and the residential building being marked and set aside for the exclusive use of the occupants of the dwellings and residential building.

- (b) confirmation that the bays are re-marked in conformity with the SAT determination of 22 September 2006.

2 The State Administrative Tribunal be advised of Council's decision.

ADDITIONAL INFORMATION

The Chief Executive Officer advised that this item has been **WITHDRAWN**.

The Chief Executive Officer confirmed that the inspection of the line markings had been undertaken by a Licensed Surveyor and also a site inspection by Director Planning and Community Development, Manager Approvals Planning and Environmental Services, City Building Surveyor and the CEO. Discrepancies between line markings and the plans were detected and referred to the developer and their legal advisers.

As this matter has not been resolved, it is appropriate and in accordance with the City's legal advice, the item listed for the Council is withdrawn.

At the State Administrative Tribunal (SAT) hearing today on the Apartment Strata Title issue, the discrepancy of the parking bay line marking was identified. Justice Chaney advised that the two parties (City and Rennet) needed to resolve the line marking dispute, which may require a joint site inspection. Justice Chaney set the next date for hearings for this matter to 23 February 2007.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20agn121206.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ257-12/06 EXTRAORDINARY ELECTION DATE – [58586]

WARD: Central

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE / EXECUTIVE SUMMARY

For Council to set a date for the extraordinary election to fill the vacancy created by the resignation of Cr Park and to determine the method for conducting the election.

BACKGROUND

Councillor John Park resigned on 7 December 2006 in written notice to the Chief Executive Officer as required by Section 2.9(3) of the Local Government Act 1995. This has created a vacancy that requires several decisions to be made.

The Council at its meeting held on 9 August 2005 resolved to:

- “1 *NOTE that the Electoral Commissioner has agreed in writing to be responsible for all elections for the City of Joondalup until 31 December 2011;*

- 2 *DECLARE, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for all Council elections for the City of Joondalup between now and 31 December 2011;*
- 3 *DECIDE, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting all Council elections for the City of Joondalup between now and 31 December 2011 will be postal elections;*
- 4 *CONFIRM that Resolutions 2 and 3 are not a binding contract with the Electoral Commissioner to conduct all elections until 31 December 2011 and nothing shall prevent Council from rescinding the decisions at any time in the future.”*

DETAILS

Section 4.8 of the Act states that if a position on Council becomes vacant because of a resignation, an extraordinary election will generally be held. Section 4.9(2) then states that an extraordinary election should be held within four months of the vacancy occurring. However, section 4.16(4) states that if a vacancy occurs after the first Saturday in August before an election year (as is the case in relation to this resignation) “Council may, with the approval of the Electoral Commissioner”, fix the ordinary election day as the day for the extraordinary election.

This provision potentially allows the extraordinary vacancy arising from Cr Park’s resignation to be filled at the May 2007 elections. However, this situation is just changing. The Local Government Amendment Act 2006 is now achieving Royal Assent, which brings it in to operation. This Act changes the date for ordinary elections from the first Saturday in May to the third Saturday in October. As a consequence, section 4.16(4) is being changed so that an extraordinary election can be postponed if the vacancy occurs after the third Saturday in January rather than the first Saturday in August.

Advice has been received from the Department of Local Government and Regional Development that the Electoral Commissioner would be unlikely to allow a position to remain vacant for over 10 months. This would be the case if the position remained vacant until the next ordinary elections. Consequently, an extraordinary election appears the only option. While this will involve some significant cost, it ensures that the Central Ward maintains its democratically-elected representatives.

The date of an extraordinary election can be set in the following ways according to section 4.9. These are:

- “(a) by the Mayor, in writing if the day has not already been fixed under paragraph (b); or*
- (b) by the Council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a)”.*

If neither the Mayor nor Council set a day within a month of the vacancy occurring, the day is to be set by the Electoral Commissioner. It is considered appropriate for Council to set the date for the election. However, there are very limited opportunities for an election date within a timeline of four months. This is particularly because an election process takes 80 days and involves public advertising at various stages. It is considered inappropriate to conduct this advertising in the week leading up to Christmas or in the early weeks of January. To avoid advertising during the Christmas/New Year break period and to achieve the four month timeline, an election day in late March is required. This report recommends an election day of Saturday, 31 March 2007 and a timeline to achieve the election on this day is provided at Attachment 1.

Issues and options considered:

Council could decide on an alternative date for holding the extraordinary election. However, there is very little option unless the Council wishes to conduct advertising over the Christmas/ New Year holiday period.

Council could decide to conduct the election as an in person election. However, this is not recommended as it would change past practice and lead to lower voter turn-outs based on historical precedents. In accordance with the decision of the Council of 9 August 2005, it is proposed that the extraordinary election be conducted as a postal election.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

The following statutory provisions relate to this report. Each has been mentioned within the report.

- Section 4.8
- Section 4.9
- Section 4.9(2)
- Section 4.16(4)
- Section 4.20(4)
- Section 4.61

Risk Management considerations:

Not applicable. Council needs to follow statutory processes.

Financial/Budget Implications:

An amount of \$300,000 is listed on the 2006/07 budget to conduct the 2007 May elections. Given the change to the election date, these funds will not be expended this financial year. An indicative cost of \$30,000 has been obtained from the Western Australian Electoral Commission, based on a 30% voter turn-out. This would adequately be covered by the existing account (1.25.20.3780.0001.9999).

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

The Electoral Commissioner has provided the City with an electoral timeline, which is included at Attachment 1.

COMMENT

Not applicable.

ATTACHMENTS

Attachment 1 Proposed Timetable – Extraordinary Election

VOTING REQUIREMENTS

Absolute majority.

MOVED Mayor Pickard SECONDED Cr Amphlett that Council AGREES to set Saturday 31 March 2007 as the date for the Extraordinary Election to fill the vacancy within the Central Ward.

Mayor Pickard spoke on the motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (11/0)**

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

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23agn121206.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**NOTICE OF MOTION NO 1 – CR JOHN PARK - [61581]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr John Park gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 31 October 2006:

That Council:

- 1 *REQUESTS the CEO ESTABLISHES an official list of North Metro Western Australian indigenous plants that can be purchased locally, to be planted on the City of Joondalup's reserves, verges and properties;*
- 2 *ENDORSES the planting list be used as the primary and preferred planting list for all City controlled planting;*
- 3 *REQUESTS the Conservation Advisory Committee to review the planting list every year or more often as needed, and submit the list to Council for final approval;*
- 4 *REQUESTS the CEO to suspend further plantings until the planting list is completed and approved;*
- 5 *REQUIRES that any requests for planting that differs from the official list to be submitted to Council for approval with a justification for the use of the unlisted plants.*

BACKGROUND

At the Council meeting held on 31 October 2006, the above motion was Moved by Cr Park and Seconded by Cr Magyar, and subsequently amended twice, to read as follows:

That Council:

- 1 *REQUESTS the CEO ESTABLISHES an official list of North Metro Western Australian indigenous plants that can be purchased locally;*
- 2 *ENDORSES the planting list be used as the primary and preferred planting list for all City controlled planting;*
- 3 *REQUESTS the Conservation Advisory Committee to review the planting list every year or more often as needed, and submit the list to Council for final approval;*
- 4 *REQUESTS the CEO to suspend further plantings until the planting list is completed and approved;*
- 5 *REQUIRES that any requests for planting that differs from the official list to be submitted to Council for approval with a justification for the use of the unlisted plants.*
- 6 *THANKS the CEO and ENDORSES the CEO's actions in commencing the preparation of scoping the development of an Environmental Management Plan and a Landscape Master Plan for the City of Joondalup as outlined in his memorandum forming Attachment 1 to C85-10/06 – Notice of Motion No 2 – Cr John Park.*

Following discussion, a procedural motion was carried, being that:

“Consideration of Notice of Motion No 2 – Cr John Park, as amended be DEFERRED to the ordinary meeting of Council scheduled to be held on 12 December 2006 pending additional information.

ADDITIONAL INFORMATION

The following additional information is now provided:

It is noted that the majority of plants currently depicted on the City's planting list are native species, notwithstanding this a review is supported that gives due consideration and includes public input to guide Council in determining a community wide acceptable outcome.

In doing so it would be appropriate to develop an overall landscape master plan that involves a vision and scoping exercise which takes into consideration existing plantings, landscaping themes, location specific issues, water availability, long term maintenance obligations and appropriate public consultation.

The development of suitable criteria and guidelines to assist the City in implementing the adopted landscape master plan throughout the City is an essential part of the master planning exercise which can be dealt with by the Council with input from the advisory committees.

At the Council meeting held on 21 November 2006 the Minutes of the Conservation Advisory Committee (CAC) meeting held on 27 September 2006 were considered.

At this CAC meeting, a number of items were considered and included the development of a “Grow Local Plants” brochure that would replace the “Approved Plant Material List” that the City currently distributes to residents to assist them when landscaping their verges and gardens. The Committee also wished to develop further the list of plants the City distributes to residents and that could also be utilized for landscaping within public open spaces.

As a consequence of this, Council resolved in part to:

“ Develop a landscape master plan for the City’s public spaces. The Master Plan would develop a vision, and as an integral component of the master planning exercise it would consider public consultation, landscape themes, plant species, location specific issues, irrigation availability and long term maintenance obligations.”

It is considered that the intent of Cr Park’s Notice of Motion could be incorporated in this master planning exercise.

The Notice of Motion as it stands is considered too restrictive from an operational and amenity perspective and a suggested alternative motion that captures the intent is suggested as follows:

That Council:

- 1 *REQUESTS the CEO to incorporate in the proposed Landscape Master Plan, a list of Native Plant species suitable for the North Metropolitan Catchment;*
- 2 *INTENDS that the proposed Native Plant species list will be the primary and preferred plant list for all the City’s public areas;*
- 3 *REQUESTS that the Conservation Advisory Committee review the Native Plant Species list on an annual basis.*

LAPSE OF MOTION

Following the resignation of Cr John Park, and in accordance with Clause 26(5) of the City’s Standing Orders Local Law, Mayor Pickard advised that this notice of motion has **LAPSED**

NOTICE OF MOTION NO 2 – CR JOHN PARK - [61581]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr John Park gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 31 October 2006:

That Council ESTABLISHES a discount for Veterans and qualified pensioners of 50% off the yearly parking fees at the Ocean Reef Boat Launch facilities, to be back dated to 1 July 2006. That this discount be added to the list of Fees and Charges and be reviewed as part of the normal 2007/08 budget process.

BACKGROUND

At the Council meeting held on 31 October 2006, the above motion was Moved by Cr Park and Seconded by Cr Jacob, and subsequently amended, to read as follows:

“That Council ESTABLISHES a discount, in accordance with Council Budget decision as of 25 July 2006 in relation to discounted rates and charges, of 50% off the yearly parking fees at the Ocean Reef Boat Launch facilities, to be back dated to 1 July 2006. That this discount be added to the list of Fees and Charges and be reviewed as part of the normal 2007/08 budget process.”

Following discussion, a procedural motion was carried, being that:

“Consideration of Notice of Motion No 3 – Cr John Park, as amended, be DEFERRED to the ordinary meeting of Council scheduled to be held on 12 December 2006 in order to seek further clarification.”

ADDITIONAL INFORMATION

The following additional information is now provided:

Fees for the Ocean Reef Boat Launching facility are set by Council each year as part of its annual review of fees and charges. There are two scales of fees that apply. There is a per day fee which is charged at the facility itself through a meter and there is an option for an annual fee which entitles the payer to an annual pass which can be displayed on the vehicle.

For the 2006/07 financial year the per day fee set is \$6.00, an increase of \$0.50 from the previous financial year (including GST) and the annual pass fee is \$86.00, an increase of \$3.50 from the previous financial year (including GST). The annual fee represents a substantial discount on the daily fee and is particularly attractive to seasonal fisherman such as those pulling craypots, who will use the boat launching ramp as often as daily during the season and then very infrequently for the balance.

Council has been setting the fees for boat launching facilities for many years. Other than the annual pass fee, which effectively offers a substantial discount, Council has never formally considered any other form of discount for boat launching fees. It appears that at some point in the past pensioners who were able to produce a pensioner benefits card and who wished to purchase an annual pass have only been charged 50% of the normal fee. When this error was detected during the review of fees and charges for the current 2006/07 financial year it was determined that there was no basis for the practice of offering a 50% discount and it was discontinued.

The change in practice was not advertised and previous purchasers of the annual pass at a 50% discount were not informed of the change. This led to a complaint from a pensioner.

It is understood that Cr Park’s proposal is that the previous practice of giving a 50% discount for the annual pass to entitled pensioners be reinstated and formally resolved by Council for the 2006/07 financial year. The future of the discount for the 2007/08 and subsequent financial years should then be formally reviewed as part of the budget process each financial year with appropriate discussion, debate and consultation. On this basis the Notice of Motion is supported.

Section 6.19 of the Local Government Act 1995 states:

“If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of:

(a) its intention to do so; and

(b) the date from which it is proposed the fees or charges will be imposed.”

Council is able therefore to resolve that a fee be applied to pensioners which is different to that applying to others. Unfortunately though Council cannot make that fee retrospective. The fee could be imposed as soon as Local Public Notice has been given. It is suggested that the new fee, applicable to pensioners, could be applied from Monday 18 December 2006.

There would need to be clear criteria to determine to whom the reduced rate would apply. The most effective way of applying this would be to utilise the established criteria that apply for pensioners obtaining rebates or deferments on their rates. This would merely be used as the criteria to determine eligibility for the reduced fee and pensioners would not have to be City of Joondalup ratepayers.

In relation to any pensioners who have in the meantime paid the full fee since 1 July 2006 a refund could be given. Section 6.12 of the Local Government Act 1995 provides:

“6.12. Power to defer, grant discounts, waive or write off debts

- (1) *Subject to subsection (2) and any other written law, a local government may –*
- (a) *when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;*
 - (b) *waive or grant concessions in relation to any amount of money; or*
 - (c) *write off any amount of money,*

which is owed to the local government.”

Clause (b) of sub-section (1) of that section provides that the Council can waive or grant concessions in relation to any amount of money, which is owed to the Local Government. Council therefore could resolve in accordance with those provisions to waive 50% of the fee paid by any qualified pensioners since 1 July and up to and including 17 December 2006 and refund the amount overpaid.

On the basis of the above it is therefore suggested that it would be more appropriate for the motion to read as follows:

That:

- 1 Council sets a fee for eligible pensioners for an annual pass for parking at the Ocean Reef Boat Harbour of 50% of the otherwise applicable fee, inclusive of GST;
- 2 the criteria for determining pensioner eligibility in (1) will be the same criteria as eligibility under the Rates and Charges (Rebates and Deferments) Act 1992 for a rate rebate or deferment other than the requirement to own or occupy rateable property;
- 3 that the fee referred to in (1) be applied from Monday 18 December 2006; and
- 4 Council waives 50% of the fee already paid by any pensioner qualified in accordance with (2) and paid between 1 July 2006 and 17 December 2006 and the 50% overpayment be refunded.

LAPSE OF MOTION

Following the resignation of Cr John Park, and in accordance with Clause 26(5) of the City's Standing Orders Local Law, Mayor Pickard advised that this notice of motion has **LAPSED**

NOTICE OF MOTION – CR S MAGYAR

Reference was made to the proposal by Cr Magyar to submit notice that he wished to move two motions at the next ordinary meeting of Council. It was noted that the submission of both notices contravenes Clause 26(6) of the City's Standing Orders Local Law and it was advised that notice cannot be submitted before 4 March 2007.

C94-12/06 NOTICE OF MOTION NO 3 - CR MICHELE JOHN

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr John has given notice of her intention to move the following Motion at the Council meeting to be held on Tuesday, 12 December 2006:

That:

- 1 *The year 2007 be designated as the City of Joondalup's 'Year of Community Groups' in recognition of the very significant and integral contribution made by over 400 Community Groups in the City;*
- 2 *The City prepare a draft 'Year of Community Groups' activity plan and budget that focuses on a year long program of support activities to encourage and assist our Community groups who underpin many of the essential social services provided in the City.*

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

"This initiative is to support the efforts of our Community Groups who provide many unpaid hours of crucial community service in supporting the City's ratepayers, lifestyle and amenities.

Our Community groups cover many important social service areas including:

- 1 Friends Groups who manage our bush reserves and carry out weeding and replanting programs all year long.
- 2 Voluntary support groups to assist Aged care, Seniors and Disabled persons and who provide practical help and companionship
- 3 Volunteers who provide many hours supporting the City's education, library and administration programs.
- 4 Animal welfare groups
- 5 Youth support services and
- 6 The many volunteers required to support the large number of sporting clubs in the city

The 'Year of Community Groups' program could focus on providing our Community Groups with enhanced communication, liaison, training and support programs to show the City's respect and appreciation for the time and commitment given in making the City of Joondalup a wonderful place to live.

It is important to note that without the support of our Community groups, the City would be required to pay contractors to deliver a vast array of services currently freely provided.

By acknowledging the contributions made by our community groups we are also delivering on our promise of increased engagement and consultation with our ratepayers and further providing an important opportunity for Council to remain focused on both the Community and its role in the City's Future."

OFFICER'S COMMENT

Designating 2007 as a "Year of Community Groups" is considered a positive initiative. As the comments associated with the Notice of Motion indicate, volunteers provide many hours of unpaid work of significant benefit to the community and, without volunteers, the City would be required to pay contractors to deliver such services.

It is also agreed that acknowledging volunteers assists the City to engage with residents and ratepayers.

An Activity Plan and budget can be prepared.

MOVED Cr John SECONDED Cr Jacob that:

- 1 the year 2007 be designated as the City of Joondalup's 'Year of Community Groups' in recognition of the very significant and integral contribution made by over 400 Community Groups in the City;
- 2 the City prepare a draft 'Year of Community Groups' activity plan and budget that focuses on a year long program of support activities to encourage and assist our Community groups who underpin many of the essential social services provided in the City.

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

C95-12/06 NOTICE OF MOTION NO 4 - CR BRIAN CORR

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Corr has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 12 December 2006:

That:

- 1 *The Chief Executive Officer seeks expressions of interest from local suppliers to identify the cost per tank to provide rainwater tanks at discounted rates to the residents of the City of Joondalup and report back to Council on the results of the expressions of interest received;*
- 2 *based on the potential costs identified, the report covers funding and administrative arrangements to provide these low-cost rainwater tanks to residents, cost neutral to the City; and*
- 3 *funding be provided from one or more Reserve Funds, to be recouped at cost from the residents, back to the same Reserve Fund(s).*

Cr Corr has provided the following comment in support of his notice of motion:

“We are well aware that Western Australia is suffering from an acute water storage in our dams and the introduction of rainwater tanks to a large number of households would help alleviate this problem.

I would like Council to encourage the installation of rainwater tanks in homes through a partnership program. This would involve:

- The active promotion of rainwater tanks in the media and through Council's community news.
- A list of preferred suppliers held by Council that, under agreement with Council, would provide rainwater tanks at a reduced cost to the City's residents. Tanks are, optimally, 5000 litres in volume for combined outdoor and toilet flushing/washing machine use, and 3000 litres for outdoor use alone. Good quality rainwater tanks can be purchased for \$750 (3000 litres) and \$900 (5000 litres). Local suppliers would surely provide substantial discounts under such an agreement.
- The City to provide assistance to residents in their application for rebates from the Water Corporate. Currently, rebates exist until 30 June 2007, but this is likely to be extended. Under this proposal, residents could pay under \$500 for a 5000-litre tank.

Council could directly claim the rebate from the Water Corporation. Limits could be placed on the offer to cap Council's capital contribution per year to the scheme. Residents would receive a discounted tank with little paperwork and, say, a 12-month interest-free payback period.

This initiative would, I believe, be a first for local authorities in Western Australia. If implemented by the City of Joondalup and then by other local authorities, it would make a significant contribution to solving one of Western Australia's most pressing problems.

OFFICER'S COMMENT

The above matter is currently listed on the Sustainability Advisory Committee Agenda for 7 December 2006. A report has been developed that covers the aspects of the Motion and provides the benefits and costs associated with rainwater tanks.

It is considered appropriate for the Sustainability Advisory Committee, given its terms of reference, to comment on the report in detail and then advise the Council on a way forward.

MOVED Cr Corr SECONDED Cr Magyar that:

- 1 the Chief Executive Officer seeks expressions of interest from local suppliers to identify the cost per tank to provide rainwater tanks at discounted rates to the residents of the City of Joondalup and report back to Council on the results of the expressions of interest received;**
- 2 based on the potential costs identified, the report covers funding and administrative arrangements to provide these low-cost rainwater tanks to residents, cost neutral to the City; and**
- 3 funding be provided from one or more Reserve Funds, to be recouped at cost from the residents, back to the same Reserve Fund(s).**

Discussion ensued.

AMENDMENT MOVED Cr John SECONDED Cr Currie that Points 2 and 3 of the Motion be deleted and replaced with the following:

- “2 Council requests a report on the activities of other local authorities within Australia in relation to the supply of rainwater tanks, amongst others Goulburn Shire, NSW;**
- 3 the information be referred to the Sustainability Advisory Committee for comment.”**

Discussion ensued.

Cr Magyar believed that the amendment negated the original motion and was contrary to the City's Standing Orders Local Law. Mayor Pickard ruled that the amendment was in order.

PROCEDURAL MOTION – THAT THE RULING OF THE PRESIDING PERSON BE DISAGREED WITH

MOVED Cr Magyar SECONDED Cr Corr that the meeting DISSENT with the ruling of the Mayor.

The Procedural Motion was Put and

LOST (3/8)

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

The Amendment Moved by Cr John and Seconded by Cr Currie was Put and

CARRIED (9/2)

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

Discussion ensued on the original motion.

The Original Motion, as amended, being:

That:

- 1 the Chief Executive Officer seeks expressions of interest from local suppliers to identify the cost per tank to provide rainwater tanks at discounted rates to the residents of the City of Joondalup and report back to Council on the results of the expressions of interest received;**
- 2 Council requests a report on the activities of other local authorities within Australia in relation to the supply of rainwater tanks, amongst others Goulburn Shire, NSW;**
- 3 the information be referred to the Sustainability Advisory Committee for comment.**

Was Put and

CARRIED (9/2)

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf051206.pdf](#)

NOTICE OF MOTION NO 5 - CR JOHN PARK

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Park has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 12 December 2006:

That Council:

- 1 *REQUESTS the CEO to incorporate in the proposed Landscape Master Plan, a list of Native Plant species suitable for the North Metropolitan Catchment;*
- 2 *INTENDS that the proposed Native Plant species list will be the primary and preferred plant list for all the City's public areas;*
- 3 *REQUESTS that the Conservation Advisory Committee review the Native Plant Species list on an annual basis.*

OFFICER'S COMMENT

Refer to the Additional Information in Notice of Motion No. 1

LAPSE OF MOTION

Following the resignation of Cr John Park, and in accordance with Clause 26(5) of the City's Standing Orders Local Law, Mayor Pickard advised that this notice of motion has **LAPSED**

NOTICE OF MOTION NO 6 - CR JOHN PARK

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Park has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 12 December 2006:

That:

- 1 *Council sets a fee for eligible pensioners for an annual pass for parking at the Ocean Reef Boat Harbour of 50% of the otherwise applicable fee, inclusive of GST;*
- 2 *the criteria for determining pensioner eligibility in (1) will be the same criteria as eligibility under the Rates and Charges (Rebates and Deferments) Act 1992 for a rate rebate or deferment other than the requirement to own or occupy rateable property;*
- 3 *that the fee referred to in (1) be applied from Monday 18 December 2006; and*
- 4 *Council waives 50% of the fee already paid by any pensioner qualified in accordance with (2) and paid between 1 July 2006 and 17 December 2006 and the 50% overpayment be refunded.*

OFFICER'S COMMENT

Refer to the Additional Information in Notice of Motion No. 2

LAPSE OF MOTION

Following the resignation of Cr John Park, and in accordance with Clause 26(5) of the City's Standing Orders Local Law, Mayor Pickard advised that this notice of motion has **LAPSED**

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

THANKS

Mayor Pickard congratulated the Council on a fantastic start to a new era for the City of Joondalup. Mayor Pickard wished all Councillors and their families a merry Christmas and a safe and prosperous New Year and stated he looked forward to continuing to build on the great work for which the foundations have been laid over the past eight months. Mayor Pickard also wished a Happy Christmas to residents.

The Chief Executive Officer wished a merry Christmas and a happy New Year to the Mayor, Councillors, staff, member of the press and all residents in attendance. Mr Hunt thanked the Council for the manner in which it has conducted its business.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2250 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 M JOHN
Cr S HART
Cr B CORR
Cr R FISHWICK
Cr R CURRIE
Cr G AMPHLETT