

Agenda **Briefing Session**

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

ON **TUESDAY, 12 MAY 2009**

COMMENCING AT **6.30 pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday, 11 May 2009**.

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

QUESTIONS TO

council.questions@joondalup.wa.gov.au
PO Box 21 Joondalup WA 6919

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 18 December 2007:

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

PROCEDURES FOR BRIEFING SESSIONS

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

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
 - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct.
 - (b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed thirty five (35) minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final;
 - nominate a member of the Council and/or City employee to respond to the question;
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing session that is not relevant to a matter listed on the agenda, or;
 - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

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

Questions in Writing – (Residents and/or Ratepayers of the City of Joondalup Only)

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of 5 written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

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

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

DEPUTATION SESSIONS

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

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

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

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 12 MAY 2009** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 14 April 2009:

Mr Mike O'Brien, Warwick:

Re: Item 5 – Local Government Rating – City of Joondalup Report

Q1 *Relating to what amounts as a Section 6.35 of the Local Government Act 1995 so called "Minimum Payment" were set for the 2008/2009 Municipal Budget Year in the Municipalities listed below:*

<i>Armadale</i>	<i>Mosman Park</i>
<i>Bassendean</i>	<i>Mundaring</i>
<i>Belmont</i>	<i>Nedlands</i>
<i>Cambridge</i>	<i>Peppermint Grove</i>
<i>Canning</i>	<i>Perth</i>
<i>Claremont</i>	<i>Rockingham</i>
<i>Cockburn</i>	<i>Serpentine-Jarrahdale</i>
<i>Cottesloe</i>	<i>South Perth</i>
<i>East Fremantle</i>	<i>Stirling</i>
<i>Fremantle</i>	<i>Subiaco</i>
<i>Gosnells</i>	<i>Swan</i>
<i>Joondalup</i>	<i>Victoria Park</i>
<i>Kalamunda</i>	<i>Vincent</i>
<i>Kwinana</i>	<i>Wanneroo</i>
<i>Melville</i>	

- A1 The City has the information in relation to its own figures and also has the information for the Cities of Wanneroo and Stirling. The information for other local governments will need to be researched by Mr O'Brien as it is not for the City to undertake research on his behalf.

<i>Local Government</i>	<i>Minimum</i>	<i>Separate Refuse?</i>	<i>Refuse Cost?</i>	<i>Total Cost?</i>
<i>Joondalup*</i>	<i>\$593</i>	<i>Yes</i>	<i>\$240</i>	<i>\$833</i>
<i>Stirling</i>	<i>\$610</i>	<i>Yes</i>	<i>\$205</i>	<i>\$815</i>
<i>Wanneroo*</i>	<i>\$835</i>	<i>No</i>	<i>N/A</i>	<i>\$835</i>

* Differential rating is used and these figures are based on Residential Improved differential rates.

Mr M Sideris, Mullaloo:

- Q1 *For Item 16 proposed medical centre, advise what is the 'Cash in Lieu' value for the proposed shortfall of 31 car parking bays for the site.*
- Q2 *For Item 16 proposed medical centre, advise why the 'Cash in Lieu' value is not stated in the Report to Council.*
- A1-2 This application has been withdrawn.
- Q3 *For Item 19 proposed tavern and shop at Lot 5003, advise what is the 'Cash in Lieu' value for the proposed shortfall of 9 bays over the site.*
- A3 If the Council determined that there is a shortfall in the parking, then the cash in lieu requirement would be \$22,820 per bay.
- Q4 *For Item 19 proposed tavern and shop at Lot 5003, advise why this redevelopment proposal which includes a tavern consisting of Cocktail Lounge area of 100.83m²; Lounge/Dining area of 182.78m²; Outdoor Dining area of 107.87m²; Function Room area of 193.55m²; and Sports Bar area of 107.65m².being a total Liquor License area of 692.68m² or 152% increase when compared to the original 440m² approved in CJ252-11/08, was not advertised for Public Comment?*
- A4 A similar application for a tavern at this site was presented to Council at its November 2008 meeting which included a 21 day consultation period with adjoining and nearby landowners. As the predominant use and the intensity of that use is not proposed to change from that previously approval by Council, the proposal was not advertised.
- Q5 *For Item 19 proposed tavern and shop at Lot 5003 states "The maximum capacity is estimated to be 475 persons, advise what is the car parking requirement for this stated maximum patron capacity.*
- A5 The District Planning Scheme No.2 car parking requirement for a tavern is calculated on the floor area of the tavern and not the capacity of the tavern. As such the District Planning Scheme No.2 car parking requirement will not change for the tavern if the capacity were to be increased from 360 persons to 475 persons.

Mr S Magyar, Heathridge:

Re: Item 11 - Tender 007/09 – Supply and Delivery of Mobile Garbage Bins

Q1 Does the tender process provide an opportunity for a percentage of natural materials to be replaced with a percentage of recyclable plastics?

A1 The tender process did provide for a percentage of virgin material to be replaced with recyclable content. During manufacture up to 30 percent of virgin material is replaced with recyclable content. Levels up to 30 percent are deemed to be appropriate in order to maintain the integrity of the bin, and cover the 10 year manufacturer's warranty period.

Q2 To assist in maintaining the objectives of the City's sustainability principles, do Elected Members have input as to the requirements of tender specifications prior to the documents being put out for submission?

A2 The City's administration adheres to strategies and policies as set by the Council and Council then vets the outcome.

Mr G Barker, Hillarys:

Re: Item 21 – Proposed Mixed Use Development of 24 Multiple Dwellings, 8 Grouped Dwellings, Offices, Shop & Restaurant at Lot 9009 (35) Martinique Mews, Hillarys

Q1 Previously, the applicant was given seven (7) days to provide a copy of the rear elevation of their proposal. In the latest draft plan, all you can see in the picture is clouds. What will residents of Oahu Gardens and Martinique Mews be looking at?

A1 The applicant requested that the Item be withdrawn from the agenda. The City requested a copy of the eastern elevation. The City did not ask for surrounding views which was previously furnished.

Q2 Regarding the unavailability of the eastern elevation, I was of the belief that this was to be included due to the importance of this development?

A2 This will be discussed later in the meeting.

4 PUBLIC STATEMENT TIME

The following statement was submitted to the Briefing Session held on 14 April 2009:

Mr R Repke, Kallaroo:

Mr Repke spoke in relation to Item 6 – Edgewater Quarry Development – Report on Feedback from Community Consultation.

5 APOLOGIES AND LEAVE OF ABSENCE

Request for Leave of Absence

Cr Fishwick has requested Leave of Absence from Council duties covering the period 23 – 31 May 2009.

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

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21	PROPOSAL FOR LEVYING DIFFERENTIAL RATES FOR THE 2009/10 FINANCIAL YEAR AND OTHER BUDGET MATTERS	All	90

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

22	REPORT ON CODE OF CONDUCT COMPLAINT – [09538] [74617]	All	91
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9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 120509.pdf](#)

ITEM 1 EXECUTION OF DOCUMENTS – [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 7 April 2009 to 15 April 2009.

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 to be executed by affixing the Common Seal or signed by the Mayor and the CEO are reported to the Council for information on a regular basis.

BACKGROUND

Not Applicable.

DETAILS

The following documents have been executed by affixing the Common Seal.

Document:	Section 70A Execution
Parties:	City of Joondalup and Olga Ciesla
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 214 (143) Gollelal Drive, Kingsley.
Date:	07.04.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Joseph P and Rebecca L Taliano
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 54 (9) Waraker Road, Hillarys.
Date:	07.04.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Hallmark Financial Services Pty Ltd
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 35 (12) Galant Close, Kallaroo
Date:	07.04.09
Signed/Sealed:	Sealed

Document:	Deed of Agreement
Parties:	City of Joondalup and The WA Sports Centre Trust
Description:	Deed of Agreement for the maintenance and renewal contribution towards the Arena Community Sport and Recreation Association Incorporated (ASCRA) clubroom facilities at the Arena Joondalup. This Agreement was a requirement in the Community Sporting and Recreation Facilities Fund (CSRFF) Funding for the project.
Date:	15.04.09
Signed/Sealed:	Sealed

Document:	Section 70A Execution
Parties:	City of Joondalup and Clarence Douglas and Colleen May D’Jordon
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 275 (No 14) Hughes Court, Padbury.
Date:	15.04.09
Signed/Sealed:	Sealed

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 that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 7 April 2009 to 15 April 2009 executed by means of affixing the common seal.

**ITEM 2 APPOINTMENT TO AUDIT COMMITTEE - [02153]
[50068]**

WARD: All

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

PURPOSE

For the Council to consider its representation on the Audit Committee.

EXECUTIVE SUMMARY

Following the 2007 ordinary election, the Council established an Audit Committee comprising the Mayor and one representative for each Ward. Council at its 21 April 2009 meeting (CJ077-04/09 refers) appointed Cr Russel Fishwick to the Committee as a result of former Cr Albert Jacob's resignation. Cr Fishwick's appointment is not in accordance with the Council's original decision as Cr Fishwick does not represent the same Ward as former Cr Jacob.

Cr Trona Young, member for the North-Central Ward has indicated she is unable to serve on the Audit Committee. Given that, it is recommended that Council amends its November 2007 decision to allow Cr Fishwick to serve.

BACKGROUND

As a result of former Cr Albert Jacob's resignation, the Council at its meeting held on 21 April 2009 resolved to appoint replacement members to various committees.

The Council appointed Cr Fishwick to the vacancy on the Audit Committee.

When the Council established the Audit Committee in late 2007, the membership was to comprise an Elected Member from each Ward.

DETAILS

The appointment of Cr Fishwick to the Audit Committee is not in accordance with the Council decision when establishing the Audit Committee due to the fact that the South Ward is already represented on the Committee.

Audit Committee

Current membership	Cr Tom McLean Cr Marie Macdonald Mayor Troy Pickard <i>Vacant – North-Central Ward member</i> Cr Michele Rosano Cr Fiona Diaz Mr Robert (Andy) Cowin – External Member Vacant – South-East Ward
Role of the Committee	To oversee the internal and external Audit and Risk Management and Compliance functions of the City.
Meeting details	Meetings are held in the Joondalup Civic Centre.

Issues and options considered:

The Council has the following options:

- To seek nominations for the vacancy on the Audit Committee from the remaining North-Central Ward member;
- Amend its decision when establishing the Audit Committee to allow two (2) members from another Ward to serve on the Committee;
- Allow the vacancy to remain unfilled.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

The Local Government Act 1995 (the Act) provides the Council with the ability to appoint Committees to assist with its decision making processes.

The Act prescribes that all Committees are to be disbanded at every ordinary Local Government election (October 2009).

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Nil.

Policy Implications:

Nil.

Regional Significance:

Nil.

Sustainability Implications:

Nil.

Consultation:

Nil.

COMMENT

The remaining member for the North-Central Ward has indicated that she is unable to fill the vacancy on the Audit Committee.

Therefore, it is appropriate to allow another member to serve on that Committee.

It is recommended that Council alters the membership of the Audit Committee to allow two (2) members to serve from the South Ward. This appointment will only apply until the ordinary election scheduled for October 2009.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION**That Council BY AN ABSOLUTE MAJORITY:**

- 1 AMENDS its decision of 6 November 2007 (Item JSC03-11/07 refers) by deleting “South Ward – one (1) representative” and replacing it with “South Ward – two (2) representatives”;**
- 2 APPOINTS Councillor Russel Fishwick to the Audit Committee.**

ITEM 3 MINUTES OF EXTERNAL COMMITTEE - [03149]**WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the CEO**PURPOSE**

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of Mindarie Regional Council held on 23 April 2009.

ATTACHMENTS

Attachment 1 Minutes of Meeting of Mindarie Regional Council held on 23 April 2009

(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the minutes of the meeting of the Mindarie Regional Council held on 23 April 2009 forming Attachment 1 to this Report.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf120509.pdf](#)

ITEM 4 MINUTES OF THE MEETING OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 16 APRIL 2009 - [00906]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
 Governance and Strategy

PURPOSE

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and to give consideration to the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Sustainability Advisory Committee was held on 16 April 2009.

The item of business that was considered by the Committee was:

- Item 1 - Request by the Sustainability Advisory Committee to hold One or More Workshops

BACKGROUND

The objectives of the Sustainability Advisory Committee are:

- 1 To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:
 - (a) environmentally responsible,
 - (b) socially sound, and
 - (c) economically viable
- 2 To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

The Committee membership comprises of four Elected Members and eight Community Representatives.

DETAILS

Issues and options considered:

The Motions carried at the Sustainability Advisory Committee meeting held on 16 April 2009 are shown below, together with officer comments.

Item 1 Request by the Sustainability Advisory Committee to hold one or more workshops

The following officer recommendation was presented to the Committee:

“That the Sustainability Advisory Committee PROVIDES information and clarification in relation to the purpose and scope of requested workshops to enable further consideration by Council of their merits and associated impact on resources.”

The following Motion was carried at the Committee meeting:

“That the Sustainability Advisory Committee PROVIDES the following information and clarification in relation to the purpose and scope of requested workshops to enable Council to consider the merits of workshops and the low impact on the City’s resources:

- 1 To allow the committee to better develop ideas and recommendations to Council whilst limiting the impact on the City’s resources;*
- 2 To gather information to be able to advise Council on how, with suitable planning, the City can ensure its future sustainability under the influence of global changes including, but not limited to:*
 - Climate;*
 - Availability of energy;*
 - Availability of water;*
- 3 the attendance by officers is not required, but welcome if they wish to attend.”*

Officer’s Comment

The City is already putting considerable resources into energy and water reduction initiatives including the Environment Plan, Landscape Master Plan, Water Conservation Plan, and Biodiversity Action Plan. The City also participates in three of the ICLEI programs, namely the Cities for Climate Protection (CCP) Program, the Water Campaign, and the Local Action for Biodiversity (LAB) Project. Any recommendations from the Workshop would need to take account of the current work program and direction endorsed by Council in the various plans and programs.

The Workshop is supported however officers will be unable to attend given the current work program.

Requests for Reports for future Consideration

The following Motions were carried at the Committee meeting:

“That the Sustainability Advisory Committee REQUESTS:

- 1 Council to resolve that the Chief Executive Officer prepares reports on:*
 - (a) The sustainable practices being used in the award-winning HIA Green Smart River gums estate in Baldivis;*
 - (b) The environmentally sustainable design used in the Stock land South Beach residential development near Fremantle (City of Cockburn);*

And that these reports are sent to the Sustainability Advisory Committee for consideration;

- 2 *the information obtained in points 1 and 2 above be considered in relation to the development of the sustainability requirements of the District Planning Scheme 3.”*

Officer's Comment

The preparation of such reports will have resource implications as they will require significant officer time in terms of research, review, and preparation of the reports.

Sustainable design issues are being considered as a component of the development of the District Planning Scheme 3 and Elected Members will receive information on these issues for their review and comment to inform the DPS3.

“That a copy of the report which is to be presented to Policy Committee in regards to commercial green star policy be sent to the Sustainability Advisory Committee for consideration prior to it being considered by Council.”

Officer's Comment

A background paper is currently being developed for the Policy Committee on a green building policy to encourage construction and retrofitting of green star buildings in the City of Joondalup. Following consideration by the Policy Committee, it will be for the Council to determine how to progress the policy.

“That the Sustainability Advisory Committee REQUESTS a report on:

- 1 *the City's planned renewable energy feasibility study which was listed for consideration in the 2008/09 draft budget. This study was to include the possibility of retro fitting the Council's Administration Building, Council Chambers Building and the Library at Boas Avenue, Joondalup, with solar and/or wind power energy collection systems to a level which would receive a high star rating under the Green Star Rating System run by the Green Building Council of Australia;*
- 2 *the progress of the energy audit being performed on the City's top five (5) buildings requested previously;*
- 3 *the educational initiatives and arrangements for the drop off of household hazardous waste (HW).”*

Officer's Comment

The Draft Renewable Energy Feasibility Study has been received by the City and the Consultants are revising the Report based on feedback from the City. A Report will be prepared for the June Council Meeting.

The Energy Audits have been conducted on the City's top five buildings and a number of initiatives have already been undertaken. A report can be provided on progress against the audits to date.

The City has developed a Program in relation to household hazardous waste and a report can be prepared outlining the key components of that program.

Link to Strategic Plan:

Key Focus Area: The Natural Environment

Objective 2.2 To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

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

Sustainability Implications:

The Sustainability Advisory Committee provides a forum for consideration of a range of sustainability issues by Elected Members and community representatives with local knowledge and expertise.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 16 April 2009

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **NOTES** the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 16 April 2009 forming Attachment 1 to this Report;
- 2 **SUPPORTS** the request from the Sustainability Advisory Committee to hold one or more workshops:
 - (a) To allow the Committee to better develop ideas and recommendations to Council whilst limiting the impact on the City's resources;
 - (b) To gather information to be able to advise Council on how, with suitable planning, the City can ensure its future sustainability under the influence of global changes including, but not limited to:
 - Climate;
 - Availability of energy;
 - Availability of water;
- 3 **NOTES** that attendance of officers is not required at these Workshops in Point 2 above;
- 4 **DOES NOT SUPPORT** the request from the Sustainability Advisory Committee to seek a report from the Chief Executive Officer on:
 - (a) The sustainable practices being used in the award-winning HIA Green Smart River gums estate in Baldivis, and
 - (b) The environmentally sustainable design used in the Stock land South Beach residential development near Fremantle (City of Cockburn);

given the significant resource requirements in terms of officer time associated with the research, review and report writing and the associated impact on the current approved work program in the City's Annual Plan 2008/09;
- 5 **NOTES** that a report is being prepared for the Policy Committee on a green building policy to encourage construction and retrofitting of green star buildings in the City of Joondalup;
- 6 **NOTES** that a report on the Renewable Energy Feasibility Study will be provided to Council in June 2009;
- 7 **SUPPORTS** the request from the Sustainability Advisory Committee to receive a progress report on the energy audits performed on the City's top five (5) buildings;
- 8 **SUPPORTS** the request from the Sustainability Advisory Committee to receive a report on the educational initiatives and arrangements for the drop off of household hazardous waste.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf120509.pdf](#)

ITEM 5 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION 2009 ANNUAL GENERAL MEETING - [00033]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

For Council to give consideration to submission of motions for inclusion on the agenda for the Western Australian Local Government Association (WALGA) Annual General Meeting and to endorse its voting delegates.

BACKGROUND

The Annual General Meeting of WALGA is traditionally held during the WA Local Government Convention. The majority of local governments in the State have representatives attending.

Mayor Troy Pickard and Cr Russ Fishwick were nominated as the City's voting delegates in 2008, with Cr Mike Norman and the Chief Executive Officer as their 'proxy' delegates.

DETAILS

The 2009 WALGA Annual General Meeting will be held on Saturday 8 August 2009.

Submission of motions

Member Councils are invited to submit motions for inclusion on the agenda for consideration at the 2009 WALGA Annual General Meeting. Motions are to be submitted in writing by close of business on Friday 12 June 2009.

The following guidelines are to be followed in the formulation of motions:

- Motions should focus on policy matters rather than issues which could be dealt with by the WALGA State Council with minimal delay.
- Due regards should be given to the relevance of the motion to the total membership and to Local Government in general. Some motions are of a localised or regional interest and might be better handled through other forums.
- Due regard should be given to the timeliness of the motion – will it still be relevant come the Local Government Convention or would it be better handled immediately by the Association?
- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to members – ie does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by member Local Governments must be accompanied by fully researched and documented supporting comment.

Voting delegates

In order to participate in the voting on matter received at the Annual General Meeting, each member Council must register its voting delegates by Monday 20 July 2009. Pursuant to the WALGA Constitution, all member Councils are entitled to be represented by two voting delegates. Voting delegates may be either elected members or serving officers. Proxy voting is available where the Council's appointed representatives are unable to attend.

The current City of Joondalup members of the WALGA North Metropolitan Zone are:

Members

Mayor Troy Pickard
Cr Trona Young
Cr Tom McLean
Cr Russ Fishwick

Deputies

Cr Mike Norman
Cr Kerry Hollywood
Cr Geoff Amphlett
Cr Brian Corr

Mayor Troy Pickard currently serves as the North Metropolitan Zone representative on the State Council of WALGA as Deputy President.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of WALGA.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Matters considered at the 2009 WALGA Annual General Meeting relate to local government as an industry.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The North Metropolitan Zone Committee of WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council GIVES CONSIDERATION to:

- 1 nominating its voting delegates for the 2009 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday 8 August 2009;**
- 2 the submission of motions for inclusion on the agenda for the 2009 Annual General Meeting of the Western Australian Local Government Association.**

ITEM 6 **ICLEI MILESTONE 2 - [78616]****WARD:** All**RESPONSIBLE** Mr Jamie Parry
DIRECTOR: Governance and Strategy**PURPOSE / EXECUTIVE SUMMARY**

The Water Campaign™ is an international freshwater management program which aims to build the capacity of local government to reduce water consumption and improve local water quality. The Water Campaign™ is delivered by ICLEI - Local Governments for Sustainability – Oceania (ICLEI Oceania) in collaboration with the Federal and State Governments.

Council resolved to join the Water Campaign™ at its meeting held on 22 May 2007 (*CJ083-05/07 refers*) and in doing so committed to working through the requirements of the program. The program involves progressing through five milestones.

The City recently completed work on Milestone 2 of the Water Campaign™; the setting of water management goals. The purpose of this report is to seek the Council's endorsement of the prepared Milestone 2 water management goals. Once the recommendations of this report are endorsed, the Council will have met ICLEI-A/NZ's requirements to achieve Milestone 2.

BACKGROUND

The Water Campaign™ is an international program that aims to improve water quality and promote water conservation. The Water Campaign™ builds the capacity of local government participants to achieve tangible improvements in water management. The Water Campaign™ is delivered within Australia by ICLEI Oceania in collaboration with local and state governments, water authorities and the Federal Government.

The Water Campaign™, piloted in Australia in 2002, provides local government authorities (LGAs) with a tested program model, covering a broad spectrum of water management issues.

The Council at its meeting held on 22 May 2007 (*CJ083 – 05/07 refers*) resolved to participate in the Water Campaign™ Australia program. The achievement of the following five Milestones was endorsed in this resolution:

- Milestone 1: Undertake a water consumption inventory and water quality checklist
- Milestone 2: Establish a water consumption reduction goal and water quality improvement goal
- Milestone 3: Develop and adopt a local water action plan
- Milestone 4: Implement policies and measures to work towards integrated water resource management and quantify the benefits that result
- Milestone 5: Monitor and report on water consumption reductions and water quality improvements.

There are two modules of the Water Campaign™; Corporate: Improving water management within the City's own operations; and Community: Improving water management in both the residential and non-residential community. Within both of these modules are two focus areas, water quality and water conservation.

DETAILS

Milestone 1

The City completed Milestone 1 for both the Corporate and Community modules on the 21 January 2009.

Milestone 1 for the water conservation module involved completing an inventory of corporate and community water use.

Milestone 1 for the water quality module involved conducting an assessment of corporate and community water quality management practices using checklists developed by ICLEI Oceania. Following the completion of these checklists the City nominated three water quality priority areas which will be the focus of the City's Local Water Action Plan for achieving Milestone 3.

The results of Milestone 1 are summarised below.

Water Conservation

Corporate water usage – water used within City operations

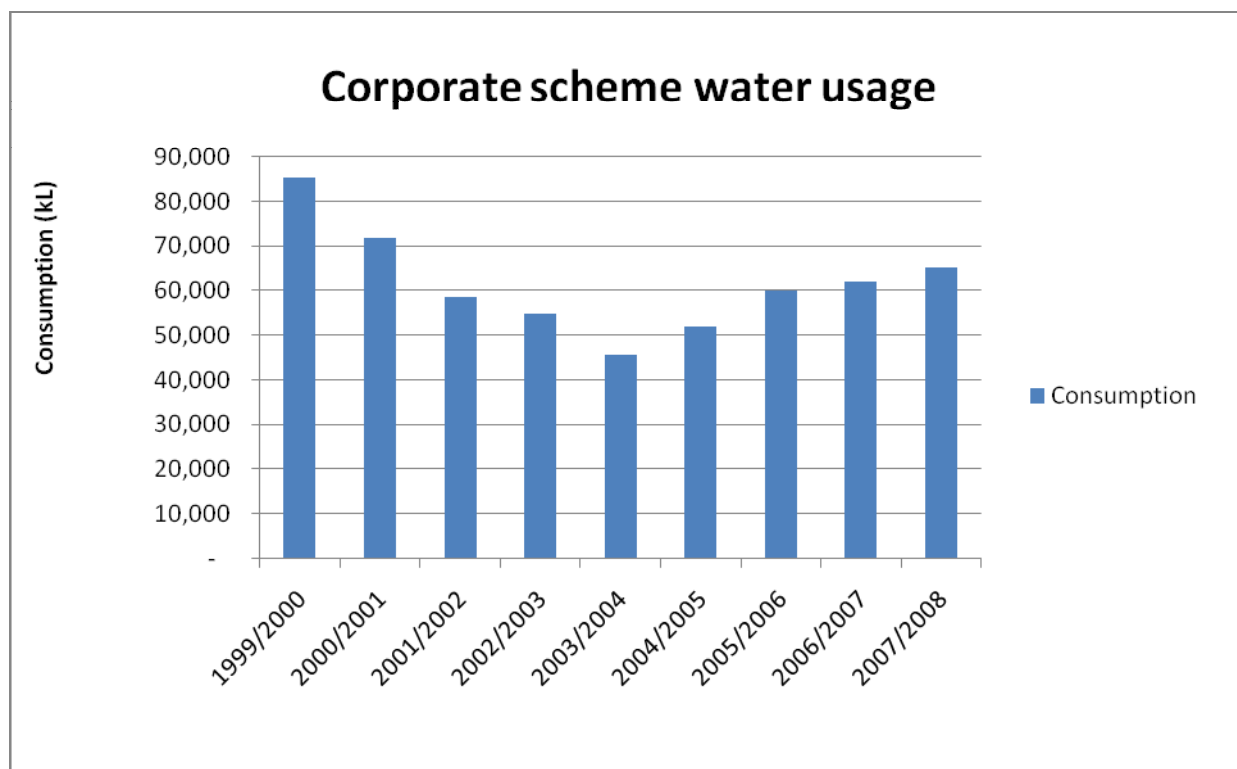


Figure 1: The City of Joondalup's corporate scheme water usage July 1999 - June 2008

It should be noted that 2001 was one of the driest years on record in Western Australia. Due to this, low dam water levels going into the 2001/2002 summer caused water restrictions to be applied throughout the City. It is from this initial set of water restrictions that current water saving culture has become the norm. Water usage within the City reflects this change in water usage habits and thus lower consumption levels from 2000/2001 can be seen.

Since the 2003/2004 financial year the City has seen an increasing trend in consumption. Large increases were seen within the Joondalup Library between the 2004/2005 and 2005/2006 financial year and the Craigie Leisure Centre between the 2005/2006 and the 2006/2007 financial year. The increase at the Joondalup library was due to increased patronage, inefficient fittings such as automatically flushing toilets (replaced during the 2006/2007 financial year) and installation of dishwashers. The increase in consumption at Craigie Leisure Centre was due to the upgrade of the aquatic facilities.

Table 1: The City of Joondalup's corporate non-scheme water usage

Year	Usage (kilolitres)	Area irrigated (hectares)	Per hectare usage
2007/2008	4,939,322	599.5	8,239

Only one year of corporate non-scheme water usage data is available as the City has never previously been required to record water usage of its bores. Not all bores were metered before 2007/2008, thus accurate consumption figures could not be ascertained before this time. The City has now installed flow meters on all bores in order to establish baseline data for the ICLEI Water Campaign™ Milestone 1.

All City buildings use scheme water and all parks are irrigated with groundwater. The City uses on average 60,000 kilolitres of scheme water per year (Figure 1) through 97 buildings. The City irrigates 226 parks (area 599.5 hectares) using approximately 4.9 million kLs (Table 1) of groundwater, averaging 8,239 kilolitres per hectare per year.

Community water usage – water used by all sectors of the community, such as by businesses and residents

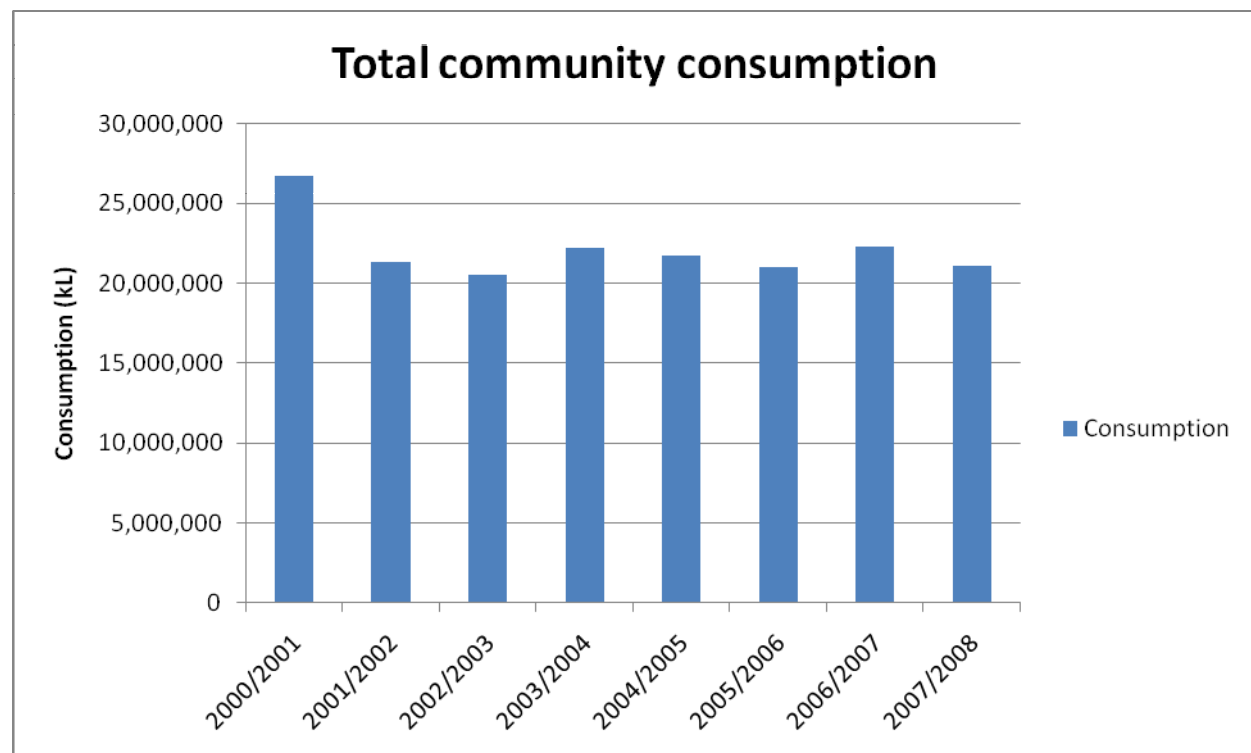


Figure 2: The City of Joondalup's community (both non-residential and residential) scheme water consumption July 2001 – June 2008

As seen before with the corporate water usage data (Figure 1), the low dam water levels going into the 2001/2002 summer caused water restrictions to be applied throughout Perth. The change in water consumption between 2001 and 2002 reflects the implementation of water restrictions and water usage from that point onwards has remained steady around the 20,000,000 kilolitres a year in both the residential and non-residential sectors (Figure 2). The residential sector is the largest user of water, using just below (from 2002 onwards) 20,000,000 kilolitres every year (Figure 3). Population of the City at the 2001 census was 148,268 people in 53,612 buildings. At the 2006 census population was 148,389 in 56,529 buildings. Indicating that the City has a stable population with limited growth occurring.

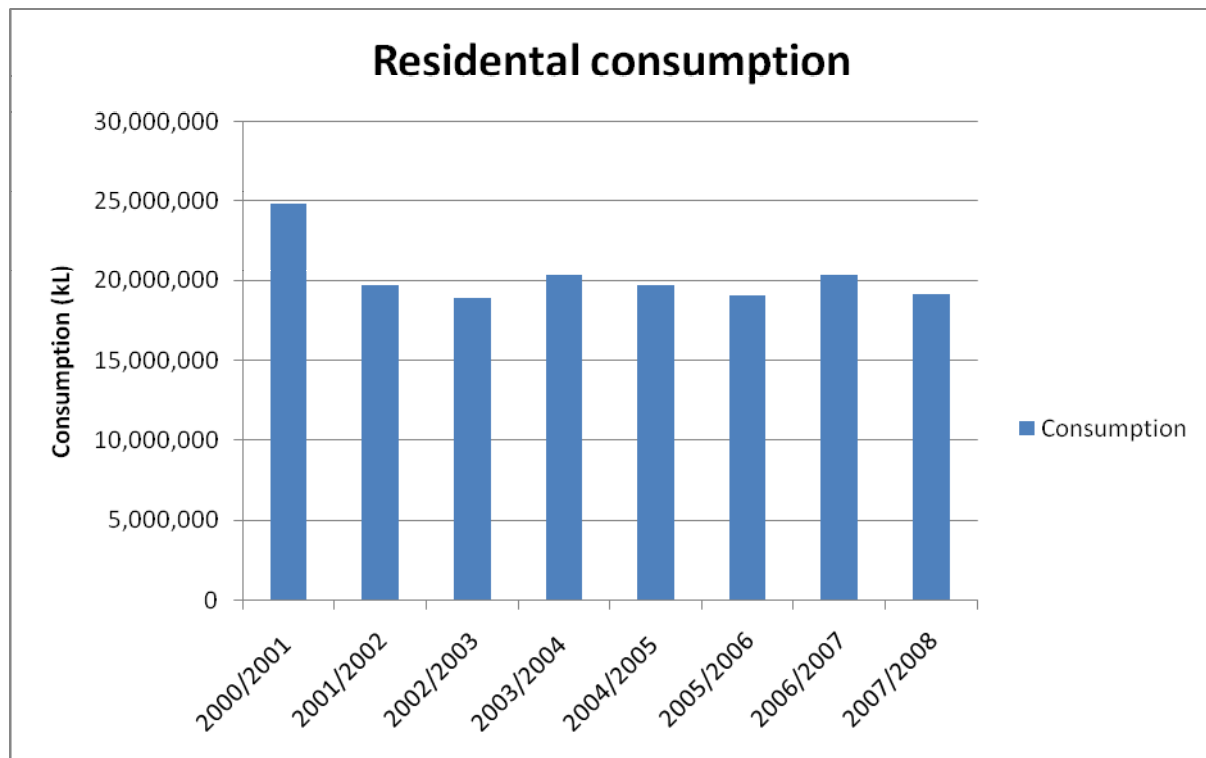


Figure 3: The City of Joondalup's residential scheme water consumption July 2001 – June 2008

Non-residential water usage varies between 1,500,000 – 2,000,000 kilolitres (Figure 4) with the lowest consumption occurring in 2003. Water users within the non-residential sector were separated into the following user types:

- Commercial
 - Communication services (Communication)
 - Cultural, recreational, personal and other services (Cultural)
 - Education (Education)
 - Finance, insurance and property (Finance)
 - Health and Community services (Health)
 - Hospitality (Hospitality)
 - Other (Other)
 - Transport and storage (Transport)
 - Wholesale and retail trade (Trade)
- Industrial
 - Agricultural, forestry and fishing (Agriculture)
 - Gas, electricity and water (Gas)
 - Manufacturing and Constructions (Manufacturing)

Water consumption within the non-residential sector is mainly by commercial users (Figure 5), with wholesale and retail trade being the highest consumer (Figure 6). The greater commercial consumption occurs due to the higher number of commercial users located within the City.

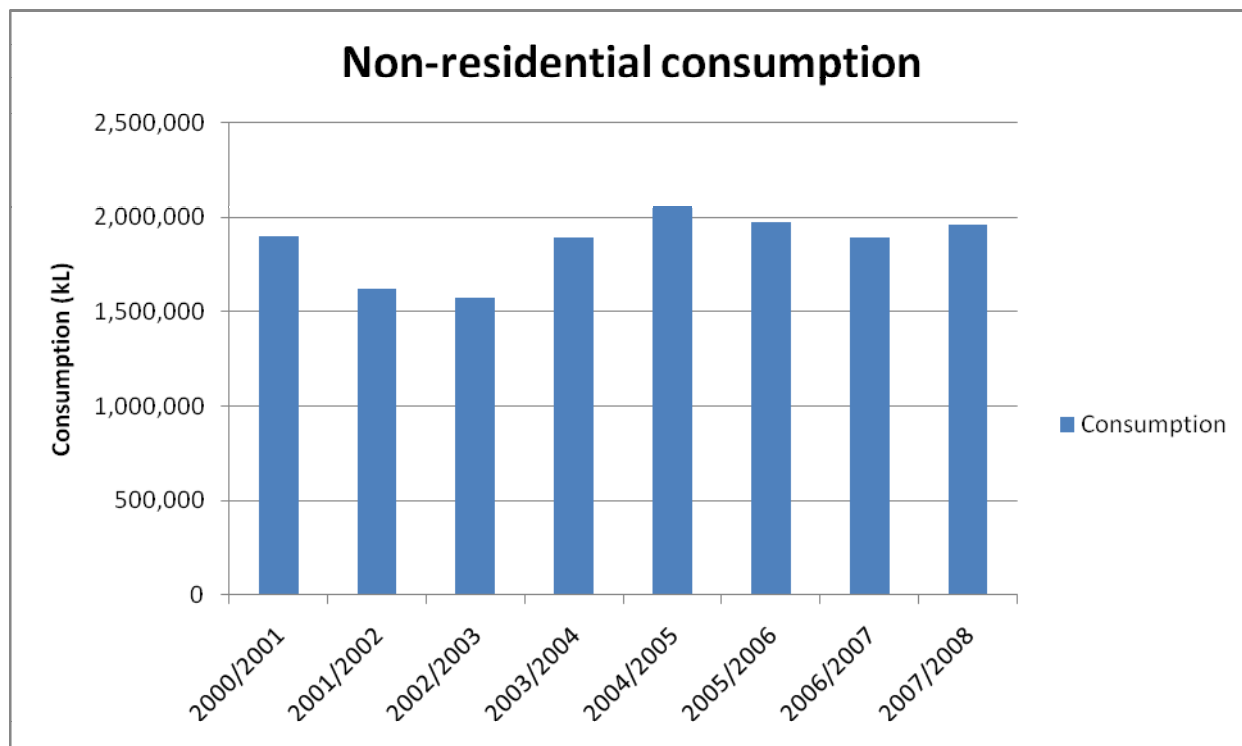


Figure 4: The City of Joondalup's non-residential scheme water consumption July 2001 – June 2006

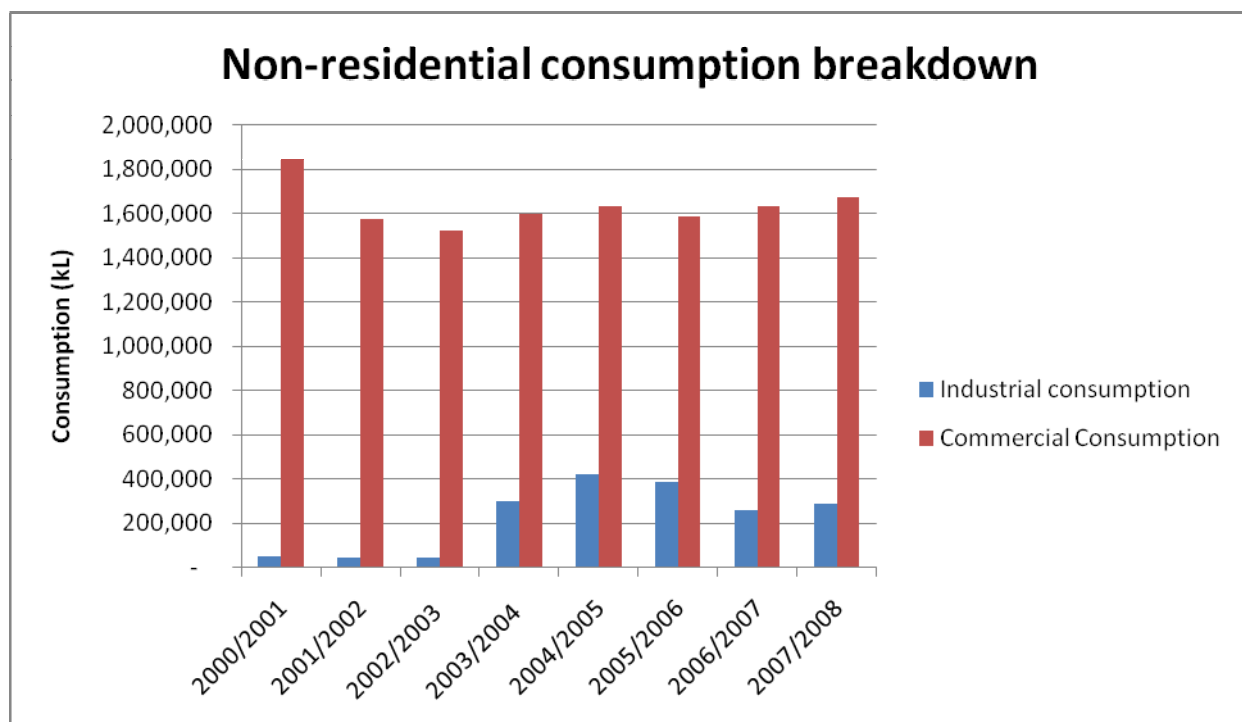


Figure 5: The City of Joondalup's non-residential water consumption broken down into commercial and industrial water use

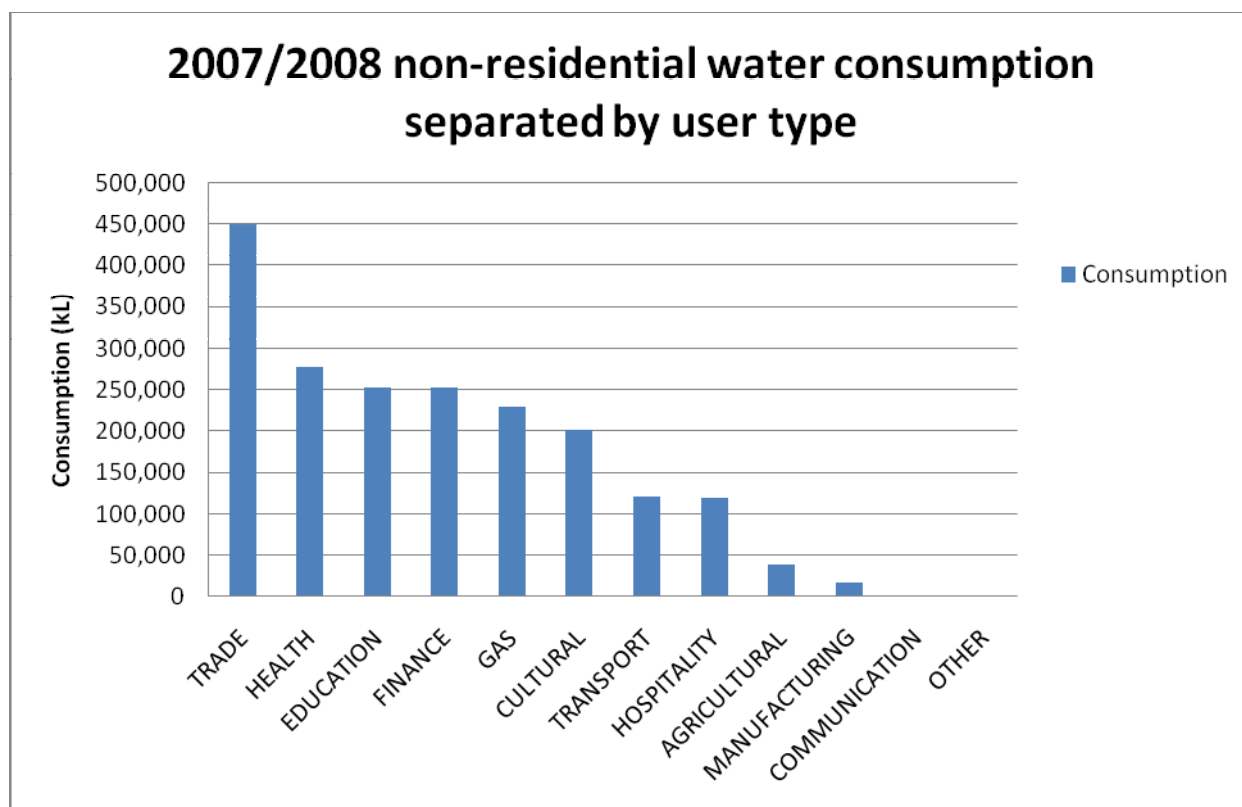


Figure 6: The City of Joondalup's 2007/2008 non-residential scheme water consumption separated by usage type

As the City only has groundwater data for the 2007/2008 financial year, the baseline year for both the corporate and community water consumption has been determined as the 2007/2008 financial year (Table 2).

Table 2: Baseline for Milestone 1

	Consumption (kilolitres)
Corporate	5,004,366 (4,939,322 groundwater & 65,044 scheme water)
Community	21,102,034

Water Quality

The water quality gap analysis highlighted that the City undertakes many of its operations in such a way that ensures ongoing water quality. In light of this, three priority areas with greatest scope for improvement in both the corporate and community sectors were chosen.

1. Herbicide and pesticide management
2. Groundwater management
3. Nutrient management

Given the City has now completed Milestone 1; the City needs to complete Milestone 2.

Milestone 2

To achieve Milestone 2 of the Water Campaign™, the City is required to identify and adopt goals for reducing water consumption and implementing water quality improvement actions.

Milestone 2 goals are developed for key priority areas identified using the findings from Milestone 1 water consumption inventories and water quality checklists.

Water consumption reduction goals are expressed as a percentage reduction from a base year, identified in Milestone 1, by a target year.

Water quality improvement goals are expressed through an action card point system whereby a certain amount of points are assigned to water quality management activities. The goal is therefore expressed as a goal to achieve a number of points by a target year. These points are outlined in an ICLEI Oceania resource called the Water Campaign™ Action Cards. These are available on the Water Campaign™ website www.iclei.org/oceania/water.

The proposed Milestone 2 goals are outlined below.

Water Conservation Goals

Corporate Water Conservation Goal:

To reduce water consumption by 10% based on 2007/2008 baseline levels by 2015.

Community Water Conservation Goal:

To work with the community to try and reduce water consumption by 5% based on 2007/2008 baseline levels by 2020.

The corporate consumption goal was chosen to align with groundwater consumption allowances set by the Department of Water (DOW) in July 2008. The DOW has stated that corporate groundwater consumption must be below 7,500 kilolitres per hectare of irrigated land per year (amalgamated across the city). A 10% reduction in consumption will mean that the City will meet the requirements and be below the allowance set by the DOW.

The community consumption goal was chosen to align with the Water Corporation's 50 year Strategic Plan 'Water Forever'. The City has limited influence over community consumption as the Water Corporation is the control body of all water supply within the City. Aligning with their reduction goals and working with them is felt to be the most efficient use of the City's resources.

By aiming to reduce corporate consumption by a greater percentage than community consumption the City is able to lead by example and thus influence community water consumption.

Water Quality Improvement Goal

To create the water quality improvement goals ICLEI has a set of action cards which contain suggestions of actions that can be undertaken. Each action is worth a certain number of points with ICLEI stating that the City has to set a target of at least 50 points. Examples of some of the actions that the City can undertake in the priority area of groundwater management are below in **Table 3**.

Table 3: Examples of water quality initiatives from the action cards and their associated points

	Initiatives	Category	Points
Groundwater management	Conduct an ongoing groundwater contamination monitoring program (in conjunction with stakeholders)	Monitoring and Data Management	5
	Develop a chemical spill emergency response plan	Implementation	5
	Install an oil separator in depot workshops to remove oil based substances from wastewater	Implementation	5
	Upgrade toxic and hazardous substances storage facilities in line with best practice	Implementation	5
	Develop and implement an ongoing maintenance schedule-appropriate to each action implemented	Maintenance	5
	Conduct staff training to ensure effective implementation of the above maintenance regimes	Staff training	5
	Assess the amount of contaminating agents prevented from entering groundwater bodies (eg litres of oil collected)	Benefit Reporting	5

From the priority areas and the action card initiatives the following water quality improvement goals were created.

Corporate Water Quality Improvement Goal:

To implement 55 points worth of actions from the Water Campaign™ action cards by 2015.

Community Water Quality Improvement Goal:

To implement 50 points worth of actions from the Water Campaign™ action cards by 2015.

These goals were selected so the City would meet the minimum requirements set by ICLEI and would remain in line with other Western Australian LGAs. Similar actions can be undertaken for both community and corporate water quality as the priority areas are the same. However, fewer actions can be undertaken to reduce herbicide and pesticide use within the community thus a lower water quality goal was chosen.

These water management goals set a strong direction for undertaking Milestone 3 and demonstrate the City's commitment to water management.

Issues and options considered:

Council may decide to:

Option 1: Adopt the proposed Milestone 2 goals.

It is recommended that Option 1 is supported.

Option 2: Request that changes are made to Milestone 2 by either increasing or decreasing goals.

ICLEI states that the City must undertake at least 50 action points to improve water quality and reduce water quality issues. Therefore if the Council decides the water quality goals need to be reduced the City will no longer meet the requirements of Milestone 2.

To meet DOW consumption requirements a 10% reduction in corporate consumption is required. Therefore if the Council decides the water consumption goal needs to be reduced the City will not reduce its consumption enough to meet the requirements set by the DOW.

Option 3: Advertise Milestone 2 goals and seek community comment on the proposed goals.

The goals stated by Milestone 2 do not directly affect the community. The City does not have the ability to enforce community reduction targets merely the ability to promote water reduction. Thus it is felt that community consultation is not necessary and would incur a financial cost to the City.

Link to Strategic Plan:

This relates to the City's key focus area of the Natural Environment. The City's Environment Plan has four key actions relating to reducing water consumption and completing the ICLEI Water Campaign™.

- Action 2.1.1 Participate in the ICLEI Water Campaign™ for the purposes of developing an overarching strategy for water usage and management.
- Action 2.1.7 Implement state 'waterwise' programs that pertain to the City's water issues.
- Action 2.1.8 In conjunction with building codes, develop guidelines for 'waterwise' products to be incorporated into public and private building developments (eg dual-flush toilets and waterless urinals).
- Action 2.2.1 Ensure the City obtains results of groundwater monitoring undertaken by the Department of Water.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The current culture of water saving and water reduction that is being seen throughout Western Australia means that the City does not face adverse risk in accepting the proposed water reduction targets. However, once implementation of the actions (developed from the water reduction targets as part of Milestone 3) occurs there is potential for negative community reactions. Community consultation, education and a communication plan are planned throughout the implementation of the Landscape Master Plan (Report CJ259-12/08) and thus it is possible to integrate aspects of the Water Campaign™ into planned community consultations while this is being undertaken.

Financial/Budget Implications:

Plans to reduce corporate and community water consumption are not part of Milestone 2, thus accepting the reduction targets will not require funding. Individual water reduction plans as part of Milestone 3 will be determined on an annual basis and funding allocated through the annual budget process. However, it is felt a reduction in water consumption, particularly corporate water consumption, will reduce costs to the City in the long term.

Policy Implications:

The ICLEI Water Campaign™ links to the City's Sustainability Policy (5-4) and the Council's Sustainability Policy (1-3).

Regional Significance:

There are 38 LGAs within Western Australia that are currently undertaking the ICLEI Water Campaign™ with 27 having achieved Milestone 2 or higher. The City of Stirling is working towards Milestone 2 and the City of Wanneroo is currently working towards Milestone 3. Western Australia (as with the rest of Australia) is currently experiencing reduced rainfall and drought conditions, thus it is important that the City pledges to reduce its water consumption.

Sustainability Implications:

Reducing water consumption will cause the City to become more sustainable and ensure that resources, particularly groundwater resources, are maintained well into the future. As the climate is expected to become drier it is imperative that the City leads by example to show that it is serious about sustainability of water resources and reducing water consumption.

Consultation:

Not Applicable.

COMMENT

The City undertook and completed the creation of a Water Conservation Plan for the DOW in June 2008. The DOW has legislation in place limiting the amount of water that local governments can extract from groundwater resources to 7500 kilolitres/hectares/year (aggregated across the whole local government area). Reduction targets for the corporate Milestone 2 targets are correlated to the WCP reduction target such that, the ongoing implementation of the City's WCP will also support the ICLEI Water Campaign™.

The City recently adopted its Landscape Master Plan (LMP) which encourages the use of natural/native vegetation throughout the open areas of the City (Verges etc). The planting of native vegetation will reduce the water requirements of the City. This, along with the WCP, indicate that the water reduction targets are achievable and possible as the City is already working towards separate issues/plans that will result in water reduction as a by product.

Pending the endorsement of the Milestone 2 goals by Council, the next step is to begin work on Milestone 3. This milestone involves developing a Local Water Action Plan which outlines the actions the City will take to reduce water consumption and improve water quality.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ADOPTS the following reduction targets as part of the ICLEI Water Campaign™ Milestone 2, being:**

Water Consumption

Corporate To reduce water consumption by 10% based on 2007/2008 baseline levels by 2015;

Community To work with the community to try and reduce water consumption by 5% based on 2007/2008 levels by 2015;

Water Quality

Corporate To implement 55 points worth of actions from the Water Campaign™ action cards by 2015;

Community To implement 50 points worth of actions from the Water Campaign™ action cards by 2015;

- 2 NOTES that the City has achieved Milestone 1 and will be recognised for this in a future ICLEI awards event;**
- 3 NOTES that this endorsement fulfils the requirements of Milestone 2 of the Water Campaign™ program.**

ITEM 7 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY – 31 MARCH 2009 - [20560]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009.

EXECUTIVE SUMMARY

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2008-2009. The Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009 is shown as Attachment 1 to this Report.

A Capital Works Overview Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this Report.

It is recommended that Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009 and the Capital Works Overview Report for the period 1 January – 31 March 2009.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis.

DETAILS

Issues and options considered:

The 2008-2009 Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide further information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported for this quarter are the shaded sections of Attachment 1.

Link to Strategic Plan:

This item has a general link to the Strategic Plan through the Key Focus Area – Leadership and Governance.

Legislation – Statutory Provisions:

The Local Government Act 1995 provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

This Act is intended to result in:

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

Risk Management considerations:

The quarterly progress reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

In accordance with Policy 8-6, Communications, the Council recognises and acknowledges the importance of consistent, clear communication, and access to information for its stakeholders.

Regional Significance:

Not Applicable.

Sustainability Implications:

All projects and programs in the Annual Plan contribute to community wellbeing, the natural and build environment, economic development and good governance of the City.

Consultation:

Not Applicable.

COMMENT

The Annual Plan Quarterly Progress Report is supplemented by a detailed report on progress of the Capital Works Program.

The majority of project milestones have been met for the January to March quarter. A number of significant projects were advanced this quarter including the Jinan Sister City Relationship, the completion of the Resource Recovery Facility, delivery of the Joondalup Festival and a number of key City events, the Aquatic Expansion Project at Craigie Leisure Centre, and the installation of video surveillance cameras in the Joondalup City Centre.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009. |
| Attachment 2 | Capital Works Overview Report for the period 1 January – 31 March 2009. |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council RECEIVES the:

- 1 Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2009 forming Attachment 1 to this Report;**
- 2 Capital Works Overview Report for the period 1 January – 31 March 2009 forming Attachment 2 to this Report.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf120509.pdf](#)

ITEM 8 LOCAL GOVERNMENT TIMEFRAME FOR REFORM STAGES 2 - 4 - [08144, 51577, 00033, 01139]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

For Council to give consideration to the Local Government Reform Timeframes for Stages 2 – 4 for Reform Submissions to the Minister for Local Government.

BACKGROUND

In February 2009, the Minister for Local Government; Heritage; Citizenship and Multicultural Interests, the Hon John Castrilli MLA, announced the State Government's package of local government reform strategies. These strategies were aimed at achieving greater capacity for local governments to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

The principal strategies are voluntary structural reform, with the main objective to reduce the number of local governments across the State, and reduce the total number of Elected Members to between six and nine.

The Minister established a Steering Committee to coordinate the review. The Steering Committee has issued a set of guidelines to assist local governments through the reform process. The first step in the process was to complete and submit the reform checklist by the end of April 2009. This task has been completed.

A report providing an update on the Local Government Structural Reform was presented to Council at its meetings held on 17 March 2009 (Item CJ074-03/09 refers) and 21 April 2009 (Item CJ078-04/09 refers).

At the 17 March 2009 meeting, Council resolved to:

- "1 NOTE the progress report relating to Local Government Reform Strategies;*
- 2 REQUEST that the Local Government Reform Checklist be submitted for consideration at the April 2009 Council meeting prior to forwarding to the Local Government Reform Steering Committee;*
- 3 REQUEST that the CEO ascertains the views of other local governments and WALGA, in mounting a campaign to highlight the contribution of various government departments and agencies in adding to the delay in processing applications for various development approvals."*

At the 21 April 2009 meeting, Council resolved to:

- “1 AUTHORISE the Chief Executive Officer to forward the Local Government Reform Checklist 2009 forming Attachment 1 to Report CJ078-04/09 to the Local Government Reform Steering Committee;*
- 2 NOTE that the Chief Executive Officer will submit a detailed report to the Council meeting to be held on 19 May 2009 on Stages 2 - 4 of the Timeframe for Reform Submissions to the Minister.”*

DETAILS

Issues and options considered:

The Minister requested that the completed checklist be returned to the Steering Committee by 30 April 2009, which has been undertaken. The checklist will be considered by the Local Government Reform Steering Committee in its deliberations.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

The Local Government Act 1995 sets out the requirements when a local government wishes to amend its boundaries and Elected Member representation and the role of the Local Government Advisory Board.

The language used in the guidelines is clearly voluntary. The Minister, through the CEO of the Department of Local Government and Regional Development (the Department), may require the City to provide the information requested by exercising powers under Section 8.2 of the Local Government Act 1995, but to date there is no suggestion that this power has or will be exercised.

On this basis, there does not appear any statutory obligation to complete the tasks leading to the submission of a Reform Submission, however, it is considered to be a useful exercise to demonstrate the Council's commitment to reform.

Risk Management considerations:

There are a number of risks involved if the Council does not comply with the guidelines:

- The CEO of the Department may request various information in accordance with Section 8.2 of the Local Government Act 1995;
- Other local governments may undertake a review which may impact on the City of Joondalup without it being involved in the process.
- The State Government may through legislation undertake structural reform of local government.

Legal advice circulating within the industry has cautioned local governments if they choose not to undertake a review.

Financial/Budget Implications:

There are no specific budgetary funds to undertake the review, nor for any boundary adjustments. Nominal costs will be incurred with the community consultation exercise required. A major concern expressed by the WA Local Government Association (WALGA) is the issue relating to who is responsible for the costs associated with any structural reform.

Individual local governments may be eligible for initial payments of up to \$10,000 to assist with tasks associated with the development of their reform submission.

Policy Implications:

Not Applicable.

Regional Significance:

Structural reform has significant implications for the region.

Sustainability Implications:

It has been acknowledged through the industry via WALGA's Systemic Sustainability Study (SSS Report) that the current structure of local government needs to be reviewed to ensure it is sustainable.

Consultation:

Stage 2 requires community consultation, which will be undertaken in accordance with the City's guidelines on public participation/consultation.

COMMENT

The checklist was designed to provide local governments with the opportunity to assess their current situation in a number of key areas. The City was able to respond favourably to the majority of questions in the Stage 1 Checklist and is well placed in terms of strategic planning, financial planning, asset management, organisational capacity, community consultation, community and political advocacy, planning for changing demographic needs, and natural resource management.

The CEO now submits to the Council a series of proposals on how matters outlined in Stages 2 - 4, as outlined below, might be progressed, which are outlined in more detail in the attachment to this Report.

Stage 2 April/May 2009	Stage 3 May/June 2009	Stage 4 June/July 2009
<ul style="list-style-type: none"> ▪ Project team established (2-3 members from each local government). ▪ Project team meets as required to determine preferred amalgamation structure. ▪ Project team to determine appropriate Elected Member representation and methods for ensuring appropriate community representation. ▪ Project team to consider local government regional grouping. ▪ Seek State Government funding assistance as necessary for preparing Reform Submissions. ▪ If required, consultant/facilitator engaged. ▪ Community consultation undertaken within each affected local government and comments recorded. 	<ul style="list-style-type: none"> ▪ Project team develops Reform Submission to include: <ul style="list-style-type: none"> ○ Preferred amalgamation structure or other types of boundary adjustments; ○ Number of elected members; and/or ○ Regional grouping; and ○ Transition timeline, including timeframe and estimated additional transition costs. 	<ul style="list-style-type: none"> ▪ Project team finalises Reform Submission and circulates to affected local governments. ▪ Each Council passes a resolution to proceed based on the findings of the Submission. ▪ Each Council agrees to identify a date the amalgamation is to take effect. ▪ Each Council is to agree to a date at which Elected Member numbers will be reduced.

ATTACHMENTS

Attachment 1 City of Joondalup Local Government Reform Checklist for Stages 2 – 4.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 ENDORSES the Report dated 19 May 2009 on Stages 2 - 4 of the Timeframe for the City of Joondalup Reform Submission to the Minister for Local Government;**
- 2 APPOINTS the Mayor, Deputy Mayor, Chief Executive Officer and Director Governance and Strategy to form the City of Joondalup Project Team required as a Task of Stage 2 of the Reform Guidelines.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf120509.pdf](#)

ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2009 - [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of March 2009 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2009 totalling \$12,187,917.88.

It is recommended that Council NOTES the CEO's list of accounts for March 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$12,187,917.88.

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 March 2009. 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 83594- 83785 and EF 5193 - 5657 Net of cancelled payments	\$9,386,219.61
	Vouchers 517A - 519A & 523A - 524A	\$2,777,572.20
Trust Account	Cheques 202645 - 202693 Net of cancelled payments	\$24,126.07
Total		\$12,187,917.88

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

- 1.1 To ensure that the processes of Local Governance are carried out in a manner that is ethical, transparent and accountable.

Legislation – Statutory Provisions:

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

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 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 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:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A	CEO's Delegated Municipal Payment List for the month of March 2009
Attachment B	CEO's Delegated Trust Payment List for the month of March 2009
Attachment C	Municipal and Trust Fund Vouchers for the month of March 2009

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the CEO's list of accounts for March 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$12,187,917.88.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf120509.pdf](#)

ITEM 10 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2009 - [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The March 2009 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2008/09 Financial Year at its Meeting held on 17th March – CJ055-03/09. The figures in this report are compared to the Revised Budget figures.

The March 2009 year to date report shows an overall increase in surplus from operations and capital of \$6,600K when compared to the 2008-2009 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$2,146K above budget made up of higher Revenue of \$529K and lower operating expenditure of \$1,617K.

Revenue was below budget from Fees & Charges by \$(218)K and Grants & Subsidies by \$(133)K and was above budget by \$594K from Investment Earnings and \$170K from Rates.

The adverse variance in Fees and Charges is caused mainly by a significant fall in the number and value of planning and building applications received, in addition to parking fees that are still under budget after earlier delays in implementation \$(119)k.

The operating expenditure variance arose principally from underspending on Materials and Contracts of \$1,670K, mainly due to timing of Contributions and Donations \$395K and Public Relations, Advertising and Promotions \$261K.

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

- The **Capital Revenue and Expenditure** deficit is \$4,516K below budget made up of a deficit of Revenue of \$(159)K and under expenditure of \$4,675K.

Capital Expenditure on projects and works was lower than expected in the budget by \$4,689K mainly due to delays in works schedules offset by Vehicle and Plant replacements \$(94)K.

Further details of the capital variances are contained in the notes attached to this Report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2009 forming Attachment A to this Report.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 31 March 2009 is appended as Attachment A.

Link to Strategic Plan:

Objective 1.3 – To lead and manage the City effectively.

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 source and application 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 revised budget parameters, which have been structured on financial viability and sustainability principles.

Consultation:

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

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2008-09 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 March 2009.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2009 forming Attachment A to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf120509.pdf](#)

ITEM 11 TENDER 002/09 PROVISION OF GRAFFITI CONTROL SERVICES - [68622]

WARD: All

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

PURPOSE

To seek the approval of Council to accept the Tender submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia for the Provision of Graffiti Control Services (Tender 002/09).

EXECUTIVE SUMMARY

Tenders were advertised on 7 March 2009 through state wide public notice for the Provision of Graffiti Control Services. Tenders closed on 24 March 2009. Eight (8) Submissions were received from:

- Top That! Executive Cleaning Services;
- Dalecoast Pty Ltd T/as Graffiti Systems Australia;
- West Aus Graffiti Removal;
- The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean;
- JVR Surface Cleaning;
- FCT Surface Cleaning;
- Rolluka Nominees Pty Ltd T/as Kleenit; and
- Graffiti Force Pty Ltd.

Respondents were requested to submit pricing based on two options. Option A comprised a straight schedule of rates for various types of graffiti removal. Option B comprised a schedule of rates with a performance based penalty/bonus to promote graffiti removal within specific target timeframes.

The submission from Dalecoast Pty Ltd T/as Graffiti Systems Australia based on Option B represents best value to the City and is the lowest priced compliant Tender. They demonstrated a comprehensive understanding of the City's requirements, have significant experience in providing similar services to the City and other local governments and have sufficient capacity to meet the City's graffiti removal completion timeframes.

It is recommended that Council ACCEPTS the Tender submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia for Option B for the Provision of Graffiti Control Services for an initial three (3) year period with with an option to extend to a maximum of five (5) years inclusive of extensions in accordance with the statement of requirements as specified in Tender 002/09 at the submitted schedule of rates.

BACKGROUND

The City has a requirement for the provision of graffiti control services principally to:

- (a) Remove graffiti by chemical, high pressure water and other methods where safe and suitable to the surface type and graffiti medium (eg. aerosol paint);
- (b) 'Paint out' or covering of graffiti with another coating type suitable to the surface material and graffiti medium (eg. marker pen).

Graffiti is to be removed from various locations as required including privately owned residential and commercial property as well as City owned and controlled property.

The City had a Contract with Dalecoast Pty Ltd T/as Graffiti Systems Australia for Graffiti Control Services which expired on 31 March 2009. The Contractor has been providing the services on an interim basis until a new Contract is put in place.

DETAILS

Tenders were advertised on 7 March 2009 through state wide public notice for the Provision of Graffiti Control Services. Tenders closed on 24 March 2009. Eight (8) Submissions were received from:

- Top That! Executive Cleaning Services;
- Dalecoast Pty Ltd T/as Graffiti Systems Australia;
- West Aus Graffiti Removal;
- The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean;
- JVR Surface Cleaning;
- FCT Surface Cleaning;
- Rolluka Nominees Pty Ltd T/as Kleenit; and
- Graffiti Force Pty Ltd.

Evaluation Criteria

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

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

Evaluation Panel

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

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1 (including where each of the tenderers is located) and a calculation of the comparative pricing of each of the submissions for both options is provided at Attachment 2.

To calculate the comparative pricing the m² of graffiti removed in the City for the twelve months to March 2009 and the rates submitted by each Tenderer for removal Monday to Friday between 6.00am and 6.00pm were used. To allow for the current increasing trend in the incidence of graffiti a 10% increase on the twelve month quantity was also factored into the calculation.

A base cost was calculated for year one and the costs for years' two to five were calculated on an average CPI increase of 3.5% compounded. In the case of Option B two calculations were undertaken; one showing the lowest cost based on targets never being met and penalties applying for every month and the other showing the highest cost based on targets always being met and bonuses applying for every month.

It should be noted that these costs are indicative and used for tender evaluation purposes only. Future actual costs will vary based on demand and subject to change in accordance with the operational needs of the City.

Evaluation Summary

The Tender submitted by Top That! Executive Cleaning Services did not address any qualitative criteria and only offered graffiti paint-out. As a result, the Tender was unable to be evaluated and was deemed non-compliant.

Respondent	Evaluation Score	Option A Price Ranking	Option B Price Ranking	Qualitative Rank
Dalecoast Pty Ltd T/as Graffiti Systems Australia	85.5%	1	1	1
Rolluka Nominees Pty Ltd T/as Kleenit	85.2%	2	2	2
Graffiti Force Pty Ltd	75.1%	4	3	3
FCT Surface Cleaning	59.2%	6	7	4
West Aus Graffiti Removal	50.7%	3	5	5
JVR Surface Cleaning	44%	5	4	6
The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean	35%	7	6	7
Top That! Executive Cleaning Services	Non-compliant, not assessed further			

Issues and options considered:

Graffiti Control Services are required to remove or 'paint out' graffiti throughout the City. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

The Tender was advertised with two pricing options. Option A comprised a straight schedule of rates for various types of graffiti removal. Option B comprised a schedule of rates with a performance based penalty/bonus to promote graffiti removal within specific target timeframes. Removing graffiti quickly is essential to deterring graffiti being reapplied and meeting the desired timeframes for graffiti removal is a focus of contract performance. Offering a performance based contract is considered to be a way of promoting this.

To receive a bonus under Option B the Contractor must achieve the required graffiti removal completion timeframes for a minimum of 85% of total graffiti report numbers for a minimum of nine (9) months within the twelve (12) month Contract period. If this is achieved the bonus is 5% of the total amount previously invoiced by the Contractor for the months in which the 85% target was met. The bonus is calculated and paid at the conclusion of the twelve (12) month period Contract period.

Conversely a penalty under Option B will be applied where the Contractor does not meet the required minimum 85% target for six (6) or more months within the twelve (12) month Contract period. In this situation a penalty of 5% will be applied to the total invoiced amount for all of the months in that twelve (12) month period in which the eighty five (85%) target was not achieved. The penalty is calculated at the conclusion of the twelve (12) month Contract period and deducted from outstanding and/or future invoices.

Link to Strategic Plan:

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

4. The Built Environment

Objective 4.2 To progress a range of innovative and high quality urban development projects within the City.

Strategy 4.2.8 The City provides an effective service for eradicating graffiti from City-owned and privately-owned buildings.

Legislation – Statutory Provisions:

A state wide 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 \$100,000.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City does not have the internal resources to meet the service levels expected by the community for the timely removal of graffiti. Untreated graffiti has been linked to the prevalence of other types of crime and has the potential to negatively affect crime levels and reduce the community's satisfaction with the appearance of their local area.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to meet the required graffiti removal completion timeframes.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2009	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$800,000	\$650,252 (1-Jul-08 to 31-Mar-09) \$144,500 (1-Apr-09 to 31-May-09) \$21,768 (new Contract)	\$261,218	\$1,400,774

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$1,400,774. This represents a significant reduction in the rates for graffiti removal that the City has been paying over the last 18 months. Despite the reduction in rates there are significant risks in estimating graffiti removal expenditure because the driver is volume. Although a notional escalation in volume of 10% has been used in the calculations the 2009/10 budget will include a buffer to ensure there are adequate funds.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia.

Graffiti Systems Australia achieved the top qualitative assessment of 85.5% and was also ranked first in price for both Options A and B. They are an established organisation with considerable experience in providing similar services to other local governments including the Cities of Wanneroo, Swan and Subiaco as well as being the City's current service provider. They demonstrated a comprehensive understanding of the City's requirements and have sufficient capacity to meet the City's volume of work.

The price submitted by Graffiti Systems Australia for Option B (the performance based option) is higher than for Option A. The higher cost of Option B in the first year of the Contract with the maximum bonus applied is estimated to be \$6,620. Over five years, this difference is estimated to be \$37,580. While option B has a small increased cost to the City, the Contractor has an incentive to meet the City's graffiti removal completion timeframes and the City has the comfort of knowing that if they are not met there will be a lower cost to the City.

The price submitted by Graffiti Systems Australia for Option B is the recommended option.

ATTACHMENTS

Attachment 1	Summary of Tender Submissions
Attachment 2	Price Assessment

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia for Option B for the provision of Graffiti Control Services for an initial three (3) year period with an option to extend to a maximum of five (5) years inclusive of extensions in accordance with the statement of requirements as specified in Tender 002/09 at the submitted schedule of rates.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf120509.pdf](#)

ITEM 12 TENDER 003/09 PROVISION OF BULK RUBBISH AND GREEN WASTE COLLECTIONS - [68624]

WARD: All

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

PURPOSE

To seek the approval of Council to accept the Tender submitted by the City of Wanneroo (Alternative 1) for the Provision of Bulk Rubbish and Green Waste Collections (Tender 003/09).

EXECUTIVE SUMMARY

Tenders were advertised on 28 February 2009 through state wide public notice for the provision of Bulk Rubbish and Green Waste Collections. Tenders closed on 20 March 2009. Four (4) Submissions were received from:

- City of Wanneroo (Conforming Tender);
- City of Wanneroo (Alternatives 1 and 2)
- Alvito Pty Ltd t/a Incredible Bulk; and
- Transpacific Cleanaway Pty Ltd.

The submission from the City of Wanneroo (Alternative 1) represents best value to the City. The City of Wanneroo is a well established organisation with demonstrated capacity, skills and experience in providing waste management services for local residents and submitted the lowest priced compliant offer. It operates its own Waste Services Unit which is fully equipped and resourced with a dedicated Customer Service Centre to provide the bulk rubbish and green waste collections services. It also operates its own Greens Recycling Facility in Wangara and its Waste and Fleet Services have accredited Quality Management System to ISO9001. The City of Wanneroo creates significant local employment and provides considerable opportunities for local businesses with resultant commercial and community benefits.

It is recommended that Council ACCEPTS the Tender submitted by the City of Wanneroo (Alternative 1) for the provision of Bulk Rubbish and Green Waste Collections for a five (5) year period in accordance with the statement of requirements as specified in Tender 003/09 for Option 1 nine (9) monthly rolling schedule collections at the submitted schedule of rates.

BACKGROUND

The City requires the provision of services to undertake bulk rubbish and clean green waste collections for residents within City of Joondalup and convey and discharge the contents at the nominated refuse disposal site(s). Bulk rubbish and clean green waste collection currently services each property at least every 9 months as part of a rolling schedule.

To provide the City greater flexibility in its bulk refuse collections, three pricing options were requested in the Tender document. These were:

- Option 1:** One (1) collection and delivery of clean green waste and rubbish every nine (9) months (The City's current service level).
- Option 2:** Two (2) collections and deliveries of clean green waste and rubbish per year on a six (6) monthly schedule.
- Option 3:** One (1) collection and delivery of clean green waste and rubbish in the first half of the year and a second collection and delivery of clean green waste only in the second half of the year.

The City currently has a Service Level Agreement with the City of Wanneroo to undertake bulk rubbish and clean green waste collections, which is due to expire on 30 June 2009.

DETAILS

Tenders were advertised on 28 February 2009 through state wide public notice for the provision of Bulk Rubbish and Green Waste Collections. Tenders closed on 20 March 2009. Four (4) Submissions were received from:

- City of Wanneroo (Conforming Tender);
- City of Wanneroo (Alternatives 1 and 2)
- Alvito Pty Ltd t/a Incredible Bulk; and
- Transpacific Cleanaway Pty Ltd.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated Understanding of the Required Tasks	25%
3	Demonstrated Experience in Completing Similar Projects	20%
4	Social and economic effects on the local community	5%

Evaluation Panel

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

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

To provide an estimated expenditure over a twelve (12) month period the projected total tonnages of bulk refuse collected, based on historical data, equating to approximately 5,000 tonnes of green clean waste and 11,750 tonnes of rubbish, and the rates offered per tonne for these items have been used. A comparison of the total annual estimated expenditure for

Options 1, 2 and 3 over the 5 year period calculated with escalation based on annual 3.7% CPI increase is provided in Attachment 2.

Evaluation Summary

The Offer from Transpacific Cleanaway Pty Ltd contained numerous departures from the City's conditions of Contract and is considered an Alternative Offer. In accordance with Clause 4.9 of the conditions of tendering, Alternative Offers are required to be submitted with a Conforming Offer. Transpacific Cleanaway Pty Ltd did not submit a Conforming Offer. The departures consisted of:

- Transpacific Cleanaway Pty Ltd could only offer rates for Option 1 subject to minimum tonnage quantities.
- The Offer is subject to a quarterly adjustment (annual requested) based on a volatile rise and fall formula.
- Rates for late presentations and special collections would be subject to negotiation (fixed price requested).

These departures represent a significant commercial and financial risk to the City. Clause 4.9 of the conditions of tendering provides:

4.9 ALTERNATIVE OFFERS

An Alternative Offer shall be accompanied by a Conforming Offer.

Definition of an Alternative Offer:

An Offer that proposes qualification, conditions, terms, specification, materials, workmanship or any other thing not conforming to the detail specified in the Request Document.

Alternative Offers shall be clearly marked "ALTERNATIVE OFFER" and shall include a fully detailed description and state clearly the manner in which it differs from the specified requirement.

The City in its absolute discretion may reject any Alternative Offer.

In accordance with Clause 4.9 the offer from Transpacific Cleanaway Pty Ltd was rejected.

The City of Wanneroo submitted three Offers, one conforming Offer meeting all the City's tendered requirements and two alternative Offers. These were based upon the following:

Alternative 1: Proposed an earlier collection start time of 6.20am from 7.00am. This was considered a minor departure from the specification and provided significant savings to the City.

Alternative 2: Was based upon a cost plus basis as opposed to fixed rates. The plus to the City of Wanneroo would be 5%. The cost model supplied incorporated salaries and wages, plant, materials and corporate cascade costs. This option is based upon unknown quantities and the City would be subject to considerable financial risk. On this basis the Offer was rejected in accordance with Clause 4.9 and was not considered further.

Respondent	Evaluation Score	Price (Option 1)	Price (Option 2)	Price (Option 3)	Qualitative Rank
City of Wanneroo (Conforming Offer)	93%	\$11,371,834	\$12,167,232	\$17,891,684	1
City of Wanneroo (Alternative 1)	93%	\$10,617,921	\$11,361,013	\$16,705,197	1
Alvito Pty Ltd t/a Incredible Bulk	76%	\$13,527,162	\$13,527,162	\$17,430,522	2
Transpacific Cleanaway Pty Ltd	Alternative Offer rejected in accordance with Clause 4.9, not considered further.				
City of Wanneroo (Alternative 2)	Alternative Offer rejected in accordance with Clause 4.9, not considered further				

Issues and options considered:

The City called for two additional options for the collection of bulk rubbish and green waste in addition to its current arrangements to allow for the flexibility of changing the service in the future. At this stage however, it is not proposed to change the service level and option 1 is intended to be the service provided.

Link to Strategic Plan:

2. The Natural Environment.

Objective 2.1 To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

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

Legislation – Statutory Provisions:

A state wide 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 \$100,000.

Risk Management considerations:

Should the Contract not proceed, the risk to the City will be high as bulk rubbish and clean green waste collections is a major service provided by the City for its residents and without it, serious litter, illegal dumping will occur.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is well-established organisation and it owns and maintains its own Waste Services Unit which is fully equipped with specialized equipment for waste collection and resourced with a dedicated Customer Service Centre to provide the bulk rubbish and clean green waste collection services.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2009	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$1,901,463	\$1,190,062.00 (1 Jul-08 to 28-Feb-09)	\$1,972,145 (Option 1)	\$10,617,921 (Option 1)
	\$700,000 (Estimated) (1-Mar-09 to 30-Jun-09)	\$2,110,165 (Option 2)	\$11,361,013 (Option 2)
		\$3,102,780 (Option 3)	\$16,705,197 (Option 3)

During the last financial year 2007/08, the City incurred \$1,901,463 for bulk rubbish and clean green waste collections.

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$10,617,921 for Option 1 nine (9) monthly rolling schedule collections.

The City will review annually if there is a requirement for an increased level of service, to switch to Option 2 six (6) monthly schedule collections or Option 3 one (1) collection annually for bulk rubbish and clean green waste plus one (1) other collection annually for clean green waste only. The probability to switch to Option 2 is relatively high given the popularity of the service, while Option 3 is unlikely to occur in the foreseeable future.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Bulk Rubbish and Green Waste Collections is an integral component of the City's Waste Management Strategy. Green waste is diverted from landfill and is recycled into mulch used by the City and the community.

Consultation:

Not Applicable.

COMMENT

The Offer representing best value to the City is that as submitted by the City of Wanneroo (Alternative 1) for Options 1, 2 and 3 at the submitted schedule of rates. The City of Wanneroo scored the highest qualitative assessment at 93% and was the lowest priced compliant offer received. The City of Wanneroo owns and maintains its own Waste Services Unit which is well established, fully equipped with specialized equipment for waste collection and resourced with a dedicated Customer Service Centre to provide the bulk rubbish and clean green waste collections services. The Unit also operates its own Greens Recycling Facility in Wangara, which is the nominated facility in the Request for disposal of clean green waste. Its Waste and Fleet Services have accredited Quality Management System to ISO9001.

ATTACHMENTS

Attachment 1	Summary of Tender Submissions
Attachment	Price Evaluation

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the Tender submitted by the City of Wanneroo (Alternative 1) for the provision of Bulk Rubbish and Green Waste Collections for a five (5) year period in accordance with the statement of requirements as specified in Tender 003/09 for Option 1 nine (9) monthly rolling schedule collections at the submitted schedule of rates.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf120509.pdf](#)

ITEM 13 PROPOSED NEW PARKING SCHEME - JOONDALUP CITY NORTH - [07190] [57618]

WARD: North

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

PURPOSE

To consider the consultation feedback provided by residents, businesses and the wider community in relation to proposed changes to parking in Joondalup City North.

EXECUTIVE SUMMARY

At its meeting on 17 March 2009 Council agreed to seek public comment in relation to a proposed new parking scheme for Joondalup City North, Report CJ057-03/09.

The proposed major changes to the existing parking arrangements are:

- The introduction of resident and visitor parking areas in the residential streets in the southern section of City North to assist in maintaining the amenity for residents;
- The introduction of two hour timed parking on McLarty Avenue, north of Shenton Avenue and on Plaistow Street to assist in maintaining the amenity for residents and to assist with bay turnover for local businesses;
- Amending the angled parking on Pimlico Place to two hour timed parking to assist with bay turn over for local businesses;
- Creating two hour timed parking in the cul-de-sacs of Mooregate Court and Putney Place.

This recommendation calls for the Parking Scheme – Joondalup City North Plan 2, dated 4 March 2009 as shown on Attachment 2 to Report CJ057-03/09 to be adopted.

BACKGROUND

The Report CJ057-03/09 to Council in March 2009 identified that there were two principal issues driving parking problems in the southern area of City North. Since the introduction of paid parking some drivers have opted to use the on-street parking in the residential streets in Joondalup City North, immediately north of Shenton Avenue, for commuter parking.

The recent introduction of paid parking in Joondalup Hospital (Hospital) visitor car parks has also increased the level of parking in this area. Many of the Hospital visitors and staff are using the on-street parking in residential and commercial areas of Joondalup City North surrounding the Hospital to facilitate their long term parking requirements. This has impacted on the ability for residents, their visitors and customers of commercial premises to access the limited parking facilities in these streets. The main area impacted by these issues is from Shenton Avenue north to Plaistow Street.

DETAILS

Issues and options considered:

The report proposed changes to the Parking Scheme with the intention to:

- Manage on-street parking for people living in the designated areas of Joondalup City North to balance residential, commercial and other parking demands.
- Provide some support for residents and their visitors with the ability to park in close vicinity to their homes.
- Support business operations and development in Joondalup City North by encouraging high turnover of parking bays closest to businesses.
- Provide for the safety of pedestrian and vehicle movement.
- Encourage people wanting commuter parking to park in long term parking facilities provided by the City for this purpose.
- Achieve best utilisation of all public parking facilities managed by the City.

Link to Strategic Plan:

Objective:

To encourage the development of the Joondalup CBD.

Strategy:

3.1.5 The City implements its CBD Parking Strategy.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law (1998) was made in keeping with the requirements of Section 3.12 of the Local Government Act (1995), Procedure for making local laws.

Clause 33 of the Parking Local law applies:

Establishing and Amending the Parking Scheme

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

- (a) prohibitions;*
- (b) regulations; and*
- (c) restrictions,*

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

Risk Management considerations:

If the proposed scheme amendments are not introduced, there is a risk that further development potential and community amenity in City North could be harmed.

Financial/Budget Implications:

Signage relating to the proposed changes can be accommodated within the current budget allocations.

Policy Implications:

The proposed parking scheme is consistent with the City's Parking Strategy and the Resident/Visitor Parking Permits Policy for Joondalup City Centre.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The City invited comment in relation to the proposed changes by conducting a letter drop to residents and businesses in the affected area and also to the wider community through general advertising. Feedback was sought by completing a survey form with the option of returning either a hard copy or completing a form on-line on the City's website. A consultation period of 30 days closed on Friday 24 April 2009.

A letter drop to 379 properties was made and the City received surveys back in both hard copy and on-line. Respondents were asked to indicate their support or otherwise for permit parking for residents, the proposed parking restrictions in nominated streets as well as being offered the opportunity to make comments. Respondents were not required to respond to every question. In the responses 113 identified themselves as residents, 11 as business owners and one (1) as other. A summary of the questions responded to is in the table below.

Response	Support for Resident Permit Parking	Support for Parking Restrictions in Specific Streets					
		McLarty Avenue	Plaistow Street	Putney Place	Mooregate Court	Pimlico Place	Regents Park Rd
Supported	103	53	53	60	57	30	22
Not Supported	8	19	23	20	22	13	9
Neutral	6	34	28	26	30	28	4
Total	117	106	104	106	109	71	35

There was an 88% level of support for permit parking for residents and only 7% opposed. The parking restrictions proposed in specific streets were also well supported with the high level of neutral responses attributed to respondents not affected by issues in that street. Those specifically opposed to restrictions ranged from 18% for McLarty Avenue to 26% for Regents Park Rd.

COMMENT

There are provisions in the existing City Policy 7-23 Resident/Visitor Parking Permit for the Joondalup City Centre to enable the proposed parking scheme to be implemented in Joondalup City North. On the basis of the responses from the consultation and the support for the proposed changes it is recommended that the proposed parking scheme for Joondalup City North be implemented.

ATTACHMENTS

Attachment 1	Existing Parking Scheme - Joondalup City Centre (North) 12/03/09
Attachment 2	Proposed Parking Scheme - Joondalup City Centre (North) 12/03/09
Attachment 3	Joondalup City North Comparison of Existing and Proposed Restrictions

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 ADOPTS the proposed Parking Scheme – Joondalup City Centre (North), 12 March 2009 as shown on Attachment 2 to this Report;**
- 2 APPROVES the application of Policy 7-23 Resident/Visitor Parking Permit for the Joondalup City Centre to the Parking Scheme - Joondalup City Centre (North) as in 1 above.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf120509.pdf](#)

ITEM 14 LOCAL GOVERNMENT RATING OF LAND USED FOR CHARITABLE PURPOSES - [00104] [60514] [00033]

WARD: All

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

PURPOSE

To consider a response to the West Australian Local Government Association (WALGA) North Metropolitan Zone Committee regarding its request to seek its members' views on a change to the Charitable Rating Exemption provisions within the Local Government Act 1995.

EXECUTIVE SUMMARY

The North Metropolitan Zone Committee has sought member Councils views on a report tabled by the City of Stirling proposing to seek the support of the West Australian Local Government Association (WALGA) to lobby the State Government for a change to the Charitable Rating Exemption provisions within the Local Government Act 1995.

Council has previously considered the issues of the rating of charitable organisations and the application of section 6.26(2)(g) of the Local Government Act 1995 in November 2006. There have been no changes to legislation since then and the issues remain.

It is recommended that Council ADVISES WALGA North Metropolitan Zone Committee:

- 1 of the City's position in relation to the rating of charitable organisations and Section 6.26(2)(g) of the Local Government Act as expressed in its previous resolution CJ215-11/06 and that a copy of that resolution be provided to the Committee;*
- 2 that the City of Stirling's proposal to request WALGA to lobby the State Government for change in relation to the rating of charitable organisations and Section 6.26(2)(g) of the Local Government Act is supported so long as that change is in line with the City's position expressed in its previous resolution CJ215-11/06.*

BACKGROUND

At the WALGA North Metropolitan Zone Committee held on 26 March 2009 a report was submitted by the City of Stirling entitled 'Local Government Act Rating Exemptions for Charitable Purposes – Section 6.26(2)(G) of the Local Government Act 1995' (Attachment 1 refers).

It was resolved:

“That consideration of this matter be DEFERRED to enable views to be provided by Member Councils.”

The report from the City of Stirling raises both general and specific concerns in relation to the application of rating exemptions under the provisions of Section 6.26(2)(g) of the Local Government Act (the Act).

The report also highlights the Local Government Advisory Board “Inquiry into the Operation of Section 6.26(2)(g) of the Local Government Act 1995 – rating of land used for charitable purposes” (the Inquiry). The inquiry in 2006/07 considered a range of issues impacted by that section of the Act and made a number of recommendations. The then Minister for Local Government and Regional Development proposed a number of strategies to implement the recommendations of the Local Government Advisory Board and sought comment from Local Governments in regard to the proposed strategies. City of Joondalup considered the issues included in the inquiry and made a submission setting out its views (Report CJ215-11/06 refers and a copy of the response to the Minister is at Attachment 2). Subsequently, however the Government of the day decided not to proceed with any amendments to the Act.

DETAILS

The issues raised by the City of Stirling in its report to WALGA North Metropolitan Zone Committee are largely the same as those previously identified in the Inquiry and the then Minister’s proposed strategies.

There were eight strategies proposed which are summarised as follows together with the City of Joondalup’s response as per its resolution CJ215-11/06:

Strategy 1

Independent Living Units (ILU) owned and operated by religious, charitable and other not-for-profit organisations (NFPO) are to be rated if the accommodation is not subsidised. The nature and level of the subsidy will be prescribed in the Local Government Act 1995 Regulations.

These arrangements are to apply to ILUs in villages established after 1 July 2007 and, from 1 July 2015, to all retirement villages. Existing leaseholders will not be rated while they hold their lease.

City of Joondalup Response CJ215-11/06

This proposal is not supported in its current form as there is no current definition of “subsidised” which is crucial to considering the impact of this proposal and the phasing in of rating effectively amounts to a retrospective change.

Strategy 2

Religious, charitable and other NFPOs providing aged care services and receiving care subsidies in accordance with the Aged Care Act 1997 (Commonwealth) are to be exempted from rates. This may require an amendment to the Act and/or Regulations.

City of Joondalup Response CJ215-11/06

This proposal is not supported in its current form as a number of facilities will not qualify for these types of subsidies but are still considered to be providing charitable services.

Strategy 3

Land held by NFPO community housing providers and used for crisis accommodation or housing for people with a disability should be exempt from being rated. This may require an amendment to the Act and/or Regulations.

City of Joondalup Response CJ215-11/06

The proposal is generally supported however there needs to be very clear definitions around the notions of crisis accommodation and housing for people with a disability.

Strategy 4

Request the Local Government Advisory Board to undertake further work to determine how to isolate the types of community housing that should be rated without negatively impacting upon –

- occupiers of this housing that are financial disadvantaged
- community housing providers

City of Joondalup Response CJ215-11/06

The request to undertake further work is supported and the key issues in relation to determining any form of exemption are around clear definitions and guidelines on which a local government can make an assessment and clear provisions requiring applicants requesting an exemption to supply information that enables the assessment to be done.

Strategy 5

The Act and/or regulations to be amended to address the following matters in relation to vacant land –

- vacant land that is held for use as a charitable purpose in the future is exempt from rates
- the owner of the vacant land seeking an exemption is to provide information to the relevant local government that is sufficient for it to be able to satisfy itself of the future land use intended
- if the land is not eventually used for charitable purpose, back rates are to be paid to compensate for the time that it was previously exempted. Back rating is to extend back for a period not exceeding 15 years from the time a decision is made that an exemption is not appropriate.

City of Joondalup Response CJ215-11/06

The strategy as proposed is not supported but an alternative proposal that is supported is that an owner of vacant land be required to declare their intention to use it for a charitable purpose in the future, however pay rates annually on the vacant land until the charitable purpose is established at which point they become entitled to a refund of the rates paid.

Strategy 6

That the Act and/or Regulations be amended to prescribe that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property.

City of Joondalup Response CJ215-11/06

It has already been established that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property despite the fact that it is not spelt out in the current legislation. The issue really is not that this type of use should not jeopardise the overall dominant use but the question of the quantum of what constitutes incidental and ancillary. Any proposal that could define the quantum of incidental and ancillary is supported.

Strategy 7

That the Act and/or Regulations be amended to clarify that it is possible to rate part of a property, if that part is clearly non charitable and not incidental or ancillary to a dominant charitable purpose.

City of Joondalup Response CJ215-11/06

The proposal is supported but while it is acknowledged that in some cases there are non charitable uses there are instances where these are operated as part of the facility with proceeds being fed into the overall operation eg small coffee shops, and not with profits being taken by a commercial operator and this proposal should not enable operations in these circumstances to be rated.

Strategy 8

That the Act and/or Regulations be amended so that organisations seeking a rate exemption are required to provide local governments with the relevant information to allow it to make a considered decision about whether land is being used for a charitable purpose.

City of Joondalup Response CJ215-11/06

This proposal is strongly supported particularly if the regulations also provide guidelines as to the type of information that is required to be provided. This is an area that causes great difficulty for the City in its current assessments of applications for exemptions from rates. It is not unusual for the City to be challenged as to why information needs to be provided or the type of information that is requested to be provided.

In addition to specific responses to the strategies Council resolved that:

- “2 *That the Minister be urged to give serious consideration to a whole of State approach to the issue of rating exemptions for land used for charitable purposes, such that individual local governments are not unfairly burdened due to the amount of land within their local government area that is used for charitable purposes. There should be equity and fairness in rating or exemption of these types of facilities in the same way that there is a whole of State approach to the provision of rebates and deferments for pensioners.*
- 3 *WALGA be advised of this response and in relation to point 2 be urged to advocate to the State Government the need for a whole of state approach to the issue of exemptions for land used for charitable purposes.”*

Issues and options considered:

There are two options to providing feedback to WALGA North Metropolitan Zone Committee in relation to the City of Stirling’s report.

Option 1 – Consider again the issues of Rates Exemptions and Section 6.26(2)(g) of the Act

This is essentially going back and re-evaluating all of the issues and determining what the City’s position is in relation to these. There have been no changes in the relevant legislation and the issues remain unchanged since this matter was last considered. Re-evaluating is not supported.

Option 2 – Advise WALGA North Metropolitan Zone Committee of the City’s Current Position as per Resolution CJ215-11/06

There is an established City position on these issues in relation to the legislation neither of which have changed. Part of that position also included WALGA being requested to advocate to the State Government a whole of State approach. It is recommended that WALGA North Metropolitan Zone Committee be advised of the City’s current position and that it supports WALGA being requested to lobby the State Government for change to the charitable rating exemption provisions in line with this position.

Link to Strategic Plan:

Key focus area: leadership and governance

1.3 Objective: To lead and manage the City effectively

Legislation – Statutory Provisions:

The Local Government Act 1995 section 6.26(2)(g).

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

There are implications for the City’s rate revenue with regard to how section 6.26(2)(g) of the Act is currently interpreted and applied and future implications if there are any changes.

Policy Implications:

Not Applicable.

Regional Significance:

All Local Governments in the region are equally impacted by the issues regarding section 6.26(2)(g) of the Act.

Sustainability Implications:

There are issues of long term financial sustainability with the increasing burden of rate exemptions needing to be met by the remaining members of the rate paying community. This will become increasingly difficult to manage in the long term if each local government is required to carry the burden of all of the rate exemptions within their local government area.

Consultation:

A workshop with Elected Members was conducted prior to Council considering and determining its current position at its meeting in November 2006.

COMMENT

Given that the issues of rating charitable organisations and the application of section 6.26(2)(g) of the Act have not changed since the Council last considered this matter it is considered that the City's current adopted position adequately addresses the issues raised by the City of Stirling at WALGA North Metropolitan Zone Committee.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Extract of WALGA North Metropolitan Zone Minutes - Local Government Act Rating Exemptions for Charitable Purposes – Section 6.26(2)(G) of the Local Government Act 1995 |
| Attachment 2 | Copy of Response to Minister in relation to Proposed Strategies to Address Rating Exemption Issues |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ADVISES Western Australian Local Government Association North Metropolitan Zone Committee:

- 1 of the City's position in relation to the rating of charitable organisations and Section 6.26(2)(g) of the Local Government Act as expressed in its previous resolution CJ215-11/06 and that a copy of that resolution be provided to the Committee.**
- 2 that the City of Stirling's proposal to request WALGA to lobby the State Government for change in relation to the rating of charitable organisations and Section 6.26(2)(g) of the Local Government Act is supported so long as that change is in line with the City's position expressed in its previous resolution CJ215-11/06.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf120509.pdf](#)

ITEM 15 EXTENSION TO PARKING PROHIBITIONS - DOVERIDGE DRIVE, DUNCRAIG - [09708]

WARD South

**RESPONSIBLE
DIRECTOR:** Mr Martyn Glover
 Infrastructure Services

PURPOSE

To amend the City of Joondalup Parking Scheme along Doveridge Drive, Duncraig.

EXECUTIVE SUMMARY

Doveridge Drive is a local access road connected to Glengarry Drive in Duncraig (Attachment 1 refers). It partly runs parallel to the Mitchell Freeway and is in close proximity to Greenwood Train Station.

Council at its Ordinary Meeting of 16 December 2008 resolved:

“That Council REQUESTS a report from the Chief Executive Officer on extending the 2 hour parking restrictions on the eastern side of Doveridge Drive, Duncraig to a position adjacent to the intersection of Winster Close.”

Results from field investigations and community consultation confirmed that all day commuter parking currently exists along the eastern verge of Doveridge Drive, Duncraig. In order for the City to address the community concerns, the proposed parking scheme for Doveridge Drive provides a long term solution to inappropriate parking.

It is recommended that Council APPROVES the:

- 1 installation of ‘NO PARKING 7am-6pm Mon-Fri CARRIAGEWAY OR VERGE’ signs along the eastern side of Doveridge Drive, Duncraig as shown on Attachment 3 to this Report;*
- 2 installation of a ‘NO PARKING 7am-6pm Mon-Fri CARRIAGEWAY’ signs along the western side of Doveridge Drive, Duncraig as shown on Attachment 3 to this Report;*
- 3 amendment to the existing parking restriction on the southern side of Doveridge Drive, Duncraig to include ‘NO STOPPING CARRIAGEWAY OR VERGE 8am-9am & 3pm-4pm Mon-Fri’ as shown on Attachment 3 to this Report.*

BACKGROUND

In early 2007 the City responded to a request from St Stephens School to alleviate parking congestion along Doveridge Drive associated with commuter overflow parking from the Greenwood train station. As a result of these concerns Council at its meeting on 27 February 2007, resolved the following:

“Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City’s Parking Local Law (1998) by the installation of a two (2) hour parking restriction covering the carriageway or verge along the southern boundary of St Stephens School on Doveridge Drive, Duncraig. The proposed

hours of restriction will be from 7:00am to 6:00pm Monday to Friday as shown in Attachment 1 to Report CJ017-02/07”

This parking restriction is shown in Attachment 2 of this Report.

DETAILS

The City received a request from a resident in Doveridge Drive, Duncraig, for Council to consider extending the parking restrictions on the eastern side of Doveridge Drive further south, to improve the amenity of the street. The problem is caused by train commuters who park all day in the unrestricted section of Doveridge Drive, adjacent to the Freeway, south of the current two hour parking restrictions. This has impacted on the verge area which has deteriorated due to constant traffic.

The current (2) two hour parking prohibition between 7.00am and 6.00pm school days restricts vehicles from parking on the verge area adjacent to St Stephens School. This restriction was required to reduce the congestion caused by parked vehicles, restrict commuter parking, maintain the general traffic flow at all times and therefore increase the level of safety during school peak times.

As a result of the increased demand on public transport, the volume of commuter parking on the verge south of the current restriction has increased dramatically. A site visit also confirmed that it would be more appropriate for the City to install a no parking restriction along the carriageway or verge south of the current restriction rather than extend the current (2) two hour restriction.

The proposal to restrict parking along Doveridge Drive as per Attachment 1, will assist in improving the amenity of the street, maintain the general traffic flow and relocate the commuters to parking facilities provided at the Greenwood Train Station.

The Council should also be mindful that by extending the current parking prohibition on the eastern side of Doveridge Drive only, and excluding a restriction on the residential side of the street, will not provide for a long term solution to the parking congestion.

As part of any amendment to the scheme, the inclusion of a ‘No Parking’ restriction along the residential side of the street will be necessary to prevent commuters from relocating and parking legally, adjacent to residential properties.

It would be recommended that a ‘No Parking’ restriction complements the recommended restriction on the eastern side of Doveridge Drive, but only applies to the carriageway during the hours of 7am and 6pm. This would allow residents to park outside their own properties on the verge, without incurring a penalty.

Consideration should also be given to amending the existing parking scheme signage ‘NO STOPPING VERGE ONLY 8am to 9am and 3pm to 4pm Monday to Friday’ to include the wording ‘OR CARRIAGEWAY’ on the southern side of Doveridge Drive, Duncraig, adjacent to St Stephens School. The inclusion of the carriageway to this restriction will assist in alleviating parking congestion during school peak times and improve pedestrian safety at this location.

Link to Strategic Plan:

The consideration of parking prohibition schemes is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2008-2011:

2.2 OBJECTIVE: To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

2.2.4 The City will promote and support sustainable transport opportunities.

Legislation – Statutory Provisions:

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

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

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$2400. Sufficient funds exist in the maintenance operational budget for this work to occur.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Owners of properties in the area were consulted in order to determine the effectiveness of the current Parking Restrictions. Correspondence and consultation feedback forms were sent to twenty three residents in order to determine whether they would support the extension of the current parking prohibitions at this location.

The City received six responses as a result of the consultation process, which represents a twenty six percent response rate. Of the six responses received, five residents supported the inclusion of an additional restriction to improve the amenity of the area and address commuter parking along the unrestricted section of Doveridge Drive, adjacent to the Freeway south of the current two hour parking restrictions. One resident did not support the extension of the current parking restrictions until the completion of the planned upgrade of parking facilities at the Greenwood Train Station. The resident suggested that the commuters are parking at this location through necessity rather than convenience.

COMMENT

The proposal to restrict parking along Doveridge Drive as per Attachment 3, will assist in improving the amenity of the street, maintain the general traffic flow and relocate the commuters to parking facilities provided at the Greenwood Train Station.

ATTACHMENTS

Attachment 1	Aerial Photo of site location
Attachment 2	Existing Parking Restrictions – Doveridge Drive, Duncraig
Attachment 3	Proposed Parking Restrictions – Doveridge Drive, Duncraig

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the:

- 1 installation of 'NO PARKING 7am-6pm Mon-Fri CARRIAGEWAY OR VERGE' signs along the eastern side of Doveridge Drive, Duncraig, as shown in Attachment 3 to this Report;**
- 2 installation of a 'NO PARKING 7am-6pm Mon-Fri CARRIAGEWAY' signs along the western side of Doveridge Drive, Duncraig, as shown in Attachment 3 to this Report;**
- 3 amendment to the existing parking restriction on the southern side of Doveridge Drive, Duncraig, to include 'NO STOPPING CARRIAGEWAY OR VERGE 8am-9am & 3pm-4pm Mon-Fri' as shown in Attachment 3 to this Report.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf120509.pdf](#)

ITEM 16 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – MARCH 2009 - [07032] [05961]

WARD: All

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning & Community Development

PURPOSE

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

EXECUTIVE SUMMARY

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

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications 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 2 yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies:

- 1 Development Applications and Residential Design Codes Applications; and
- 2 Subdivision Applications

determined by those staff members with Delegated Authority powers during March 2009. (see Attachments 1, and 2 respectively).

BACKGROUND

The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 13 May 2008 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

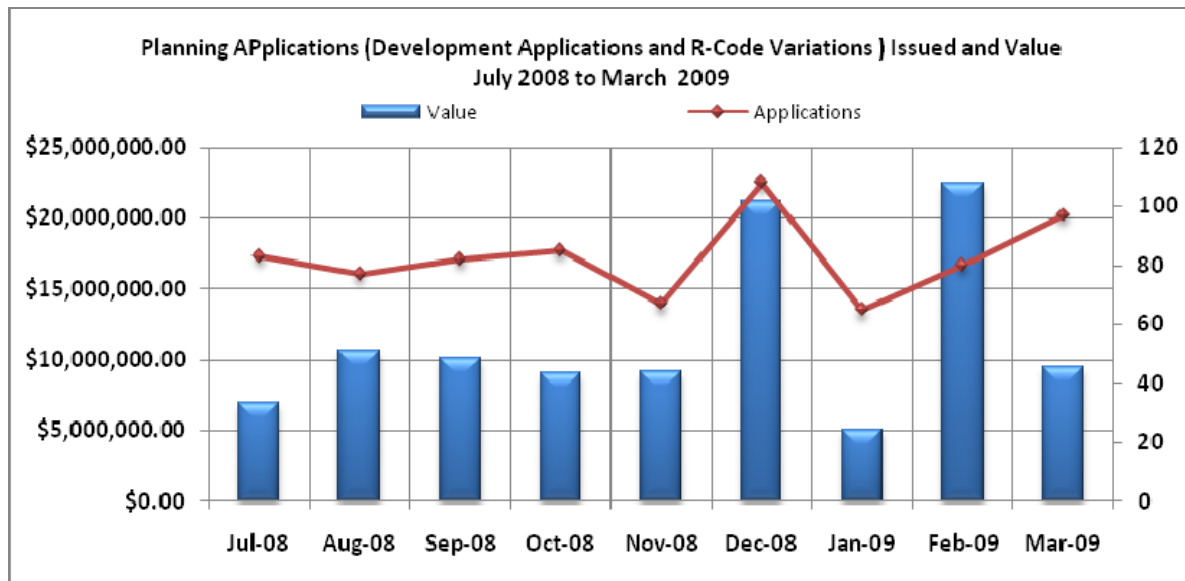
DETAILS

The number of planning and subdivision applications determined for the period of March 2009 under delegated authority are shown below:

Approvals Determined Under Delegated Authority – March 2009

Type of Approval	Number	Value (\$)
Planning Applications (Development Applications & R-Codes Variations)	97	\$ 9,502,600

The number of development applications received during the period for March 2009 was 120. (This figure does not include any applications that may become the subject of an R-Code Variation as part of the Building Licence process).



Subdivision Approvals Processed Under Delegated Authority From 1 March to 31 March 2009

Type of Approval	Number	Potential new Lots
Subdivision Applications	4	4
Strata Subdivision Applications	7	15

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

Link to Strategic Plan:

Key Focus Area: The Built Environment

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

The strategic plan also 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, any relevant Policy and/or the District Planning Scheme.

Of the 97 development applications determined during March 2009, consultation was undertaken for 35 of those applications. Of the 11 subdivision applications determined during March 2009, no applications were advertised for public comment, as the proposals complied with the relevant requirements

COMMENT

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

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

ATTACHMENTS

- Attachment 1 March 2009 – Decisions - Planning Applications (Development Applications & R-Codes Variations)
Attachment 2 March 2009 - Subdivision Applications Processed

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications and R-Codes variations described in this Report during March 2009;**
- 2 subdivision applications described in this Report during March 2009.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf120509.pdf](#)

**ITEM 17 PROPOSED OUTBUILDING ADDITION TO
 GLENGARRY HOSPITAL – LOT 412 (53)
 ARNISDALE ROAD, DUNCRAIG - [05796]**

WARD: South

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To request Council's determination for an application for Planning Approval for a proposed outbuilding addition at Glengarry Hospital, located at Lot 412 (49) Arnisdale Road, Duncraig.

EXECUTIVE SUMMARY

An application for Planning Approval has been received for an outbuilding to be constructed on the Glengarry Hospital site. The outbuilding is located to the east of the site and complies with all the requirements of the City of Joondalup District Planning Scheme No.2 (DPS2), except for the side setback to the eastern boundary.

The existing use, Hospital, was approved under the provisions of the City of Wanneroo Town Planning Scheme No.1 (TPS1). The subject land is zoned 'Private Clubs/Recreation' under the City's District Planning Scheme No.2 (DPS2). Hospital is an 'X' or prohibited use in the 'Private Clubs/Recreation' zone. However, the site can continue to be used for such a purpose having regard to the non-conforming use provisions of DPS2.

The proposal satisfies the provisions of Part 7 of DPS2- Non-Conforming Uses and will not affect any adjoining or surrounding properties or the Arnisdale Road streetscape. Consequently, it is recommended that the application for Planning Approval be approved.

BACKGROUND

Suburb/Location:	Lot 412 (53) Arnisdale Road, Duncraig
Applicant:	Kalmar Factory Direct
Owner:	Hadasseh Pty LTD
Zoning:	DPS: Private Clubs/ Recreation
	MRS: Urban
Site Area:	8778m ²
Structure Plan:	Not Applicable

The subject site is bounded by Culloden Road (northern boundary), the Glengarry Medical Centre and Glengarry Shopping Centre (western boundary), Glengarry Retirement Village (eastern boundary) and Arnisdale Road (southern boundary). The main entrance to the site is located off Arnisdale Road, Duncraig.

DETAILS

The applicant proposes to erect an outbuilding adjacent to the eastern boundary.

The outbuilding will be 3.05m in width and 6.1m in length and a maximum height of 2.1m. The outbuilding will be constructed from steel products with the walls being coloured 'Classic Cream' and the roof sheeting being Zinalume. There are no proposed changes to the existing ground level.

The proposed development complies with all the relevant requirements with the exception of the 1 metre setback in lieu of 3 metres to the eastern side boundary.

The proposal does not affect on-site car parking or landscaping provisions.

The applicant has stated the outbuilding is required to store excess physiotherapy equipment such as walking frames, crutches and bed cradles. It is not proposed to store linen, electrical equipment or food.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

The following Clauses of DPS2 are relevant to the development proposal

4.5 Variations to site and development standards and requirements

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

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

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

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

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

4.7 Building setbacks for non-residential buildings

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

*Setback from street boundary 9.0 metres
Setback from side boundary 3.0 metres
Setback from rear boundary 6.0 metres*

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 in so far 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.*

7.2 Extensions and changes to a non-conforming use:

7.2.1 *A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use or change the use of land from a non-conforming use to another non-conforming use without first having applied for and obtained planning approval under the Scheme.*

7.2.2 *An application for planning approval under this clause shall be advertised in accordance with clause 6.7.1.*

7.2.3 *Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council shall not grant its planning approval unless the proposed use is:*

(a) *substantially less detrimental to the amenity of the locality than the existing non-conforming use; and*

(b) *in the opinion of the Council is closer to the intended purpose of the zone.*

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

As the location of the outbuilding complies with the front and rear setback requirements and will be screened from view from the street by the existing mature vegetation the application was only advertised to the landowners of Lot 5 (49) Arnisdale Road due to the reduced side setback of the outbuilding to the eastern side boundary.

Advertising occurred by way of a letter to the landowner for a period of 14 days from 24 February 2009 to 9 March 2009.

No submission was received.

COMMENT

Under DPS2, the required side setback for non residential buildings is 3 metres. The applicant is proposing a side setback of 1m to the eastern boundary.

The proposed outbuilding will be screened from view from the adjacent property and street by the existing mature vegetation established along the northern and eastern boundaries. The existing hospital and bin store will screen the outbuilding from view from the western and southern boundaries.

Having regard to the:

- distance that the proposed structure is located from Arnisdale Road; and
- screening provided by the existing buildings and vegetation on site;

it is considered that the proposed setback variation will not have a detrimental impact on any adjoining properties or the amenity of the area. As such, it is recommended that the proposed variation be supported.

Conclusion

The proposed development is considered to be relatively small in size. The location of the outbuilding will not be readily visible from either Culloden Road or Arnisdale Road and will not adversely impact on any adjoining or surrounding properties, or the streetscape.

In light of the above, it is recommended that the application be approved, subject to conditions.

ATTACHMENTS

Attachment 1	Aerial Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under Clause 4.5.1 of the District Planning Scheme No.2 and determines that the side setback of 1 metre in lieu of 3 metres to the eastern boundary is appropriate in this instance;
- 2 **APPROVES** the application for Planning Approval dated 9 February 2009 submitted by Kalmar Factory Direct as the applicant on behalf of the owners Hadasseh Pty Ltd for an outbuilding addition to the existing Glengarry Hospital on 53 Arnisdale Road, Duncraig, subject to the following conditions:
 - (a) this approval relates only to the proposed outbuilding, as indicated on the approved plans. It does not relate to any other development on this lot;
 - (b) all stormwater is to be discharged to the satisfaction of the Manager Planning Approvals and Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
 - (c) the colours and materials of the proposed outbuilding shall match the existing hospital buildings where practicable, to the satisfaction of the Manager Planning Approvals and Environmental Services;
 - (d) The roof surface being treated to the satisfaction of the Manager Planning, Approvals & Environmental Services if it is determined by the Manager that glare from the completed development has a significant adverse affect on the amenity of adjoining or nearby neighbours.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf120509.pdf](#)

ITEM 18 PROPOSED STORE ROOM ADDITION TO TWO STOREY OFFICE DEVELOPMENT AT LOT 50 (58) CONSTELLATION DRIVE, OCEAN REEF - [64603]

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for a proposed store room addition to a two storey office development at Lot 50 (58) Constellation Drive, Ocean Reef.

EXECUTIVE SUMMARY

In November 2007 Council approved a two storey office development with a setback of nil to the rear and south-eastern (side) boundary (CJ250-11/07 refers). The current application proposes a further extension to the development with the addition of a store to the rear, as well as minor modifications to the internal layout, building façade and proposed landscaping.

The proposed development generally complies with the requirements of the District Planning Scheme No.2 (DPS2) with the exception of the setbacks to the north-eastern (rear) boundary and overall site landscaping.

The proposal is consistent with the objectives of DPS2 and is appropriate for the site. It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location:	Lot 50 (58) Constellation Drive, Ocean Reef
Applicant:	Seacrest Homes
Owner:	John Paul Kemsley & Corinne Anna Kemsley
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	900m ²
Structure Plan:	Not Applicable

The subject site is located on the north-eastern side of Constellation Drive, between Prendiville Avenue and Beaumaris Boulevard (Attachment 1 refers).

A single-storey grouped dwelling development is located to the south-east and north-east of the site. Further to the south-east of the residential development is an existing childcare centre and Church. The Beaumaris Neighbourhood Centre, which is a single storey development, is to the north-west of the site.

Existing single houses are located opposite the proposed development on Constellation Drive.

The subject lot and the adjoining Lot 51 were previously part of a single lot. Subdivision approval was granted by the Western Australian Planning Commission in 2004 to create two lots. Both lots are zoned Commercial under the City's DPS2. Lot 51 is "L" shaped in configuration and abuts the right hand side and rear boundaries of the development site. A restrictive covenant over lot 51 requires the site to be used for residential purposes only.

In November 2007, Council resolved to approve a two storey development for the subject site. This development included a boundary wall to the south-eastern (side) boundary, and to the rear boundary. This approval was subject to a number of conditions, including requirements for the boundary walls to be articulated in a suitable manner, to ensure that the walls do not have an adverse impact on the visual amenity of the adjoining owners. Construction of this development has recently commenced.

DETAILS

The proposed development is for the addition of a store room to the rear of the approved development. This addition will result in a further setback variation to the rear boundary. Minor modifications have also been made to the internal layout of the building, the building façade, and to the proposed landscaping.

The development plans are provided in Attachment 2.

The table below sets out the development standards and requirements of the City's DPS2 and areas of compliance and non-compliance.

Standard	Required	Approved 2007	Proposed 2009	Complies
Front Setback (Constellation Drive)	9.0m	14.2m	13.7m (minimum)	Yes
Side Setback (north-western boundary)	3.0m	11.5m (minimum)	11.85m	Yes
Side Setback (south-eastern boundary)	3.0m	Nil	Nil	No (not subject of this application)
Rear Setback	6.0m	Nil and 2.5m	Nil	No
Landscaping	8%	8%	7.1%	No
	3m landscaping strip adjoining car parking areas adjacent to the street	3.0m	3.0m	Yes
Car parking	1 per 30m ² NLA	17 bays provided (15 bays required)	17 bays provided (10 bays required)	Yes

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The proposal is consistent with objective 4.1 of the City of Joondalup Strategic Plan 2008-2011 – to ensure high quality urban development within the City.

Legislation – Statutory Provisions:

Office is a 'P' use in the Commercial Zone. A 'P' use means:

“A use class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval.”

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

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

(a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and

(b) have regard to any expressed views prior to making its decision to grant the variation.

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

(a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and

(b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

4.7 Building Setbacks for Non Residential Buildings

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

Setback from street boundary 9.0 metres

Setback from side boundary 3.0 metres

Setback from rear boundary 6.0 metres

4.12 Landscaping requirements for non-residential buildings

4.12.1 *A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.*

4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous sub clause.*

The matters listed under Clause 6.8 require consideration:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

DPS2 does not require advertising to be carried out for a permitted land use. At the time the previous application was considered, comments were provided from the land owner of Lot 51. The site has since been developed with four grouped dwellings on-site. A letter was sent to the individual owners of the grouped dwellings allowing comments to be submitted up to the 10 March 2009. There were no responses received.

COMMENT

Council previously approved an application for a two storey office on the subject site which included construction to the side and rear boundary. The current proposal is to add a store-room to the rear of the development. The store room is proposed to be accessed from inside the building. The plans for the proposed development also indicate that minor changes have been made to the internal layout of the building, and to the building façade. These minor alterations would not generally require further planning approval. However, the modifications to the façade have resulted in the loss of a small amount of the on-site landscaping, and as such that variation must also be considered by Council.

Boundary Setback Variation

Clause 4.7 of DPS2 requires a 6 metre setback to the rear boundary. Council previously approved a nil setback to the side and rear boundary, however the addition of a store to the rear will result in the length of the boundary wall at the rear being increased, albeit at a lesser height than the approved boundary wall.

The rear north-eastern boundary abuts the vehicle access leg for two units on the adjoining property. Both units are orientated primarily towards the recreation reserve at the rear of lot 51, with very few openings facing towards the subject site.

DPS2 does not specify any height controls for non-residential buildings and does not contain any provisions relating to boundary walls by way of length or height.

The proposed addition to the rear boundary is 4.5 metres long and 1.8m in height as measured from the existing ground level at the boundary of the subject lot and lot 51.

The modification to include an enclosed store to the rear of the development is considered acceptable as the adjoining dwellings will not be adversely impacted by way of overshadowing or bulk from the addition. Furthermore, it is considered that the development will increase privacy for the rear grouped dwellings on Lot 51.

Building Materials

The office development was previously proposed to be constructed of concrete panels. Conditions of approval require the walls to be suitably articulated to reduce any adverse visual impact by way of building bulk. The development has since been constructed of brickwork which will be rendered. The applicant is still required to provide articulation in accordance with the conditions of the previous approval, to reduce the impact of building bulk.

Landscaping Variation

Clause 4.12 of DPS2 requires a development site for a non-residential building to provide a minimum of 8% of the area of the site as landscaping. Furthermore, where a proposed development has a car park abutting a street there is requirement for a minimum 3 metre wide landscaping strip between the car park and the street.

The change to the external façade has modified the proposed on-site landscaping. The development includes landscaping of 7.1% of the site, with the majority of this being a 3 metre strip between the verge and car park, with some landscaping also being provided around the office development and to the rear of the site. The landscaping also includes tree wells in the car parking area at a rate of approximately 1 tree well per 3 bays. This ensure that adequate shade trees are provided in the car parking area to satisfy the requirements of DPS2.

This is considered appropriate as the landscaping provided is mainly to the front between the verge and the car park, and around the proposed building. This ensures that an attractive setting for the development is provided and contributes to the desired streetscape.

Conclusion

The proposed store room addition and minor modifications to the office development complies with all requirements of DPS2 other than the rear setback variation, and landscaping requirements. Council has previously supported the setback variation to the side and rear boundary.

As outlined above, it is considered that the variations will not have a detrimental impact on any adjoining or surrounding properties, or the amenity of the area. As such, it is recommended that the proposed variations be supported and that the application is approved.

ATTACHMENTS

Attachment 1	Location & Zoning Plans
Attachment 2	Development Plans
Attachment 3	Previously Approved Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 EXERCISES discretion under clause 4.5 of the District Planning Scheme No.2 and determines that:**
 - (a) Rear setback of nil in lieu of 6 metres**
 - (b) Landscaping provision of 7.1% in lieu of 8%**

are appropriate in this instance;
- 2 APPROVES the application for Planning Approval dated 6 February 2009 submitted by Seacreast Homes, the applicant, on behalf of the owners, John Paul and Corrine Anna Kemsley for Offices at Lot 50 (58) Constellation Drive, Ocean Reef, subject to the following conditions:**
 - (a) The applicant shall submit amended landscaping plans for the development site. For the purpose of this condition the landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals & Environmental Services;**
 - (b) The boundary wall shall be designed and constructed to provide visual relief by way of colours and materials, shall be articulated to reduce the impact of building bulk on the adjoining property, and shall be of clean finish to the satisfaction of the Manager Planning, Approvals & Environmental Services;**
- 3 ADVISES the applicant that this approval is for the addition of a store-room and minor internal and façade changes only, and that all conditions of approval DA07/0615 must also be adhered to.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf120509.pdf](#)

ITEM 19 MINUTES OF THE MEETING OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON 1 APRIL 2009 – [55511]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To submit the unconfirmed minutes of the Seniors Interests Advisory Committee (SIAC) to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on 1 April 2009.

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

- | | |
|--------|---|
| Item 1 | Public Transport in the City of Joondalup |
| Item 2 | City of Joondalup Community Transport Program |

It is recommended that Council:

- 1 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 1 April 2009 forming Attachment 1 to this Report;*
- 2 PROVIDES a report on the City's Policy on Bus Shelters to the Seniors Interests Advisory Committee;*
- 3 INVESTIGATES the anomaly in providing the services of the City's Community Transport Program to Jacaranda Lodge, Wannero;*
- 4 INVESTIGATES the viability and need for a third bus for the Community Transport Program.*

BACKGROUND

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

DETAILS

Issues and options considered:

The Motions moved at the Seniors Interests Advisory Committee meeting on 1 April 2009 are shown below, together with officer's comments.

1 Public Transport in the City of Joondalup

The following Motion was carried:

“That the Seniors Interest Advisory Committee:

- 1 NOTES the information provided in the Report on Public Transport in the City;*
- 2 REQUESTS a report on the City’s Policy on Bus Shelters.”*

Officer’s Comments

The metropolitan bus and train services operated in Joondalup are an important part of supporting the accessibility of the City’s infrastructure. Parking at train stations for seniors has been highlighted as a concern as it is difficult to find available bays during the day. Encouraging seniors to utilise bus services feeding into train stations is an important strategy to overcome this challenge.

Using public transport for the first time can be daunting, especially given media reporting of anti-social behaviour in the transport system. Promotion of the Transperth ‘Get on Board’ public education program will be important for older people who have lost their licence and have never accessed public transport.

The provision for free public transport for Seniors from 9am-3.30pm Monday to Friday, all day Saturday, Sunday and Public holiday is an important development which will encourage an increase in the use of public transport for seniors.

Provision of sufficient seating shelter at bus stops is important for the City to monitor and maintain because of the link between the provision of local infrastructure and the utilisation of public transport, particularly by seniors.

2 City of Joondalup Community Transport Program

The following Motion was carried:

“That the Seniors Interest Advisory Committee:

- 1 NOTES the information provided in the Report on the Community Transport Program;*
- 2 REQUESTS Council to investigate the anomaly in providing the services of the City’s Community Transport Program to Jacaranda Lodge, Wanneroo;*
- 3 REQUESTS the City to investigate the viability and need for a third bus for the Community Transport Program.”*

Officer’s Comments

The City currently provides the Community Transport service for Barridale and Jacaranda Lodges. While the two lodges were originally part of Wanneroo, Barridale is now located within the City of Joondalup and Jacaranda is located within the City of Wanneroo. The service provided by the City to Jacaranda Lodge is on a weekly basis and there is a fee charged for the service. There is an agreement that exists for the City’s provision of this service and if the Council endorses the recommendation from SIAC, the agreement will be reviewed as part of a future report for SIAC.

Aside from the service for Jacaranda Lodge all new requests for community transport received from City of Wanneroo residents are referred to the City of Wanneroo.

The Community Transport Program provides contact with the broader community and services to people who would otherwise be at risk of social isolation. With an ageing population the demand for the Community Transport service will increase and it is timely to investigate the viability and need for the expansion of this Program.

Link to Strategic Plan:

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

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

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

The existing policies that are deemed to have the most impact on seniors are:

- Access and Inclusion (access to community facilities and public space: overcoming barriers that could prevent participation in community activities)
- Rates (reduced rates for seniors)
- Fees and Charges (reduced fees for seniors for some services)
- Use of community facilities (accommodation provided free of charge to seniors groups under the “subsidised use” policy).

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.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee meeting held on
1 April 2009

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 1 April 2009 forming Attachment 1 to this Report;**
- 2 PROVIDES a report on the City's Policy on Bus Shelters to the Seniors Interests Advisory Committee;**
- 3 INVESTIGATES the anomaly in providing the services of the City's Community Transport Program to Jacaranda Lodge, Wanneroo;**
- 4 INVESTIGATES the viability and need for a third bus for the Community Transport Program.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf120509.pdf](#)

**ITEM 20 TENDER 005/09 - CONSTRUCTION OF A DUAL
USE PATH UPGRADE – WEST COAST DRIVE,
SORRENTO - [51625]**

WARD: All

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

Report to be circulated under separate cover when available, and posted on the web page at that time.

When this Report becomes available, the following hyperlink will become active:

[Tender 005-09 - West Coast Drive.pdf](#)

**ITEM 21 PROPOSAL FOR LEVYING DIFFERENTIAL RATES
FOR THE 2009/10 FINANCIAL YEAR AND OTHER
BUDGET MATTERS****WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
Corporate Services

Report to be circulated under separate cover when available, and posted on the web page at that time.

When this Report becomes available, the following hyperlink will become active:

[Differential Rating.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

ITEM 22 REPORT ON CODE OF CONDUCT COMPLAINT - [09358] [74617]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To consider the investigation report on the complaint lodged by Cr Michele Rosano (nee John) against Cr Brian Corr under the Code of Conduct.

EXECUTIVE SUMMARY

Cr Rosano lodged a complaint about Cr Corr, alleging he had breached sections 2(d); 2(f); 2(g); 3.3; 3.4(e); and 3.4(g) of the City's Code of Conduct. The Chief Executive Officer is the designated Complaints Officer and is charged with investigating Code of Conduct complaints. The investigation found that two breaches were substantiated. The Code of Conduct requires the investigation report on the complaint to be presented to Council.

BACKGROUND

Cr Corr submitted a letter to the Community Newspaper, *Joondalup Times* that was published on 3 June 2008. The comments in the letter related to the decision-making in relation to item CJ081-05/08 'Sacred Heart College, Sorrento - Auditorium and classroom additions including canteen: Lot 16 (15) Hocking Parade, Sorrento', which was tabled at the Ordinary Council Meeting on 13 May 2008.

On 4 July 2008, Cr Rosano wrote to the City complaining about the letter.

DETAILS

Issues and options considered:

Cr Rosano alleged that Cr Corr's statements:

- (i) constitute public adverse reflection upon Council's decision in relation to item CJ081-05/08 'Sacred Heart College, Sorrento - Auditorium and classroom additions including canteen: Lot 16 (15) Hocking Parade, Sorrento';
- (ii) cast aspersions on Cr Rosano's character and good judgment; and
- (iii) inappropriately suggest that the public ought to have had an opportunity to comment on an amendment motion Cr Rosano moved in relation to item CJ081-05/08.

The complaint alleges breaches of the following clauses of the Code of Conduct:

<p>Clause 2 (d)</p> <p>The local community and the public in general are entitled to expect that the following general principles should be used to guide council members ... in their behaviours: (d) avoid damage to the reputation of the City of Joondalup.</p>
<p>Clause 2 (f)</p> <p>The local community and the public in general are entitled to expect that the following general principles should be used to guide council members ... in their behaviours: (f) base decisions on relevant and factually correct information.</p>
<p>Clause 2 (g)</p> <p>The local community and the public in general are entitled to expect that the following general principles should be used to guide council members ... of the City of Joondalup in their behaviours: (g) treat others with respect and fairness.</p>
<p>Clause 3.3</p> <p>Council members ... shall not take advantage of their positions to improperly disadvantage or cause detriment to the local government or any other person.</p>
<p>Clause 3.4 (e)</p> <p>Council members ... shall:</p> <p>(e) make no allegations which are improper or derogatory (unless true and in the public interest) and refrain from any form of conduct in the performance of their official or professional duties, which may cause or is likely to cause any reasonable person unwarranted offence or embarrassment.</p>
<p>Clause 3.4 (g)</p> <p>Council members ... shall:</p> <p>(g) act in accordance with their obligations of fidelity to the Council and not publicly reflect adversely upon any decision of the Council or the Executive Management Group.</p>

The complaint has been investigated and the Chief Executive Officer's findings are that the letter:

- did not meet the standard of behaviour set out in sub-section 2(d) of the Code of Conduct; and
- breached sections 3.3 and 3.4(g) of the Code of Conduct.

Both the complainant and Cr Corr have been notified of the outcome.

Section 8 of the Code of Conduct requires a report on a complaint about an Elected Member to be presented to Council.

Link to Strategic Plan:

Objective 1.1 provides that the City ensures that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Legislation – Statutory Provisions:**Section 5.103 Local Government Act 1995. Codes of conduct**

- (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

A procedure has been developed for investigating Code of Conduct complaints, which provides that outcomes are reported to the Council.

Risk Management considerations:

Breaches of the Code of Conduct bring reputational risk to the City.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Council Policy 4-1 Code of Conduct.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The complainant was consulted about the complaint and the person the subject of the complaint was invited to make submissions in response to the allegations.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Investigation Report

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Investigation Report on the Code of Conduct complaint made by Cr Michele Rosano (nee John) about Cr Brian Corr.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf120509.pdf](#)

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION – CR GEOFF AMPHLETT – CAFÉ/RESTAURANT FACILITIES - [09095] [00434] [29610]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Geoff Amphlett has given notice of his intention to move the following Motion at the Council Meeting to be held on Tuesday 19 May 2009:

“That:

- 1 Council REQUESTS a report from the Chief Executive Officer identifying opportunities and options for development of café/restaurant facilities on land owned or managed by the City as part of a review of the provision of coastal facilities within the City;***
- 2 the report gives consideration to facilities which may include the Whitfords Nodes, Mullaloo Beach and Burns Beach, amongst others.”***

OFFICER’S COMMENT

A report can be prepared.

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS

DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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

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

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

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

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

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QUESTION TO BE ASKED AT BRIEFING SESSION/COUNCIL MEETING

TITLE <small>(Mr/Mrs/Ms/Dr)</small>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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

STATEMENT TO BE MADE AT BRIEFING SESSION/COUNCIL MEETING

TITLE <small>(Mr/Mrs/Ms/Dr)</small>	FIRST NAME	SURNAME	ADDRESS

STATEMENT

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Please submit this form at the meeting or:

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