



**MINUTES OF COUNCIL MEETING
HELD ON 26 APRIL 2006**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON WEDNESDAY, 26 APRIL 2006

DECLARATION OF OPENING

The Chairman declared the meeting open at 1900 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

CMR J PATERSON - Chairman

CMR P CLOUGH - Deputy Chairman

Absent from 2035 hrs to 2036 hrs and from 2053 hrs to 2107 hrs

CMR M ANDERSON

CMR S SMITH

CMR A FOX

Officers:

Chief Executive Officer

G HUNT

Absent from 2026 hrs to 2029 hrs

Director, Infrastructure Services:

D DJULBIC

Director, Governance and Strategy:

I COWIE

Acting Director, Corporate Services:

C HIGHAM

Acting Director, Planning and Community
Development:

R MOORE

Manager, Marketing Communications
& Council Support:

M SMITH

Manager Approvals, Planning

Environmental Services

C TERELINCK

Manager, Financial Services:

S HAFEZ

Media Advisor:

L BRENNAN

Committee Clerk:

J HARRISON

Minute Clerk:

L TAYLOR

There were 65 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 4 April 2006:

Dr V Cusack, Kingsley:

Q1 *I refer to the former report No TP71-02/95 to the Wanneroo Council and quote the recommendation from the Water Authority of Western Australia, which stated:*

“for adequate flood protection, a minimum building floor level of RL29.00 metres AHD is advised.”

Considering that the 29.00 metres AHD is the “minimum” as specified by the responsible regulatory authority at that time, will the City of Joondalup do the right thing and prohibit any excavation below 30 metres AHD on the environmentally sensitive lot 550 Woodlake Retreat Kingsley?

Q1(a) *If not, why not?*

A1 & 1(a)

The City has not received any written advice from relevant bodies that would prevent the application from being approved at the levels proposed.

Advertising of Amendment No. 578 to the (then) No. 1 District Planning Scheme closed in December 1994. The purpose of the amendment was to change the zoning of lots 6 and 7 Wanneroo Road – land located south of Lot 550 Woodlake Retreat – to Residential. The (then) Water Authority of Western Australia (WAWA) in a written submission to Council advised of the need for a minimum building floor level to ensure that flooding of any habitable room did not occur. Non-habitable rooms can be built at a lower level. The nominated minimum building floor level was 29 metres above Australian Height Datum (AHD).

The habitable room floor level of the proposed development is 33.7m above AHD, while the floor level of the non-habitable rooms range between 29.77m and 30.77m AHD. Both of these proposed floor levels are above the level referred to in the 1994 correspondence from the WAWA. Therefore, for the purposes of protecting habitable rooms from flooding, the proposed development meets the 1994 advice.

Further, the provisions of the No. 2 District Planning Scheme or the Woodlake Retreat Structure Plan do not prevent the proposed development from occurring at the levels proposed.

In addition, the City has received written advice from relevant bodies (the Department for Planning and Infrastructure, and the Department of Environment) that address the environmental issues relating to the proposed development, which include stormwater runoff and acid sulphate soils (ASS). Their advice did not require any change to the development proposal as submitted.

Q1(b) *Does Council agree that such a sensible decision would virtually eliminate any risk of flooding, and equally importantly, virtually eliminate the expensive risk of generating acid sulphate soils?*

- A1(b) The City has received advice from two state bodies relating to the issues of flooding and ASS. Based on the advice from those peak bodies that there is a minimal risk in terms of flooding and ASS, the development could be approved, with the inclusion of relevant conditions of approval.

Mr D Biron, Mullaloo:

- Q1 *With regards to my previous questions on the City's Noise Policy, and the answers previously given to questions over the last 2 Council meetings, can you now advise me of the specific section of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations which enables this City to not ensure compliance with the prescribed Noise Level Limits?*

- A1 The DoE advises that neither the Regulations nor the Environmental Protection Act 1986 require local governments to take enforcement action against alleged offenders.

- Q2 *With regards to my previous questions on the City's Noise Policy, and the answers previously given to questions over the last 2 Council meetings, can you now advise me of the specific section of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations which advise how recorded levels of nuisance noise in excess of the prescribed limits set out in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations emanating from any noise source can be modified, altered, or subsequently adjusted by the City or any agent of the City, to reduce those recorded levels of noise by removing all the noise from voices.*

- A2 As previously advised, the City does not have a Council policy on noise.

There are various standards that require consideration when qualified measurements are taken. The standards require consideration of, amongst other things, the nature of the noise, and the background environment within which it is created. Regulation 7, of the Environmental Protection Regulations, deals with tonality, impulsiveness and modulation and reference points. Regulation 9 defines impulsiveness, modulation and tonality and applies adjustments for music. Australian Standard 2659.1 - 1988 Guide to the Use of Sound Measuring Equipment - portable sound level meters and other Australian standards relating to the measurement of noise may also be applicable.

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

- A3 Please refer to A2 above.

The following questions were submitted in writing prior to the Council meeting on 26 April 2006

Mr S Kobelke, Sorrento:

Q1 Can Council advise of any plans to provide either traffic lights or a roundabout at Kinross for traffic wishing to enter Marmion Avenue?

A1 Currently the City has no plans to install either traffic signals or a roundabout at this intersection, however, the City reviews the need on an annual basis as part of the State Black Spot Programme.

Q2 Are there plans by Council to cut back on funding for turf cricket wickets?

A2 There are currently no plans to cut back on funding for turf cricket wickets.

Q3 When is the anticipated completion date of the roundabout on Connolly Drive and Burns Beach Road?

A3 There is already an existing roundabout at this intersection, however the City is currently constructing a roundabout at the intersection of Connolly Drive and Kinross Drive. The City expects to complete this project at the end of April, subject to effect of adverse weather implications on the laying of asphalt.

Q4(a) I recall that some 6 months ago the Council appointed a consultant to progress concept planning/public comment on the Ocean Reef Boat Harbour and surrounds. Can the Council give a detailed update on what progress has been made and when an initial call for public input/ comment will be made?

A4(a) Tenders for the consultants required to progress the structure plan for the Ocean Reef Marina were advertised in November 2005 with contracts being awarded in March 2006. Currently consultants are undertaking a review of existing reports and information, developing timelines for the project and preparing for the initial public participation process. The public participation process is expected to commence in June.

Q4(b) Does the Ocean Reef Boat Harbour and significant surrounding land holdings come under control of the State Government?

A4(b) The total area of the Ocean Reef Marina site is approximately 46 hectares of which 24.4 hectares is freehold land owned by the City. The balance of the site is either under the control of the City or will be under the control of the City once vestings have been transferred to the City from State Government agencies.

Q4(c) What is the City of Joondalup's role in this area, short and long term?

A4(c) The City, with the assistance of the appointed consultants, is managing the Structure Plan process. In the long term the City will continue to have management control of the site.

Q5 Can Council advise if any surveys have been done on traffic flow at the intersection of Lilburne Rd and Hepburn Avenue Duncraig?

A5 Yes, the City investigates annually as part of “Black Spot” submissions, all major intersections within the City, based on accident history, traffic volumes and speed.

Q6 *Has consideration been given to constructing a roundabout at the above location, similar to the roundabout at Hepburn and Glengarry Drive?*

A6 Yes, however this intersection does not rank high enough to attract funding for a roundabout or signals as part of the State Black Spot Programme at this point in time.

Q7(a) *What hours of the day and night do the security cars operate?*

A7(a) 24 hours a day, 7 days a week.

Q7(b) *What is the anticipated budget expenditure for the security cars for 2006/07?*

A7(b) The first contract extension ends 17 December 2006 (See A7c). The budget for the 12-month period to December 2006 is \$1,355,281.

Q7(c) *When does the current contract for the provision of security cars expire?*

A7(c) The total period under the current contract is up to 5 years. The annual renewal is at the absolute discretion of the Council.

On 2 November 2004, Council approved the tender for Provision of Security and Patrol Services for the City. The initial period was twelve months with the option to extend for a further four, twelve month- extensions. The City has completed the first period, and has authorised the first twelve-month extension, which ends on 17 December 2006.

In keeping with Council’s resolution 5 when awarding the contract, it was resolved that:

“A report be submitted to Council for consideration prior to the extension of the contract beyond two years.”

As the current contract commenced on 18 December 2004, it is planned to provide the requested report to the Council in late October/early November 2006.

Q8(a) *The developers of the Iluka Estate have cleared the land of vegetation and exposed nearby resident to constant sandblasting. Under the development application are the developers required to stabilise the sand and commence revegetation?*

A8(a) Under the Development Application the developers are responsible for sand drift and dust issues to the satisfaction of the Environmental Protection Authority. Revegetation and landscaping issues will be carried out in accordance with the approved subdivisional landscaping plans.

Q8(b) *I understand that the developers of the Iluka subdivision are required to provide the road that will take Burns Beach Road from Marmion Avenue and join up with Burns Beach Road at Shenton Avenue. Is there any progress on this and can Council comment on the final plan?*

A8(b) The developers have not submitted plans for the section of road highlighted.

Q8(c) When will the Iluka developer be completing the vegetation in the median strip of the section of Burns Beach Road that is finished?

A8(c) The developers have carried out brick paving to the median and currently are installing reticulation for tree wells within this median.

Q8(d) There is a grove of castor oil trees and weeds on the cleared Iluka land that left unchecked might reach the protected foreshore vegetation. Is the Council monitoring this and what action is anticipated?

A8(d) These plants are situated on private land so therefore the City is not in a position to request removal, however, this issue has been raised with the developer who has agreed to remove the plants and any fallen seeds.

Q9(a) Further to the announcement by the Chairman of Commissioners at the April 4, 2006 Council Meeting that the expected handover date for the \$10.3 million Craigie Leisure Centre Project will be around the 15th May 2006. Can Council advise if handover is still on track for this date?

A9(a) The project is presently expected to meet the timelines provided at the Council Meeting on 4 April 2006, subject to the availability of essential contractors required to complete the necessary work.

Q9(b) Can Council give an estimated time from handover to opening?

A9(b) It is possible that up to two weeks may be needed following handover of the facility for staff training and relocation works.

Q9(c) Does the refurbishment include a hydrotherapy pool?

A9(c) A hydrotherapy pool is not included in the facilities at the refurbished facilities at the Craigie Leisure Centre. The leisure pool will be heated to 32 degrees, which will be warmer than most pools and comfortable for young children and older adults. However the 32-degree temperature is not what is expected in hydrotherapy pools, which are normally heated to approximately 36 degrees.

Q10(a) Has Council conducted any traffic studies in Marina Boulevard, Ocean Reef, in particular in the region of the roundabout where Marina Boulevard meets Venturi Drive?

A10(a) The City has recently carried out traffic counts on Marina Boulevard, near Windlass Avenue and results from this survey are anticipated during May 2006.

Q10(b) What is the official speed limit in Marina Boulevard?

A10(b) The posted speed limit within the State comes under the jurisdiction of Main Roads WA and in a built up area the speed limit is 50km/h unless sign posted otherwise.

Q10(c) Marina Boulevard slopes steadily downward towards Venturi Drive and cars pick up significant speed when they reach the Venturi Drive Roundabout. With a school and childcare in the immediate vicinity there is not one Local Traffic 50 km sign anywhere in the stretch from Marmion Avenue to Venturi Drive. Will the Council advise their intentions on this?

A10(c) As previously indicated, all posted speed limits are under the jurisdiction of Main Roads WA and its position in relation to this is that in a built up area the speed limit is 50km/h unless sign posted otherwise. However, under special circumstances, Main Roads WA may install advisory speed signs in keeping with adjacent land uses such as schools. The City will request Main Roads WA to consider advisory signage at this location.

Q10(d) Venturi Drive has School 40km Zone signs on either side of the roundabout near the school. Why does the most dangerous approach down Marina Boulevard towards the school have no School 40km Zone sign?

A10(d) Main Roads WA determines the School zones and installs signage accordingly. Generally, School zones apply where there is a school boundary adjacent to the road. Ocean Reef Primary School boundaries are along Venturi Drive, Swanson Way and Kaufmann Avenue and therefore the School zone does not apply to Marina Boulevard.

Q10(e) Residents report vehicles travelling at high speed down Marina Boulevard to enter the roundabout. Will the Council contact the police to carry out some regular monitoring?

A10(e) The City has a regular reporting process with the Police and will request Police to carry out enforcement on Marina Boulevard east of the Venturi Drive roundabout.

Q11 In October 2005 the City submitted an expression of interest in Round 4 of the 2005/06 State Underground Power Program, nominating the suburbs of Sorrento, Marmion, Duncraig and Greenwood. Can the Council provide an update on this expression of interest?

A11 The current status in relation to the Expressions of Interest is that the initial submission has undergone a preliminary assessment by the Minister for Energy, Science and Innovation. Advice to date is that Western Power will not progress with the Sorrento, Marmion, Duncraig area submissions, however it has recently advised the City that the Greenwood 1 submission will be given further consideration. Whilst the City will be working closely with Western Power to develop the Greenwood 1 proposal further, the City will not be in a position to ascertain whether this project will proceed to the implementation stage until completion of detailed design, costings and public consultation, prior to Western Power and Council giving formal consideration to this matter.

Q12 Is the City of Joondalup responsible for road verges on Hepburn Avenue between Marmion Avenue and West Coast Drive?

A12 Yes, the City is responsible for the maintenance of the verges on Hepburn Avenue between Marmion Avenue and West Coast Drive.

Q13 There appears to be a significant variation between the upkeep of the verge on the northern side of Hepburn Avenue (high quality) and the southern side of Hepburn Avenue (low quality). What is the reason for that?

A13 The northern side of Hepburn Avenue, adjacent to the Harbour Rise estate, is maintained through SAR (Special Area Rating). The residents of the estate pay extra rates to maintain the landscaping to the standard that currently exists.

Q14 *The rise from the footpath of Hepburn Avenue up to Ashmore Way is quite steep and the vegetation appears to be in a poor state. Are there any plans for upgrading the landscaping in this section?*

A14 There are no plans to upgrade the landscaping along this section at this point in time. Notwithstanding this, additional plantings can be provided as part of the City's annual tree planting program upon request.

Q15 *At the bottom of Ashmore Avenue (western end) there is a man made track going down the embankment from Ashmore Avenue to the footpath on Hepburn. There appears an urgent need for stairs to be built in this location as a long term and sensible access for pedestrians. Does the Council have any plans for the construction of stairs at this point?*

A15 At this point in time there are no plans for the construction of stairs at this location. It is noted that any future access provision should take into consideration disability access requirements.

Ms Simone Kobelke, Sorrento:

Q1 *With the growing number of rental properties in Joondalup, can the Council advise if there are any by-laws that regulate the number of people that can reside in a single residence at any one time?*

A1 In terms of residential development, a dwelling is defined in the Residential Design Codes 2002 as meaning the following:

“A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.”

The City of Joondalup Health Local Law 1999 also specifies restrictions in that regard. The Local Law specifies a minimum air space for sleeping purposes within a habitable room of 14 cubic metres for every person over the age of 10 and 8 cubic metres for every person up to and including the age of 10.

Mr S Kobelke, Sorrento:

Q1 *Warwick Commercial Centre in Ellersdale Road. It has been about 10 years since the developer cleared the entire area of vegetation with only about half the area being developed. The remaining half resembles a wasteland. Does Council have any recent information about the intentions for this area?*

A1 No further applications for development of this land have been received at this time.

Q2 *Were there any provisions placed on the developer regarding the development of the site and any time lines?*

A2 No.

- Q3 *Minutes of the Strategic Financial Management Committee 11 April 2006. Can Council expand on the minutes with regard to the suggestion that was raised that consideration be given to the formation of partnerships for provision of assets and services within the City?*
- A3 At the meeting of the Strategic Financial Management Committee, comment was made about the formation of partnerships for the provision of assets and services. This comment relates to the formation of Public Private Partnerships (PPPs) which involve the government operating in conjunction with the private sector to deliver major and costly projects.

Mr D Biron, Mullaloo:

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

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

The Motion was Put and CARRIED

Officer's Comment

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

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

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

At the last meeting of Council the COJ in order to avoid making a proper reply to this question used the idea that it was never the intention of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations to measure any noise from voices that were *reasonable*. I agree with this; however that was not the question lodged. The Environmental Protection Act 1986 and the Environmental Protection Regulations set out clear limits on the levels of noise allowed to be made in residential areas at certain times of day. The COJ however refuses to measure the noise from voices that exceed these legally prescribed levels as made clear by Chris Terelinck. This is not reasonable noise as it exceeds the set limits: as it exceeds the set limits the voices are of an unreasonable nature. It is a secret, unlawful, and unreasonable policy of the officers of the COJ.

At the last meeting of Council despite the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations clearly describing the only legal exemptions allowed to the regulations the COJ claimed in writing that the Act does not preclude the extent of noise controls despite the clear statements of the levels of noise allowed at any time of the day contained in them, and the published statements of Chris Terelinck which make plain that the City has not and does not intend to measure any noise from voices although technically again, no exemption for this noise exists in the Regulations whether they infringe the stated levels at 2.00 am by 1 decibel or 30 decibels or more. Apparently the City of Joondalup not only favours late night drinking parties and antisocial behavior, but actively encourages it by refusing to apply ANY State Legislation designed to protect THE ratepayer from this growing blight on the Community.

Accordingly I repeat question 1 again, and ask for further clarification why the City of Joondalup is free to continue to thumb its nose at WA State laws and under whose authority this continues to take place?

Is it the Minister for Local Government or just their appointees the 5 departing Commissioners?

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

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

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

Chris Terelinck

All the following questions remain deliberately unanswered because the City has clearly been given the authority to ignore and flout State Laws. Accordingly I repeat them again:

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

Q3 With regards to my previous questions on the City's Noise Policy, and the answers previously given to questions over the last 2 Council Meetings can you now advise me of the specific section of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations which advise how recorded levels of nuisance noise in excess of the prescribed limits set out in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations emanating from any noise source can be modified, altered, or subsequently adjusted by the City or any agent of the City, to reduce those recorded levels of noise by removing all the noise from voices.

Q4 *With regards to my previous questions on the City's Noise Policy, and the answers previously given to questions over the last 2 Council Meetings can you now advise me of the specific section of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations which advise how recorded levels of nuisance noise in excess of the prescribed limits set out in the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations containing noise from voices can be modified, altered, or subsequently adjusted by the City or any agent of the City, to reduce those recorded levels of noise by removing all the noise from voices, on the basis that the level of the voices contained in such recordings are reasonable despite the recording levels exceeding the prescribed levels set out by law, making them obviously unreasonable?*

A1-4 These questions have been responded to previously – refer minutes of Council meeting held on 4 April 2006.

Q5 *With regards to my previous questions on the City's Noise Policy, and the answer previously given to questions over the last 2 Council Meetings can you now advise me WHO HAS PROVIDED THE CITY OF Joondalup with the written authority to ignore the very specific sections of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations which detail prescribed State limits on noise and when this written authority was provided to the city and by whom?*

A5 There is no provision for such authority to be granted, as neither the Regulations or the Environmental Protection Act 1986 require local governments to take enforcement action against alleged offenders.

Mr S Magyar, Heathridge:

Q1 *I refer to attachments to reports for the Council meeting of 26 April 2006, attachments paginated page number 126, Payment numbers 5590 and 5873, to Joondalup Plumbing Services. How many different jobs and a brief description of the type of work, at different council owned or operated facilities, were involved to create the payments of \$53,159.11 and \$25,449.28 to this firm?*

A1 All works were carried out for the work orders as per contractual agreements and involved plumbing repairs, installation of various plumbing fixtures including “time-flow” taps, new roof sheeting, and repairs to plumbing necessitated by vandal damage.

Mr S Kobelke, Sorrento:

Q1 *Apart from the \$60,000 salary package difference, what are the differences between the Manager Asset Management (City of Joondalup) Page 83 of West Australian April 22 and the Facilities and Asset Manager (City of Melville) Page 85 of West Australian April 22?*

A1 The organisational structure at the City of Melville is different to the organisational structure of Joondalup. The City of Joondalup has a population of 160,000 people, whilst the City of Melville has a population of some 97,000 people. The Manager Asset Management position at the City of Joondalup is a full managerial role, whereas the Facilities and Asset Manager at Melville is effectively a Co-ordinator position reporting to the Manager Infrastructure Services in that organisation.

Q2 *Does the Manager Organisational Development report to the newly appointed Director Governance and Strategy?*

A2 Yes.

Q3 *Can Council advise again what the salary package of the Director Governance and Strategy is receiving?*

A3 The salary package for the position is \$165,000.

Q4 *Both the Manager Asset Management and Manager Organisational Development are mentioned as newly created. Can Council advise a new management structure layout for the organisation?*

A4 The new organisational structure for the City involves four directorates – Planning & Community Development, Governance & Strategy, Infrastructure Services and Corporate Services. Within Governance & Strategy, a new focus on organisational development is being implemented in recognition of contemporary management practices for a greater emphasis on staffing and organisational performance.

The contract of the CEO requires ongoing attention to organisational performance within the budget allocation assigned by the Council. The management structure below Director level is the responsibility of the CEO.

Q5 *There would be many who would consider the appointment of the Director of Governance and Strategy a luxury the City cannot afford. How does Council respond to the appointment of a further two senior roles, on the eve of the Commissioners departing and a newly elected Council starting, at a real end cost of over a quarter of a million dollars?*

A5 The appointment of the new positions are deemed necessary and appropriate to ensure that the issues raised in the Inquiry into the City of Joondalup and the review of governance at the City are addressed. All positions are within the existing financial budget allocations. The organisational structure has been part of an ongoing review process since mid 2005. The City of Joondalup asset management base for property, plant and equipment is \$497 million, whereas the City of Melville, for the same items, is \$287 million.

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

Mr M Caiacob, Mullaloo:

Q1 *Following my questions to the Council meeting on 4 April 2006 regarding small car bays at Mullaloo Tavern.*

Clearly there is no contention between the Council and the tavern owners as no report has been presented or requested. Therefore, under DPS2 clause 6.10 'Compliance with conditions', the statutory requirement to be observed by this administration and its CEO is that "no person can permit the use of or use land or buildings otherwise in accordance with the applicable lawful conditions of the approval".

Accordingly, whilst referring to the DPS2, who permitted the approval for the tavern occupancy, what actions are to be taken in respect of the developer and administrators not adhering to the statutory requirements and the Code of Conduct and what financial burden has been borne by the City to date?

- A1 From a planning point of view, there was no occupancy certificate or clearance granted for occupation of the tavern. There have been long-standing attempts to resolve the key issues of concern about the development approval, which principally relate to the size of the parking bays. The negotiations to resolve that issue have essentially failed and a stop work direction has been issued to the tavern owners.

This question appears to suggest that no action has been taken and that the issue has been ignored. It is placed on record that this is not the case.

Mr Caiacob tabled the following question:

- Q2 *Shown below is a previous question and response from 4 April 2006, also refer to Briefing questions of 28 March 2006 (19 April agenda).*

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

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

Considering that I am self educated and the public knows very little about structure plans, and the fact that the officers are the highly paid professional planners, who requested Satterley to insert the words “Land use Class of Residential” into this structure plan, how does a professional, paid planner believe that such an issue of land use class would come up via the submission period?

- A2 This question was taken on notice.

Mr E Burton, Kingsley:

- Q1 *Re Aged care facility, Kingsley. I refer to Page 207 of the agenda, item 3, which notes that the approval is based on the construction of an extension of Woodlake Retreat to Wanneroo Road in Kingsley. Why doesn’t the Council upfront and approve the aged care facility conditional on the construction of the road?*

- A1 It is not possible, in issuing an approval, to implicate a third party over which the applicant has no control, therefore the approval cannot be conditional upon the applicant constructing the road.

Mr M Sideris, Mullaloo:

- Q1 *In relation to the response provided earlier to Mr Caiacob, can you please advise what action has been taken against the developer for its non-compliance of planning development conditions and does that include the appropriate enforcement powers of the Town Planning and Development Act?*
- A1 As an initial response, the City has explored opportunities to take action under the Liquor Licensing legislation, Town Planning legislation and the Local Government Act. The Manager Approvals Planning and Environmental Services outlined in his response the action that has been taken in recent days. Issues have not been ignored and matters have been initiated. Written details will be provided to Mr Sideris.
- Q2 *Late Item – Proposed hospital and medical centre. Can you please advise why this late item was mentioned in the property section of The West Australian before it was made available to members of the community?*
- A2 The City has no control over the actions of individual developers in making information available publicly.

Ms K Woodmass, Kingsley:

- Q1 *I refer to the West Australian Local Government Association's advertisement in Tuesday's West Australian. Does Aegis and Meath Care fall into the charity definition as determined by the State Administrative Tribunal and will they be exempt from paying rates in the City of Joondalup? If yes, how will this affect rates in future years?*
- A1 It is believed that both are private corporations. The article referred to a number of charitable and church groups and neither of those organisations fit into that category.

Dr V Cusack, Kingsley:

- Q1 *Item CJ306-12/03 considered at the Council meeting on 16 December 2003 provided a plan, at Attachment 2, showing a four metre wide easement. The resolution of that meeting, in part, stated that the Joint Commissioners:*

"2 resolve that the modified Woodlake Retreat Structure Plan shown on Attachment 1 be adopted and submitted to the WA Planning Commission for adoption and certification.

3 subject to certification of the modified Woodlake Retreat Structure Plan by the WA Planning Commission adopt the Woodlake Retreat Structure Plan."

Why was the plan showing the four metre wide easement not included in the authorised Woodlake Retreat Structure Plan No 3?

- Q2 *Why was the modified structure plan not sent back to the WA Planning Commission as per the resolution of the Commissioners on 16 December 2003?*

A1&2 These questions were taken on notice.

Ms M Moon, Greenwood:

Q1 *Could you advise where the following statement can be found?*

“Once the proposals for development and subdivision within the area of an agreed structure plan within the Urban Development zone become certain, the zones and provisions created under the agreed structure plan will be formalised by way of a Scheme Amendment to replace the Urban Development zone in that area.”

A1 It is understood that there is no need to replace the zones, and that the Urban Development zone can remain in place with the structure plan.

Q2 *The statement made in question 1 above can be found on page 59 of the Scheme Report and on page 55 it states, “the scheme text provides a legal mechanism for implementing the proposal set out in the scheme report.” When will the City meet its statutory obligations and ensure zones, codes and provisions for Cook Avenue and the CSIRO site Marmion, and any other Urban Development zones are progressed into the DPS2 as per legal mechanism Clause 9.82 of DPS2?*

A2 The City is of the view that the correct procedures have been undertaken and are statutorily connected to the Scheme.

Ms S Hart, Greenwood:

Q1 *Re: CJ078-04/06. The CEO has declared an interest that may affect impartiality. What staff and/or Commissioners have been involved in meeting with consultants or representatives of Aegis Pty Ltd?*

A1 The Director of Planning and Community Development, and Manager Approvals Planning and Environmental Services have been involved, and there are other staff within the planning area who have also been quite extensively involved. This is normal for a major development.

Q2 *Why haven't the other staff disclosed an interest in this item?*

A2 Those other staff do not have an impartiality interest and there is some doubt as to whether the CEO was required to declare an interest.

Mr M O'Brien, Warwick:

Q1 *Regarding an article in today's Western Australian attributed to Mr Bill Mitchell of the Local Government Association regarding the rating of not-for-profit aged care facilities. Have the officers in their work on the preliminary preparation of the 2006/07 budget, proposed continuation of the exemption for Church of Christ Homes in Warwick, Masonic Homes in Kingsley and Elderbloom Community Care Centres in Barrisdale Road, Kingsley?*

A1 No changes have been proposed to the existing exemptions that are in place. The Council will deal with this matter during the budget process.

Mrs M Zakrevsky, Mullaloo:

- Q1 *This week is Children's Playground Safety Week and in view of recent concerns regarding burnt feet from hot matting, sharp sheoak cones from inappropriate tree species in or adjacent to sand pits and the death related to falling from a flying fox, could Council use tonight's item relating to the Public Participation Research Programme to undertake a public participation strategy for ensuring that playgrounds are of the highest standards, meeting the safety and activity requirements for small children? What priority will Council give this matter?*
- A1 The Public Participation Strategy and documents on the agenda are for large-scale projects. The City will take the request on notice and will respond to advise of actions currently being taken and what options might be available in the future.
- Q2 *Is Council making a submission in relation to the Code of Practice for Fireworks Displays, which is currently out for public comment and due to close in about three weeks? Will Council consider that all beaches adjacent to natural vegetation Coastal Dunes (including Bush Forever Site 325) be exempt because of fire risk and a more suitable site be designated for future licence applications such as the beach between the Sorrento Surf Club and the Hillarys Marina, which has easy access for FESA, police and the City's Rangers, the reticulated lawns adjacent to the beach constituting a minimal fire risk?*
- A2 No submission has been made. The issue of firework licences will be investigated and the City undertakes to minimise any impact.

Mr A Quigley, Scarborough:

- Q1 *Re Proposed hospital and medical centre. Is there no room for expansion of the existing psychiatric facilities within the Joondalup Health Campus grounds?*
- Q2 *An article in today's property section of The West Australian indicates that the hospital has been approved.*
- A1 & 2 The application is for a private development being proposed on privately owned land and it has no link in that sense with the Health Campus although from a medical point of view there will no doubt be some linkages forged should the application be approved.

There are plans to expand the Joondalup Health Campus, although it is not known whether that contains an expansion to the psychiatric division.

Ms M Macdonald, Mullaloo:

- Q1 *Why have late items been submitted to tonight's meeting, as they give no opportunity for the community to read them?*
- A1 Two of the late items relate to matters dealt with at the Audit Committee meeting held earlier this evening. Every effort is made to ensure that items are dealt with as expeditiously as possible and that unfortunately means on occasions that there is a tight timeline.

PUBLIC STATEMENT TIME

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

Mr M Caiacob, Mullaloo:

Mr Caiacob spoke on the issue of election apathy and the reasons for the anticipated low voter turnout.

Mrs M Macdonald, Mullaloo:

Mrs Macdonald spoke on the structure plan for the Joondalup City Centre and the need for the City to introduce third party rights into DPS2 to protect amenity of residents.

Mr M Sideris, Mullaloo:

Mr Sideris spoke on the terms of office of the Commissioners.

Mr E Burton, Kingsley:

Mr Burton spoke in opposition to the proposed aged care facility in Woodlake Retreat and raised issues of traffic concerns and vehicle movements and requested that a decision be deferred until outstanding issues are resolved.

Mr A Savory, Kingsley:

Mr Savory, on behalf of 58 permanent residents of Kingsley Lakeside Village, spoke in support to the proposed aged care facility in Woodlake Retreat.

Ms K Woodmass, Kingsley:

Ms Woodmass spoke in opposition to the proposed aged care facility in Woodlake Retreat and requested Commissioners to defer the development until the new Council has been elected.

Dr V Cusack, Kingsley:

Dr Cusack spoke in opposition to the proposed aged care facility in Woodlake Retreat and raised concerns relating to the structure plan.

Ms S Hart, Greenwood:

Ms Hart spoke in opposition to the proposed aged care facility in Woodlake Retreat, the impact on Yellagonga Park, amenity issues, acid sulphate soils and provision of a road.

C18-04/06**EXTENSION OF PUBLIC STATEMENT TIME**

MOVED Cmr Smith, **SECONDED** Cmr Fox that public statement time be extended for a period of ten minutes, subject to a limit of two (2) minutes per person.

The Motion was Put and

CARRIED (5/0)

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

Ms M Moon, Greenwood:

Ms Moon spoke in relation to the proposed aged care facility in Woodlake Retreat and the issue of amenity and provision of a road.

Mr M O'Brien, Warwick:

Mr O'Brien spoke in support of the proposed aged care facility in Woodlake Retreat and the critical need for aged care facilities.

Mr A Bryant, Craigie:

Mr Bryant expressed his appreciation to the Commissioners for the courtesy extended to him during their term of office.

Mr A Quigley, Scarborough:

Mr Quigley spoke in opposition to the proposed psychiatric hospital and medical centre in Davidson Terrace, Joondalup and possible devaluation of property.

Mr R de Gruchy, Sorrento:

Mr de Gruchy thanked the Commissioners for their efforts over their term of office.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

CONFIRMATION OF MINUTES

C19-04/06**MINUTES OF COUNCIL MEETING – 4 APRIL 2006**

MOVED Cmr Anderson, **SECONDED** Cmr Clough that the Minutes of the Council Meeting held on 4 April 2006, be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

ANZAC SPIRIT

In the time of the Commissioners, the ANZAC tradition has been reborn in the City of Joondalup.

Approximately 1000 people made the effort to attend the Dawn Service at the War memorial in Central Park.

The big turnout, the second since the ceremony resumed was a tribute to our Diggers and to the efforts of the local RSL.

I have offered the City's support to the Dawn Service and the service on Remembrance Day and trust that the new Council will see the importance of marking these two days in a special way.

It is fitting that the Dawn Service was my last official function as Chairman and this is the last Council meeting for myself and my fellow Commissioners.

The Commissioners were appointed by the State Government in December 2003 to resolve what was a difficult situation and put the City of Joondalup back on track where it deserves to be.

In our tenure of two years and four months, stability has been returned and the affairs of the City are running smoothly.

A stable platform has been built for the Council to be elected on 6 May 2006.

I thank my Commissioners, Anne Fox, Steve Smith, Michael Anderson, Deputy Cmr Peter Clough and his predecessor Allan Drake-Brockman for their support during that two and a half years.

I thank the CEO, Garry Hunt and the staff for their marvellous support during our time here and I know their professional service to the new Council will continue.

I thank the gallery for the polite manner in which they have taken on the new format for public question and statement time, and I believe that was one of the real differences Commissioners made. Commissioners noticed that when public statement time was introduced for the first time, the community felt they had a say and that Commissioners would listen. I believe this has worked well and especially thank the community for their support and assistance with what was a difficult task.

As I say, we have laid the foundation for the new Council, which I encourage to leave the past behind and put into action the new City motto "focussing on the future".

NEXT COUNCIL MEETING

I advise that all meetings are cancelled for three weeks while the newly elected members attend Induction Sessions.

The next Council meeting will be held on Tuesday, 6 June 2006.

Following the low voter turnout, it is hoped that you all encourage your friends and neighbours to vote. I believe that when a person has the opportunity to vote, one of the most important things is to make the most of the opportunity.

I thank you all for your respect shown to the Commissioners and I wish the City well in the future.

DECLARATIONS OF FINANCIAL INTEREST

Disclosure of Financial Interests

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

Name/Position	Cmr P Clough
Item No/Subject	CJ076-04/06 – Minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 1 February 2006
Nature of interest	Financial
Extent of Interest	Cmr Clough provides consultancy services to Joondalup Health Campus, which is not linked to this application.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ070-04/06 – Minutes of the CEO Performance Review Committee meeting held 4 April 2006 – (Item 1 – CEO Employment Contract Review)
Nature of interest	Financial
Extent of Interest	This item relates to Mr Hunt's contract of employment.

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	CJ071-04/06 – Request for Annual Leave – Chief Executive Officer
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer

Name/Position	Cmr Peter Clough
Item No/Subject	C21-04/06 – Proposed Hospital and Medical Centre (including Pharmacy) and Café/Restaurant at Lot 450 (8) Davidson Terrace, Joondalup
Nature of interest	Financial
Extent of Interest	Cmr Clough provides consultancy services to Joondalup Health Campus, which is not linked to this application.

Disclosure of interest affecting impartiality

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

Name/Position	Cmr S Smith
Item No/Subject	CJ068-04/06 – City-Country Relationship
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Smith undertakes contract work for WALGA.

Name/Position	Mr Peter Schneider – Director Corporate Services
Item No/Subject	CJ070-04/06 – Minutes of the CEO Performance Review Committee Meetings held on 4 April 2006
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr David Djulbic - Director Infrastructure Services
Item No/Subject	CJ070-04/06 – Minutes of the CEO Performance Review Committee Meetings held on 4 April 2006
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of employment relationship with the CEO

Name/Position	Mr Peter Schneider – Director Corporate Services
Item No/Subject	CJ071-04/06 – Request for Annual Leave – Chief Executive Officer
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr David Djulbic - Director Infrastructure Services
Item No/Subject	CJ071-04/06 – Request for Annual Leave – Chief Executive Officer
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of employment relationship with the CEO

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ072-04/06 – List of Payments made during the month of March 2006
	Interest that may affect impartiality
Extent of Interest	Mr Hunt is one of the payees mentioned in the List of Payments.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ073-04/06 - Tender 049-05/06 – Provision of Technical Consultancy Services for the City of Joondalup
Nature of interest	Interest that may affect impartiality
Extent of Interest	A relative of Mr Hunt's is engaged by M P Rogers and Associates Pty Ltd.

Name/Position	Cmr P Clough
Item No/Subject	CJ078-04/06 - Proposed Aged Care Facility at Lot 550 (42) Woodlake Retreat
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Clough provides consultancy services to an aged care provider, other than the applicant of this proposal, but not someone that has an interest in this issue. Cmr Clough stated he would act impartially in relation to this Item.

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	CJ078-04/06 - Proposed Aged Care Facility at Lot 550 (42) Woodlake Retreat
Nature of interest	Interest that may affect impartiality
Extent of Interest	<p>A relative of Mr Hunt's was admitted to an AEGIS Pty Ltd facility from Osborne Park Hospital on Thursday, 12 April 2006 for eight (8) weeks.</p> <p>Mr Hunt stated he has not been involved in any discussions with consultants or representatives of Aegis Pty Ltd in relation to this development, apart from a discussion with an MLA on Wednesday, 19 April 2006.</p>

Name/Position	Mr Ian Cowie - Director Governance and Strategy
Item No/Subject	CJ078-04/06 - Proposed Aged Care Facility at Lot 550 (42) Woodlake Retreat
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Cowie was a member of the Statutory Planning Committee when it approved the Structure Plan for Woodlake Retreat.

Name/Position	Mr Chris Terelinck – Manager Approvals Planning and Environmental Services
Item No/Subject	CJ078-04/06 - Proposed Aged Care Facility at Lot 550 (42) Woodlake Retreat
Nature of interest	Interest that may affect impartiality
Extent of Interest	In the mid-late 1990s Mr Terelinck worked with a development group on the original subdivision of the subject land and subsequently on the development of scenarios of the adjoining land on Lot 709.

Name/Position	Cmr A Fox
Item No/Subject	C21-04/06 – Proposed Hospital and Medical Centre (including Pharmacy) and Café/Restaurant at Lot 450 (8) Davidson Terrace, Joondalup
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Fox is currently employed within the health care sector, but has no relationship with any facility within the Joondalup area.

Name/Position	Cmr M Anderson
Item No/Subject	C22-04/06 – Review of Draft Audit Committee Charter
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Anderson is a Chartered Accountant

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	C24-04/06 - Confidential Item – Request for Legal Representation
Nature of interest	Interest that may affect impartiality
Extent of Interest	The applicant reports to the Chief Executive Officer

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

Nil.

PETITIONS

C20-04/06 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 26 APRIL 2006

PETITION REQUESTING SPECIAL MEETING OF ELECTORS – PROPOSED AGED CARE FACILITY - LOT 550 WOODLAKE RETREAT, KINGSLEY - [11513]

In accordance with Section 5.28 of the Local Government Act 1995, a 203-signature petition has been received from electors of the City of Joondalup requesting that a special meeting of electors be held to discuss issues in relation to the proposed aged care facility – Lot 550 Woodlake Retreat, Kingsley, and include:

- 1 Woodlake Retreat Structure Plan
- 2 Section 6.8 of the City of Joondalup's District Planning Scheme No 2 (DPS2)
- 3 Exercising discretion under section 4.5.3 of the DPS2 and particularly the adverse effects upon the inhabitants of the locality
- 4 Size and scale of the proposed "aged care facility" adjacent to a medium density residential area, and residential amenity
- 5 Restricted vehicular access (including emergency vehicles) and associated issues of public safety
- 6 Traffic volume, parking and noise
- 7 Environmental impacts on one of the City's Crown Jewel Wetlands being Lake Goollelal
- 8 Acid Sulphate Soils and possible contamination of Lake Goollelal
- 9 Any other matters raised from the floor of the meeting

MOVED Cmr Clough, SECONDED Cmr Anderson that the petition be referred to the CEO for action in accordance with the provisions of the Local Government Act 1995 to call a meeting within 35 days.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

CJ062 - 04/06 PUBLIC PARTICIPATION - RESEARCH PROGRAM - [84574] [75521]

WARD: All

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

CJ060419_BRF.DOC:ITEM 1

PURPOSE

To provide Council with:

- Findings from the program of research that was conducted to support implementation of the Public Participation Policy 1-2 and the community education component of the Public Participation Strategy; and
- Recommendations for updating the existing Strategy in line with research findings.

EXECUTIVE SUMMARY

The Public Participation Strategy (the Strategy) was adopted by Council on 28 June 2005 (CJ123 – 06/05 refers). A program of research was undertaken to support implementation of the Public Participation Policy 1-2 and the community education component of the Strategy with the intent of increasing community participation in Council's planning, development and service delivery activities.

The research program was conducted in two stages:

- Stage One involved the distribution of a questionnaire
- Stage Two involved convening focus groups

The research program has served to:

- Generate community interest in public participation with the City of Joondalup
- Demonstrate the City's commitment to public participation
- Identify the factors that will encourage people who are considering taking up participation in local governance to become active participants
- Inform the development of community education objectives for the design and delivery of future community education programs
- Identify areas for revision in the Strategy to support implementation of the new community education objectives

This report recommends that Council NOTES the research findings and agrees to the recommendations.

BACKGROUND

Council adopted the Public Participation Strategy (*Attachment A refers*) on 28 June, 2005 (CJ123- 06/05 refers).

The Strategy was developed to address:

- The identification of issues requiring public participation;
- The inclusion in the annual budget process of funding for public participation activities;
- Increasing staff awareness and skills in public participation techniques;
- How all sectors and groups within the community can have the opportunity to participate in the City's activities; and
- A community education program relating to public participation in the City's affairs.

A program of research was undertaken during July and August 2005 with the intent of finding new ways of increasing community participation in Council's major planning, development and service delivery activities through the development of community education programs.

A City officer developed the research program, which was also submitted for a Masters degree from Edith Cowan University (ECU). Prior to commencement of the research program, the research proposal was subject to a rigorous process of internal review by the University, including presentation to the independent Human Research Ethics Committee (HREC). Approval to proceed was received from the HREC on 27 April, 2005. Two ECU staff members, Principal Supervisor Dr Simone Pettigrew and Associate Supervisor, Ms Maria Ryan of the Faculty of Business and Law, supervised the academic work of the student. The quality of the research resulted in the student being nominated for a University and Community Service Award.

DETAILS

The City has a Public Participation Policy 1-2 and a Public Participation Strategy, which mandates the practice of community engagement.

In the section on community education, the Strategy states:

To ensure that future community education programs are effective in helping members of the public to take up opportunities to participate, a program of research is planned that will identify and then profile members of the community with an interest in participative exercises. In this way, programs can be appropriately resourced and tailored to needs of potential participants.

Issues and options considered:

Development of community education strategies for encouraging people to participate in local governance is a major component of the Public Participation Strategy. This is in recognition of the fact that currently few people take up opportunities to participate whilst the wider community remains largely unrepresented on matters that may affect it.

To design community education programs best suited to the learning/support needs of people thinking about, or planning to participate in Council's planning, development and service delivery activities, a research program was developed to identify and profile them. Details of the research methodology can be found in *Attachment B* of this Report.

The research program was designed in two stages:

- Stage One was to identify existing levels of interest in participation across the community through the distribution of a questionnaire to a total sample of 5080 local residents. A copy of the questionnaire can be found in *Attachment C* of this Report.
- Stage Two was to focus on the people (the target group for the study), who had identified themselves as thinking about, or preparing to participate in Stage One to determine the factors that would motivate them to begin participating.

Information from Stage One

A summary of the responses to the questionnaire from the total sample (558 people) can be found in *Attachment D*. The target group forms 25% of that sample.

The demographic characteristics of people in the target group are summarised and compared with people in the total sample in the table below.

Item	Target Group	Total Sample
Male	42.9%	36.6%
Female	57.1%	61.5%
Aged 18 - 35	34.5%	27.8%
Households with children	66.9%	68.8%
Children at home (<5)	15.5%	15.9%
School aged children (5>)	34.5%	40.5%
10 years + in suburb	32.4%	35.7%
Gross weekly household income \$1000 - \$1,500+	47.9%	22.2%
Residence in North Ward	20.7%	19.5%
Volunteer church based organisations	12.7%	11.6%
Future volunteer interest	61.3%	53.3%
Preference for receiving information through Community News	68.3%	65.4%

Values, attitudes and beliefs of target group

In the literature on active citizenship, certain characteristics have been identified as those that typify someone who gets involved in civic participation. The questionnaire (*Attachment C* refers) was designed to determine the extent to which those characteristics - or those values, attitudes and beliefs - existed in the community. Statistical analysis of the data on community life, preparedness to act on behalf of one's community and sense of belonging revealed that people in the target group were more likely than the people who had not thought of participating:

- To act on behalf of their communities through contributing their time and effort to local issues and concerns
- To take action in a variety of ways to support their community and
- To identify more strongly with the places in which they lived

The only significant barrier to participation for the target group was identified as their seeming lack of confidence on knowing where to go or who to speak to about participating.

The quantitative analysis showed that the target group shared the same values, attitudes and beliefs as people who were already participating, only to a lesser extent. It was therefore important to identify the factors that would motivate people in the target group to become participants in Stage Two of the research program.

Information from Stage Two

A summary of the qualitative analysis of the focus groups can be found in *Attachment E* to this Report.

The purpose of conducting the research was to inform the development of future community education programs. Accordingly, the key findings from Stage Two have been converted into objectives for community education in the table below.

Key Findings	Community Education Objectives
<p>1. Level of authenticity and trust <i>People who feel they will be able to make a genuine contribution to the final outcome of any participative process are more likely to take up opportunities to participate.</i></p> <p>A major disincentive to participation occurs where the target group cannot see how their contribution will be linked to the eventual outcome of a process. There are concerns that the process in these circumstances is inauthentic or tokenistic.</p> <p>For the community to be empowered to participate it is important the information about a project is clearly articulated from the outset.</p>	<p>To demonstrate authenticity and build trust, community education initiatives will employ a range of techniques to provide the following information:</p> <ul style="list-style-type: none"> • the purpose of a specific public participation project, • the background/history of the project, • the non-negotiable aspects of the project eg financial constraints, legislative requirements, Australian Standards etc; • the potential impact of the project on their lifestyle/personal situation • how they will be enabled to participate, • how their input will be used to inform final decisions, • the timescale of the project and how they will be able to assist in evaluating the effectiveness of the participation process.
<p>2. Proximity to the issue <i>People who strongly identify with their communities are those most likely to take up opportunities to participate.</i></p> <p>Focus group participants strongly support the notion that the people most likely to experience the impact of the issue directly should be invited to participate. They support the use of:</p> <ol style="list-style-type: none"> (a) random selection to personally invite people from the areas affected to participate (b) linkages with existing community networks for taking messages about participation out to the places affected (c) manned displays in shopping centres in the areas affected on popular shopping nights so that there are opportunities to ask questions about the display and pick up information about the participative process. 	<p>To ensure that the people most directly affected by an issue for participation are provided with community education on the matter in hand by:</p> <ul style="list-style-type: none"> • Using participation targets based on the distribution of the total population across each of the wards of Council • Seeking Expressions of Interest on a ward by ward basis using a range of communication channels including local community • Using the City's databases to randomly select and invite people to the program from the geographic area • Creating displays supported by information handouts that can be set up at various venues as needed.

Key Findings	Community Education Objectives
<p>3. Level of understanding of impact <i>People who can understand the potential impact of the outcomes of participation on themselves and their communities will be more likely to participate.</i></p> <p>Part of making the decision to become involved in a participative exercise is based on the level of understanding about the issue – what it means for the community and the individual.</p> <p>Analysis revealed a strong link between understanding and empowerment to act. Focus group members have identified that education on the issues or the technical matters upon which participation is sought should be an integral part of any participative process.</p>	<p>To ensure that members of the public understand what a specific participation process means for them, community education should be provided on the following:</p> <ul style="list-style-type: none"> • The roles and responsibilities of local government with respect to the participation matter • Any technical matters likely to arise in the course of a participative process that are 'participation specific' e.g. Strategic Planning, Traffic Management
<p>4. Structure, 'safety' and equity <i>People who feel the process is being managed well and conducted in a 'safe' environment will be more likely to participate.</i></p> <p>Focus group members understand that by involving the people most closely affected by an issue, there is the potential for conflict arising from competing aspirations, goals and interests. This presented a disincentive to participate that may be overcome through delivering community education on typical forms of participation in the City of Joondalup.</p>	<p>To demonstrate the City's capacity to manage and conduct public participation exercises that will meet participant expectations for structure, safety and equity, community education will be provided on:</p> <ul style="list-style-type: none"> • Community working parties or reference groups such as those for redeveloping a local park or resolving traffic problems • The design and evaluation of public participation processes

Development and delivery of community education

To develop and deliver a community education program on a specific issue there are a number of steps to be taken. Each step will be described below:

Purpose of the participative process

The rationale for conducting public participation must be clearly articulated by the City. From this point it will be possible to develop the key questions that are the vehicle for receiving input from the community.

Identify the technical aspects of the process

What will people need to understand to be able to participate fully? For example, when the review of the Strategic Plan is undertaken, the community will need to understand the concept of strategic planning and what it is meant to achieve. A recent participative exercise involving decisions on where to locate a road, required the assistance of engineers to help participants understand the consequences of different forms of road structure, design and traffic management.

Convert technical matters into understandable concepts

A major challenge is for professionals to be able to convert the language of their industry into concepts that others can understand enough to be able to contribute to a participative process. This step in the process of developing a community education program would provide the information necessary for developing supporting materials such as FAQ sheets or brochures and presentation materials such as PowerPoint presentations.

Develop community education program

The program itself must provide information on the following:

- the purpose of a specific public participation project,
- the background/history of the project,
- the technical matters associated with the participation project
- the non-negotiable aspects of the project eg financial constraints, legislative requirements, Australian Standards etc;
- the potential impact of the project on lifestyle/personal circumstances
- how they will be enabled to participate,
- how their input will be used to inform final decisions,
- the timescale of the project and how they will be able to assist in evaluating the effectiveness of the participation process.

Identify the target audience

As the purpose of community education is to increase levels of community representativeness, it is proposed that participation targets are set for each participative process. By tracking actual participation against targets, it will be possible to determine the extent to which a specific community education program has succeeded in achieving broad representation and increased levels of participation at the same time.

Where a matter involves seeking input from the whole of the City, participation targets should be based on a sample population of 560 people divided between the six wards of Council. The division would be based on the % distribution of the total population between the wards. For example, 17.7% of the City's population over 18 live in the South West Ward, 17.7% of a sample of 560 equates to 99 people, and therefore the South West Ward representation target is 99 individuals. The table overleaf provides the population targets for all wards of Council.

Where a matter involves seeking input from specific suburbs within a ward, the representative target should be set to receive input from at least 30 people. These targets are shown in column 4 of the table overleaf.

WARD	SUBURB	NO. PEOPLE BY SUBURB	Targets for suburb specific issues	% TOTAL POPULATION for City wide issues	PARTICIPATION TARGETS BY WARD for City wide issues
North Ward	Burns	207	30	17.1%	96
	Connolly	2588	30		
	Currambine	4378	30		
	Iluka	2435	30		
	Joondalup	4698	30		
	Kinross	4588	30		
	TOTAL	18894			
North Central Ward	Edgewater	3650	30	17.3%	97
	Heathridge	5216	30		
	Ocean Reef	5870	30		
	Mullaloo	4435	30		
	TOTAL	19171			
Central Ward	Beldon	3124	30	16.7%	94
	Craigie	4566	30		
	Kallaroo	4073	30		
	Woodvale	6708	34		
	TOTAL	18471			
South West Ward	Hillarys	7344	37	17.7%	99
	Padbury	6614	34		
	Sorrento	5663	30		
	TOTAL	19621			
South East Ward	Kingsley	9907	50	16.1%	90
	Greenwood	7882	40		
	TOTAL	17789			
South Ward	Marmion	1664	30	15.0%	84
	Duncraig	11850	60		
	Warwick	3096	30		
	TOTAL	16610			
TOTALS		110556	100.0%		560

*Participation targets developed from Australian Bureau of Statistics (2005) report on estimated resident population as at 30 June 2004 for people aged 20+

*Column 4 - Participation targets for suburb specific issues will have greater targets set in order to ensure statistical validation in smaller sample groups such as suburbs

*Column 5 show percentages based on the total population sample per ward and will be applied for broader citywide issues requiring public participation

Plan outreach strategies

To deliver community education programs and achieve participation targets, it will be necessary to identify the best methods for contacting and engaging with the community. The findings from the research program have supported the use of randomised selection, networking and public displays as the channel for contacting people who may be interested in participating once they have received education on the matter in hand.

Community education programs may be delivered in various ways:

- Randomly selecting and inviting people in the affected area to attend a session at a venue near their homes
- Invitations to representatives from a range of community groups to attend a session at venue near their homes
- Negotiating to make a brief presentation at established meetings of community groups

Evaluate community education effectiveness

As the primary purpose for conducting community education is to increase participation through empowering people who are thinking about and preparing to participate in local governance, it will be appropriate to evaluate the extent to which this has been achieved.

Therefore, evaluation is recommended with respect to:

- Levels of community satisfaction with the community education program,
- Actual participation against targeted participation.

Amendments to Public Participation Strategy

The findings from the program of research have supported the development of the community education component of the Public Participation Strategy. In the event that Council supports the development outlined in this report, the Strategy will need to be updated in a number of sections, namely:

Section 4: Strategy Objective and Requirements sub section “How all sectors and groups can have the opportunity to participate.” The subsection should be redrafted to identify how representation will be sought from the people most directly affected by an issue requiring participation at the level of a specific ward or across the City as a whole.

Section 4: Strategy Objective and Requirements sub section “A community education program.” The sub section should be redrafted to include information on the proposed ‘outreach’ form of community education programming.

Section 6: Public Participation Project sub section Phase 1 – Task Definition. The subsection to redrafted as follows:

“During this phase, the following matters must be identified and documented in a Public Participation Plan:

- *the purpose of a specific public participation project*
- *the background/history of the project*
- *the key audience*
- *the potential impact of the project on their lifestyle/personal situation*
- *how they will be enabled to participate*
- *how their input will be used to inform final decisions*
- *the timescale of the project and how they will be able to assist in evaluating the effectiveness of the participation process.*
- *the non-negotiable aspects of the project eg financial constraints, legislative requirements, Australian Standards etc*

This information must be made available to the public and form part of 'participation specific' community education and information strategies. In instances where a contractor will project manage a public participation process, this information is to be provided as a guide."

Section 6: Public Participation Process sub section Phase 2 – Representation: to be redrafted to include reference to provision of community education programs.

Section 6: Public Participation Process to insert a new Phase 3 – Community Education. The identified activities within the phase will need to include development and delivery and evaluation of 'participation specific' community education programs.

Link to Strategic Plan:

The City's Strategic Plan 2003 – 2008 states that the decisions of Council will be guided by a number of underlying principles that have been developed to guide the City's decision making. Two of the Guiding Principles highlight Council's commitment to public participation:

Community Focus

We will work in partnership with our community to build capacity, and develop community ownership and identity.

Leadership through partnerships and networks

- We will develop partnerships and networks throughout the community.
- We will develop a supportive and trusting relationship with our community.

Further, objective 4.3 of the Strategic Plan is "to ensure the City responds to and communicates with the community and identifies the following strategies to meet this objective:

- Provide effective and clear community consultation
- Provide accessible community information
- Provide fair and transparent decision-making processes

Legislation – Statutory Provisions:

The Local Government Act (1995) Section 1.3 (2)(b) promotes the following:

"Greater community participation in the decisions and affairs of Local Governments"

Risk Management considerations:

Ethical Risks

The research findings confirmed that public participation processes that are not perceived as genuine or that do not reflect the community's contribution are viewed with scepticism and mistrust. It is therefore important to ensure that the purpose of the process is clearly communicated, that the process is implemented in accordance with how it has been communicated and that it is subsequently evaluated to identify the extent to which participants have been satisfied with it.

Project Management Risks

Perceived lack of representativeness in a participative process may represent a risk. As identified previously, the research findings identified that representation should be sought from those most directly affected. Where the issue is at the level of a specific suburb, participation should be sought from people within the suburb either by identifying individuals likely to be directly affected or through a process of random selection for the suburb. In the event that an issue is considered to be a matter for the whole of the City, representation should be sought from each ward of Council. In the event that the issue is located within a discrete suburb but has wider implications, representation should be weighted toward those most directly affected in the first instance and then to other identified stakeholders proportionate to how the issue will affect them. However representation on a matter is determined, the decision should be made public so that the process is transparent from the outset.

Financial/Budget Implications:

Account No:	1- 2110 – Various - 0001
Budget Item:	Various Operating Budgets
Budget Amount:	\$
YTD Amount:	\$
Actual Cost:	\$5,848

Policy implications:

This report provides enhanced capacity to achieve the intent of the Council's Public Participation Policy 1-2.

Regional Significance:

Whilst the research program was conducted to support implementation of the City's Public Participation Strategy, the findings from the research are currently being used to inform two public participation initiatives currently being developed involving the City of Wanneroo. These projects include (1) a feasibility study for an environment centre within the Yellagonga Regional Park and (2) the Yellagonga Integrated Catchment Management Plan.

Sustainability Implications:

Community support and collaboration on matters is desirable to achieve sustainable development.

Consultation:

The project involved 5080 people who were randomly selected and invited to participate in the research program. A total of 558 people returned the survey, with 176 people indicating their preparedness to participate in focus groups.

COMMENT

The research program has served to identify the factors that will encourage people thinking about or preparing to participate to take the next step and become active participants in local governance. These factors have informed the development of community education objectives for the design and delivery of future community education programs.

Public participation is a growth area for governments at all levels and has been identified as a major component of good governance. The City's Governance Framework identifies that an external evidence of good governance can be found where "...a community...feels engaged, knows what is going on, is included in decision-making and feels part of the governing process." However, the current situation is one in which only a small number of local residents choose to participate on a regular basis and this means that representation of community interests is limited. It is anticipated that greater participation and representation from the wider community will be generated as a result of implementing community education programs based on the objectives developed with reference to the research.

ATTACHMENTS

Attachment A	Public Participation Strategy
Attachment B	Research methodology
Attachment C	Questionnaire
Attachment D	Summary of responses to questionnaire from total sample
Attachment E	Summary of qualitative findings from focus groups

VOTING REQUIREMENTS

Simple Majority

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

- 1 **NOTES** the content of Report CJ062-04/06 and the findings from the program of research;
- 2 **AGREES** to the revision and further development of the Public Participation Strategy as outlined in Report CJ062-04/06;
- 3 **SUPPORTS** the further development and implementation of community education programs in line with the community education objectives outlined in Report CJ062-04/06.

Discussion ensued.

AMENDMENT MOVED Cmr Smith, **SECONDED** Cmr Fox that the following words be added to Point 2 of the Recommendation:

"subject to Section 6 – Task Definition incorporating the words Council decisions after the words Australian Standards;"

The Amendment was Put and

CARRIED (5/0)

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

The Original Motion as amended, being:

That Council:

- 1 **NOTES** the content of Report CJ062-04/06 and the findings from the program of research;
- 2 **AGREES** to the revision and further development of the Public Participation Strategy as outlined in Report CJ062-04/06, subject to Section 6 – Task Definition incorporating the words Council decisions after the words Australian Standards;
- 3 **SUPPORTS** the further development and implementation of community education programs in line with the community education objectives outlined in Report CJ062-04/06.

was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf190406.pdf](#)

CJ063 - 04/06 ANNUAL PLAN 2005/06 QUARTERLY PROGRESS REPORT JANUARY TO MARCH 2006 - [20560]

WARD: All

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

CJ060419_BRF.DOC:ITEM 2

PURPOSE

To provide the Council with the Quarterly Progress Report against the 2005/06 Annual Plan for the period 1 January to 31 March 2006.

EXECUTIVE SUMMARY

At the meeting of 14 December 2004, Council endorsed the new 'Corporate Reporting Framework' and also the recommendation that quarterly progress reports against the Annual Plan be provided to Council and the community. (Item CJ307-12/04 refers). Accordingly, regular progress reports have been provided to Council Items CJ029 - 03/05, CJ085-03/05, CJ171 - 08/05 CJ252-11/05 and CJ001-02/06 refer)

The *Quarterly Progress Report – January to March 2006* is shown as Attachment 1 to this Report.

The highlights for this quarter, as detailed within Attachment 1 to this Report, include:

- Delegation of mid-level managers from the City's Sister-City Jinan, China undertaking a training program in Joondalup;
- Little Feet Festival which was held in January;
- Summer in the City series – a series of summer events attracting a large audience;
- Joondalup Festival which attracted over 70,000 people;
- Yellagonga Regional Park Environment Centre Feasibility Study project;
- Completion of Stage 2 of the Sorrento Beach redevelopment; and
- Works Depot – Business Plan advertised.

The progress report is a valuable tool for Council to measure the performance of the City particularly in relation to its achievement of pre-determined milestones as set out in the Annual Plan 2005/06. It is also a mechanism to provide information to the community thus meeting the City's commitment to be open and transparent in its activities.

It is recommended that Council ACCEPTS the quarterly Progress Report against the Annual Plan 2005/06 for the period 1 January 2006 to 31 March 2006 shown as Attachment 1 to this Report.

BACKGROUND

On 14 December 2004, following a review of the City's Corporate Planning and Reporting System, Council endorsed the recommendations contained within report *CJ307-12/04* proposing a new *Corporate Reporting Framework*. It was proposed that the new *Corporate Reporting Framework* would include:

- The development of key performance indicators for the Strategic Plan 2003-2008 and that these indicators would be reported to both Council and the community on an annual basis; and
- The development of an Annual Plan which would document the Organisation's annual priorities for the achievement of the Strategic Plan, and that quarterly progress reports against the milestones included within the Annual Plan would be provided to both Council and the community.

Accordingly regular progress reports against the Annual Plan have been provided to Council (*Items CJ029-03/05, CJ085-03/05, CJ171-08/05, CJ252-11/05 and CJ001-02/06 refer*).

DETAILS

Issues and options considered:

The Strategic Plan 2003 to 2008 provides direction to the organisation. It is Council's key strategic document containing strategies and objectives for achievement of the City's vision:

"To be a sustainable City and community that are recognised as innovative, unique and diverse"

The Annual Plan 2005/06 highlights the annual priorities for the organisation to achieve the Strategic Plan 2003 - 2008 and is structured around the four Key Focus Areas of:

- Community Wellbeing
- Caring for the Environment
- City Development
- Organisational Development

The Annual Plan 2005/06 contains a brief description of the key projects, programs and services that the City will deliver in the 2005/06 financial year and also includes pre-determined quarterly milestones.

Regular quarterly reports are provided to Council and the community at the end of each quarter and contain:

- updates against some of the key projects;
- progress against milestones due to be completed in each quarter; and
- revised milestones for the next quarter where a target has not been achieved

The *Quarterly Progress Report – January to March 2006* forms Attachment 1 to this Report.

Link to Strategic Plan:

Key Focus Area 4 - Organisational Development.

Outcome - The City of Joondalup is a sustainable and accountable business

Objective 4.1 - To manage the business in a responsible and accountable manner

Strategy 4.1.2 - Develop a corporate reporting framework based on sustainable indicators

Legislation – Statutory Provisions:

The Local Government Act 1995 promotes planning and regular reporting in a variety of places.

Risk Management considerations:

If the City did not provide regular reports on its performance to the Council and community, it would not meet its obligation to be open and accountable. The provision of ongoing reports ensures that the Council is informed on progress against major projects and programs and the community receives regular progress reports on the City's activities.

Regular reporting ensures that the City is measuring and analysing current performance, feeding the results of that measurement into planning processes, using this to inform future planning in order to improve service delivery, and to predict and manage any risks associated with service delivery.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Policy 8.6 – Communications.

Policy Objective	<i>To achieve quality and consistent communications with all the City's stakeholders</i>
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Regional Significance:

Not Applicable.

Sustainability Implications:

The Annual Plan 2005/06 aligns with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be '*A sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance. Reports against the Annual Plan provide regular assessments against the progress of the City's key projects, programs and services and, therefore, the City's achievement of the Strategic Plan.

Consultation:

Not Applicable.

COMMENT

The highlights for this quarter, as detailed within Attachment 1 to this Report, include:

- Delegation of mid-level managers from the City's Sister-City Jinan, China undertaking a training program in Joondalup;
- Little Feet Festival which was held in January;
- Summer in the City series – a series of summer events attracting a large audience;
- Joondalup Festival which attracted over 70,000 people;
- Yellagonga Regional Park Environment Centre Feasibility Study project;
- Completion of Stage 2 of the Sorrento Beach redevelopment; and
- Works Depot – Business Plan advertised.

ATTACHMENTS

Attachment 1 Annual Plan Progress Report – January to March 2006 quarter

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council ACCEPTS the quarterly Progress Report against the Annual Plan 2005/06 for the period 1 January 2006 to 31 March 2006 shown as Attachment 1 to Report CJ063-04/06.

Cmr Smith sought an explanation with regard to the Joondalup Learning Precinct Board, the establishment of the centre for leadership which will open for business in 2006 and whether there was an opportunity for the City to be proactive in support of the centre.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agn260406.pdf](#)

CJ064 - 04/06 MINUTES OF POLICY COMMITTEE MEETING HELD ON 11 APRIL 2006 – [01435]

WARD: All

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

CJ060419_BRF.DOC:ITEM 3

PURPOSE

To submit the unconfirmed Minutes of the Policy Committee meeting held on 11 April 2006 for noting by Council.

EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 11 April 2006.

The matters considered by the Policy Committee at that meeting are the subject of separate reports to be submitted to the Council meeting on 26 April 2006.

It is recommended that Council NOTES the unconfirmed Minutes of the Policy Committee meeting held on 11 April 2006, forming Attachment 1 to this Report.

BACKGROUND

Council at its meeting held on 26 April 2005 resolved to:

“ESTABLISH a Policy Committee comprising membership of the five Commissioners with the following terms of reference:

- (a) To make recommendations to Council on the development and review of strategic (Council) policies to identify the direction of the Council;*
- (b) To Initiate and formulate strategic (Council) policies;*
- (c) To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;*
- (d) To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995.”*

DETAILS

A meeting of the Policy Committee was held on 11 April 2006 to consider reports in relation to:

- Council Policies;
- Policy for Requests for Sale of Public Open Space Reserves.

The above matters are the subject of separate reports to be submitted to the Council meeting on 26 April 2006.

Issues and options considered:

As contained within the minutes of the Policy Committee.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 states:

A local government may establish (absolute majority required) committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

The Policy Committee will review all policies categorised as “Council Policies”.

Regional Significance:

Not Applicable.

Sustainability Implications:

The review and development of policies will align with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be ‘*A sustainable City and community that are recognised as innovative, unique and diverse*’. The Strategic Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance.

Consultation:

It is proposed that major Council policies be subject to community consultation processes as determined by the Policy Committee.

COMMENT

The unconfirmed Minutes of the Policy Committee held on 11 April 2006 are submitted to Council for noting. Separate reports dealing with the matters raised at this committee meeting are to be submitted to the Council meeting on 26 April 2006.

ATTACHMENTS

Attachment 1 Minutes of the Policy Committee meeting held on 11 April 2006.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Clough that Council **NOTES** the unconfirmed Minutes of the Policy Committee meeting held on 11 April 2006 forming Attachment 1 to Report CJ064-04/06.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf190406.pdf](#)

CJ065 - 04/06 COUNCIL POLICIES – [26176, 83573]

WARD: All

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

CJ060419_BRf.DOC:ITEM 4

PURPOSE

To provide the Council with the Sustainability Council Policy for adoption, and the following Council Policies for approval to seek public comment:

- Financial Planning – Strategic Matters;
- Economic Development Policy;
- Community Development Policy; and
- Public Participation Policy.

EXECUTIVE SUMMARY

All Policies of the Council have been categorised as *Council* or *City* Policies according to the Policy Governance Framework endorsed by the Council on 26 April 2005 (CJO64 – 04/05 refers).

The Policy Committee was established to oversee the review and development of Council Policies which are defined in the framework as, *Strategic Policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions.*

The Policy Committee determined that the following Council Policies were to be drafted in the following order of priority:

- Policy 3-2 – Height and Scale of Buildings within Residential Areas; (Adopted by the Council on 21 February 2006);
- Sustainability;
- Financial Planning – Strategic Matters;
- Economic Development;
- Service provision;
- Community Development; and
- Public Participation.

This report provides the Council with a Draft Sustainability Council Policy for adoption, and the following Draft Council Policies for approval to seek public comment:

- Financial Planning – Strategic Matters;
- Economic Development
- Community Development; and
- Public Participation.

The Draft Council Policies on Sustainability, Financial Planning – Strategic Matters, Economic Development, Community Development, and Public Participation have been drafted to address the different values and interests of all stakeholders, whilst establishing a general policy position to 'provide for the good government of persons in its district, within the context of local government functions.

The Council Policy on Service Provision is currently being drafted and will be prepared for the next Policy Committee Meeting.

BACKGROUND

Council established a Policy Committee at the meeting of 26 April 2005 (refer CJO64 – 04/05). Council endorsed the following terms of reference for the Policy Committee:

- (a) *To make recommendations to Council on the development and review of Strategic (Council) policies to identify the direction of the Council;*
- (b) *To initiate and formulate strategic (Council) policies;*
- (c) *To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;*
- (d) *To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995.*

The report to the Council Meeting of 26 April 2005 recommended a new framework for the development and review of policies at the City of Joondalup consisting of two distinct sets of policies:

- 1 *Council Policies* - strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions.
- 2 *City Policies* - policies that are developed for administrative and operational imperatives and have an internal focus.

The Policy Framework was endorsed by the Council and in accordance with that framework, Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community.

City policies will be drafted for consideration of the Council and these policies will still require Council endorsement however this will occur as part of the normal Council meeting cycle. Council may direct that some or all City Policies be advertised for public comment prior to endorsement. In the case of Local Planning Policies it is a statutory requirement that draft policies are to be advertised, and that public submissions are to be considered prior to adoption of the policy.

In order to progress the Policy Framework and to facilitate the work of the Policy Committee in the development and review of Council Policies a detailed review of the Policy Manual was undertaken and a number of changes were made to those policies categorised as City Policies. The Council endorsed the revised Policy Manual on 11 October 2005 (*CJ206-0/05 refers*)

Council Policies, other than their categorisation, were not reviewed, but were referred, by the Council, to the Policy Committee for review and further development.

Sections 3.1 and 3.2 – matters relating to development, many of which are subsidiary policies developed under the District Planning Scheme (DPS2) were excluded from the Review as they require a specific review process; (These local planning policies are currently being reviewed as a separate exercise in accordance with the provisions of the DPS2 and a separate report/s will be provided to Council following that review).

The Council endorsed the following policies as Council Policies:

- 1-1 Leisure
- 1-2 Public Participation
- 2-1 Environmental Sustainability
- 3-1 Child Care Centres
- 3-2 Height and Scale of Buildings within Residential Areas
- 3-3 Centres Strategy
- 4-1 Code of Conduct
- 4-2 Setting Fees and Charges

The Council further identified the following gaps in Council Policies for consideration by the Policy Committee:

- Financial Planning – Strategic Matters
- Economic Development
- Service Delivery (range/scope/role)
- Community Development; (include leisure, cultural development etc)

On 18 October 2005 the Policy Committee determined:

- 1 That the following Council Policies are to be drafted in the following order of priority:
 - (a) Policy 3-2 – Height and Scale of Buildings within Residential Areas;
 - (b) Sustainability;
 - (c) Financial Planning – Strategic Matters;
 - (d) Economic Development;
 - (e) Service provision;
 - (f) Community Development;
 - (g) Public Participation.
- 2 A draft policy be presented to the Policy Committee on Policy 3-2 – Height and Scale of Buildings within Residential Areas that includes coastal areas and is based on the expectation that full public participation is undertaken.

At the meeting of 29 November 2005 the Policy Committee considered a report on a proposed amendment to the DPS2 to include provision in regard to the height of developments in non residential zones adjacent to the coast. The Policy Committee referred the proposed amendment to the Joondalup DPS2 to the Council for the purpose of public advertising, and the Draft Local Planning Policy (Interim) for adoption and public advertising.

At the meeting of December 2005 the Council endorsed the Draft Local Planning Policy for public advertising for a period of 28 days. At the Council Meeting of 21 February the Council considered the public submissions received (275) and adopted Policy 3-4 Height of Buildings within Coastal Area (Non-Residential).

The Policy Committee also considered Draft Council and City Sustainability Policies on 29 November 2005 and recommended that the Council:

- 1 REFERS the Draft Council Policy on Sustainability to the Sustainability Advisory Committee for review and comment; and
- 2 ADOPTS the City Policy on Sustainability and refers it to the Sustainability Advisory Committee for information.

At its meeting of 13 December 2005 (*refer CJ 269 – 12/05*) the Council adopted the City Sustainability Policy, and referred the Council Sustainability Policy to the Sustainability Advisory Committee for review and comment, and the City Sustainability Policy for noting.

The Sustainability Advisory Committee met on 19 January and received a report on the Sustainability Policies. The Sustainability Advisory Committee recommended changes to the Council Sustainability Policy that were referred to the Council.

At the Council meeting on 21 February 2006 the Council resolved to refer the comments from the Sustainability Advisory Committee, in relation to the Council Sustainability Policy, to the next meeting of the Policy Committee. The comments from the Sustainability Advisory Committee are shown as Attachment 1 to this Report.

The Policy Committee met on 11 April 2006 and considered the following draft Council Policies:

- Sustainability;
- Financial Planning – Strategic Matters;
- Economic Development;
- Community Development; and
- Public Participation.

The Policy Committee, in considering the amendments suggested by the Sustainability Advisory Committee to the Sustainability Council Policy, agreed to recommend the following changes to the Council:

- Delete the last paragraph in the Statement of Intent;
- Include the word 'ethical' in Good Governance;
- Include the words, 'and the establishment and nurturing of networks' in the Principle, 'Cooperation and Solidarity'; and
- Include the new Principle of, 'An understanding of the effects that local activities have on the community, the nation and the world'.

The Policy Committee also agreed to recommend to the Council that the 'Sustainability' heading be replaced with 'Sustainability Statement'.

DETAILS

Issues and options considered:

The Draft Council Policies on Financial Planning – Strategic Matters, Economic Development, Community Development, and Public Participation have been developed in accordance with the Council Policy Framework, and describe the principles and key roles that will guide Council in its decision-making. The Draft Policies are deliberately strategic and outcome focussed and, in line with the endorsed Policy Framework, are descriptive rather than prescriptive.

The Draft Council Policies are a statement of the general position of the Council in relation to Strategic Financial Planning, Economic Development, Community Development and Public Participation, and have been drafted taking account of the political, organisational and wider context in which the City of Joondalup operates.

The Policies also reinforce the commitment of the Council to sustainability through the inclusion of a sustainability statement addressing how each Policy contributes to the integration of social, environmental, economic, and effective governance matters.

The Draft Council Policies have been developed taking account of the following:

- Desired Policy outcomes;
- Most effective outputs for achieving these outcomes;
- Key stakeholders;

- Needs and views of those the Policy seeks to influence and/or affect;
- Available evidence;
- Risks associated with the Policies and how such risks can be managed; and
- Impact of the Policies on the environment, economy, and community.

The Public Participation Policy 1–2 is an existing Council Policy. This Policy was subject to extensive community consultation in 2004 and the Policy has not been altered. A Sustainability Statement has, however, been included in the Policy in accordance with the new Council Policy format.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

Section 1.3 (2) states that the Act is intended to result in:

- (a) Better decision-making by local government
- (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 local government.

The degree to which this is achieved is dependant on the processes and practices for planning, and policy development. The policies presented in this report help the City to achieve outcomes envisaged in the legislation.

The Local Government Act amendments of 2004-05 require that a local government consider sustainability as a core component of its decision making function.

Section 1.3 states:

In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity

Risk Management considerations:

Policy development is central to good governance. Good governance is about formalising and making clear and consistent the decision-making processes in the organisation. The framework proposed in this report will help facilitate decision-making and appropriate delegation of accountability and responsibility within and outside the organisation and ensure that the varying needs of the stakeholders are appropriately balanced; that decisions are made in a rational, informed and transparent fashion; and that those decisions contribute to the overall efficiency and effectiveness of the organisation.

The distinction between policy matters and procedural matters is central to the role of Council and the role of the CEO, and to the administration of local government. The new Policy Framework makes a clear distinction between policy development (Council role) and the implementation of Council decisions (CEO role).

Policy implications:

The report provides Draft Council Policies on:

- Sustainability
- Financial Planning – Strategic Matters
- Economic Development
- Community Development, and
- Public Participation

Regional Significance:

The development of all Council Policies requires consideration of any regional issues. For example, sustainability and economic development initiatives will often require regional approaches and, therefore, collaboration with other local governments in the region.

Sustainability implications:

The review and development of policies will align with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be '*A sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan determines the long-term orientation of the Council and was developed in consultation with the community. The Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance.

Council Policies support the achievement of the Strategic Plan and state Council's position on a number of strategic issues and how social, environmental, economic, and governance issues are integrated into such policy positions.

The Policy Framework endorsed by the Council will deliver Council Policies that are forward looking, outcome focused, and are robust (ie. Are not developed to simply react to short-term pressures).

Consultation:

One of the most important roles Council has is to participate in making policy decisions on behalf of the community. An essential part of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The City of Joondalup values effective consultation in developing a positive relationship with its community; recognising that community input can assist in policy and decision making processes. Council also recognises the right of the community to be informed and influence decisions that affect their lives. As a result of this commitment Council has endorsed a Policy Framework that supports Council (major) policies being devised in consultation with the community.

The framework is intended to ensure that Council is in touch with the community and that the major policy decisions accurately reflect the views and aspirations of the community.

COMMENT

The Draft Council Policies on Sustainability, Financial Planning – Strategic Matters, Economic Development, Community Development, and Public Participation have been drafted to address the different values and interests of all stakeholders, whilst establishing a general policy position to 'provide for the good government of persons in its district, within the context of local government functions.

The Policy Framework endorsed by the Council has set in place a number of requirements for the development of Council Policies, those being:

- Forward Looking – Council Policies are required to take a long term view and to make informed predictions of the likely impact of each policy;
- Outward Looking – Council Policies are required to take account of factors in the local, regional and global sphere;
- Using Evidence – Council Policies, in their development, are required to consider available evidence from a wide range of sources, and to involve key stakeholders;
- Inclusive – Council Policies need to take account of the impact on the needs of all who are directly (and indirectly) affected by the Policies;
- Continuous Improvement and Reviews – Council Policies are regularly evaluated and reviewed to ensure that they are addressing the issue they were intended to.

The Policy Committee supports many of changes suggested by the Sustainability Advisory Committee, however the changes to the first paragraph of the Statement of Intent are not supported, as they do not take account of legislative and other constraints that, from time to time, will impact on Council decisions in relation to sustainability matters.

In particular, these proposed changes of the SAC Committee delete reference to the intent of the Policy that it is not intended to be immediately implemented, and that a transition period is needed. The proposed amendments by SAC instead indicate that actions should be put in place immediately. Based on the current situation of the City, a transition period is necessary to provide time for the organisation to enact, in a considered manner, changes to policies and strategies and the culture of the organisation, to support sustainability.

The Draft Council Policies on Financial Planning – Strategic Matters, Economic Development, Community Development, and Public Participation have been reviewed by the Policy Committee and are recommended to the Council for approval to seek public comment to ensure that community viewpoints and values are heard, considered, weighed, and balanced in the development of the Council Policies.

The development of effective Council (Strategic) Policies relies on the Policy Framework and process endorsed by the Council, as well as decision making by the Council after taking account of community and stakeholder views. The community will value the opportunity to participate in the development of Council Policies, and to have the opportunity to influence the outcome. Equally, the community and stakeholders will expect the Council to consider and analyse all views, and then to establish the Council's Policy positions.

ATTACHMENTS

- Attachment 1 Draft Council Sustainability Policy – showing suggested amendments from Sustainability Advisory Committee.
- Attachment 2 Draft Council Sustainability Policy – drafted by the Policy Committee incorporating amendments from the Sustainability Advisory Committee.
- Attachment 3 Draft Council Financial Planning – Strategic Matters Policy.
- Attachment 4 Draft Council Economic Development Policy.
- Attachment 5 Draft Council Community Development Policy.
- Attachment 6 Draft Council Public Participation Policy.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 ADOPTS the Sustainability Policy shown as Attachment 2 to Report CJ065-04/06;
- 2 ENDORSES the following Council Policies to be released for public comment for a 45-day period:
 - Financial Planning – Strategic Matters – Attachment 3 to Report CJ065-04/06;
 - Economic Development – Attachment 4 to Report CJ065-04/06;
 - Community Development – Attachment 5 to Report CJ065-04/06;
 - Public Participation – Attachment 6 to Report CJ065-04/06.

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 **ADOPTS the Sustainability Policy shown as Attachment 2 to Report CJ065-04/06;**
- 2 **ENDORSES the following Council Policies to be released for public comment for a 45-day period:**
 - **Financial Planning – Strategic Matters – Attachment 3 to Report CJ065-04/06;**
 - **Economic Development – Attachment 4 to Report CJ065-04/06;**
 - **Community Development – Attachment 5 to Report CJ065-04/06;**
 - **Public Participation – Attachment 6 to Report CJ065-04/06;**
- 3 **REQUESTS the Chief Executive Officer to write to members of the Sustainability Advisory Committee expressing the Council's thanks and appreciation for their considered and valued input in the Sustainability Policy.**

AMENDMENT MOVED Cmr Smith, SECONDED Cmr Fox that the following words be inserted at the end of Point 1:

“subject to the redrafting of Item 5 of the Policy to be expressed as a principle;”

The Amendment was Put and

CARRIED (5/0)

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

The Original Motion as amended, being:

That Council:

- 1 **ADOPTS** the Sustainability Policy shown as Attachment 2 to Report CJ065-04/06, subject to the redrafting of Item 5 of the Policy to be expressed as a principle;
- 2 **ENDORSES** the following Council Policies to be released for public comment for a 45-day period:
 - Financial Planning – Strategic Matters – Attachment 3 to Report CJ065-04/06;
 - Economic Development – Attachment 4 to Report CJ065-04/06;
 - Community Development – Attachment 5 to Report CJ065-04/06;
 - Public Participation – Attachment 6 to Report CJ065-04/06;
- 3 **REQUESTS** the Chief Executive Officer to write to members of the Sustainability Advisory Committee expressing the Council's thanks and appreciation for their considered and valued input in the Sustainability Policy.

Discussion ensued.

was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf190406.pdf](#)

**CJ066 - 04/06 MINUTES OF THE STRATEGIC FINANCIAL
MANAGEMENT COMMITTEE HELD ON 8
NOVEMBER 2005 AND 11 APRIL 2006 - [51567]
[14528] [80566]**

WARD: All

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

CJ060419_BRF.DOC:ITEM 5

PURPOSE

To submit the Minutes of the Strategic Financial Management Committee (SFMC) meetings of 8 November 2005 and 11 April 2006 to Council for noting.

EXECUTIVE SUMMARY

Meetings of the SFMC were held on 8 November 2005 and 11 November 2006. The committee received presentations on the 5 year IT Strategic Plan 2005/06-2009/10 and the 20 Year Strategic Financial Plan model as well as a report on the Strategic Financial Plan 2006/07 to 2009/10.

The Strategic Financial Plan 2006/07 to 2009/10, which will contain a summary of the 20 Year Strategic Financial Plan, will be the subject of a separate report to be submitted to the Council meeting on 26 April 2006.

It is recommended that Council:

- 1 *NOTES the confirmed minutes of the Strategic Financial Management Committee meeting held on 8 November 2005 forming attachment 1 to this Report;*
- 2 *NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 11 April 2006 forming attachment 2 to this Report.*

BACKGROUND

At its meeting held on 2 November 2004 (Item CJ249-11/04 refers) Council established the Strategic Financial Management Committee (SFMC), comprising the Joint Commissioners, with the following terms of reference:

- (a) Promote and advocate sound financial management within the City and provide advice to the council on strategic financial management issues;
- (b) In particular advise Council on –
 - (i) How funding can be achieved for any major capital works project before the council makes a commitment to a project;
 - (ii) Levels of service;
 - (iii) Preparation of the Principal Activities Plan with high priority being given to ensure that the Plan is achievable in the long term;
 - (iv) Alignment of the Principal Activities Plan to the Council's Strategic Plan;
 - (v) Consideration of public submissions to the Principal Activities Plan;
 - (vi) Final acceptance of the Principal Activities Plan.
- (c) Policy development and review of policies with financial implications for the City;

DETAILS

Meetings of the SFMC were held on:

- 8 November 2005 (confirmed);
- 11 April 2006 (unconfirmed).

The minutes of these committee meetings are attached for noting.

Issues and options considered:

As contained within the minutes of the SFMC.

Link to Strategic Plan:

Key Focus Area 4 - Organisational Development

- 4.1 To manage the business in a responsible and accountable manner;
- 4.1.1 Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

In accordance with Section 2.7 of the Local Government Act 1995, included in the role of the Council is the responsibility to oversee the allocation of the local government's finances and resources.

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

Risk Management considerations:

The main risk considerations related to the SFMC are of an economic nature and pertain principally to issues of sustainability.

Financial/Budget Implications:

The terms of reference of the SFMC include promoting and advocating sound financial advice to the Council on strategic financial management issues.

Policy Implications:

Not Applicable.

Sustainability Implications:

The terms of reference of the SFMC are consistent with establishing a sustainable financial plan for the future by advising Council on funding for capital works projects, levels of service and preparation of the Strategic Financial Plan.

Consultation:

Consultation is achieved through advertising and consideration of public comments associated with the Strategic Financial Plan.

COMMENT

The minutes of the Strategic Financial Management Committee are provided to Council for noting.

ATTACHMENTS

- Attachment 1 Minutes of the Strategic Financial Committee Meeting held on 8 November 2005 (confirmed)
- Attachment 2 Minutes of the Strategic Financial Committee Meeting held on 11 April 2006 (unconfirmed)

VOTING REQUIREMENTS

Simple Majority

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

- 1 **NOTES** the confirmed minutes of the Strategic Financial Management Committee meeting held on 8 November 2005 forming Attachment 1 to Report CJ066-04/06;
- 2 **NOTES** the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 11 April 2006 forming Attachment 2 to Report CJ066-04/06.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf190406.pdf](#)

CJ067 - 04/06 STRATEGIC FINANCIAL PLAN 2006/07-2009/10 - [38432]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ060419_BRF.DOC:ITEM 6

PURPOSE

To seek approval from the Council to advertise the draft Strategic Financial Plan (SFP) 2006/07 – 2009/10 for a 30 day comment period.

EXECUTIVE SUMMARY

The SFP replaces the former Principal Activities Plan that Council was required to produce each year. *The Local Government Act 1995* has been recently amended and the requirement to produce a Principal Activities Plan has been deleted. Councils are instead required to 'plan for the future' and to consult with the community during the development of the plan.

The City has produced the SFP 2006/07 – 2009/10 in order to provide the community with an opportunity to comment on the City's proposed projects and programs for this period.

It is proposed that the draft SFP 2006/07 – 2009/10, following Council endorsement, will be made available for a period of thirty (30) days from 29 April 2006 to 29 May 2006. Members of the community will be invited to make submissions. Once the Council has considered all submissions, the SFP 2006/07 – 2009/10 will be adopted with or without modifications and will then be made available to the public.

It is recommended that Council:

- 1 *ENDORSES the draft Strategic Financial Plan 2006/07 – 2009/10, being the legislated plan for the future pursuant to Section 5.56 of the Local Government Act 1995 shown as Attachment 1 to Report to this Report;*
- 2 *AGREES that the draft Strategic Financial Plan 2006-07 – 2009/10 be advertised for a public comment period of 30 days from 29 April 2006 to 29 May 2006.*

BACKGROUND

The Local Government Act 1995 has, in the past, required all Local Governments to produce a Principal Activities Plan on an annual basis.

In 2003 the Department of Local Government and Regional Development undertook a major review of the Local Government Act 1995 and associated regulations.

Following the review of the Act, Local Governments were no longer required to prepare a Principal Activities Plan and were required, instead, to develop a plan for the future of the district, and to consult with the community during the development of that plan.

DETAILS

Issues and options considered:

The SFP is the City's 'Plan for the Future'. The draft SFP 2006/07 – 2009/10 provides a broad strategic overview of the major projects and programs that the Council proposes to undertake over the next four years, links the City's financial capacity with the strategic directions detailed in the City's Strategic Plan 2003 – 2008, and allocates indicative sums of money to potential projects to ascertain whether the City has the capacity to fund them when required.

The draft SFP also details the performance indicators that will be used to measure the City's success in delivering these projects and programs to the community.

The draft SFP will, following endorsement by the Council, be made available to the community for a period of thirty (30) days to allow public submissions to be made in relation to the proposals contained within the Plan.

A report will be presented to the Strategic Financial Management Committee following the public comment period at which time the Committee will consider all submissions received.

Link to Strategic Plan:

Key Focus Area 4 – Organisational Development

4.1 *To manage the business in a responsible and accountable manner*

4.1.1 *Ensure financial viability and alignment to plan*

Legislation – Statutory Provisions:

The *Local Government Amendment Act 2004* was proclaimed on 31 March 2005. Section 42 amended the Act to remove the detailed requirements for principal activity planning. Sections 5.56, 5.57 and 5.58 were repealed and in their place, a new section 5.56 was included which provided a more general obligation to “*plan for the future*”.

Section 5.56 – “Planning for the future” requires that

- (1) A local government is to plan for the future of the district.
- (2) A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.

The regulations require local government to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years) and state that:

- A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.
- A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
- A Council is to consider a plan, or modifications, submitted to it and is to determine whether or not to adopt the plan, or the modifications, as is relevant.
- If a plan, or modified plan, is adopted by the council, then the plan or modified plan is to apply to the district for the period of time specified in the plan.
- A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.
- A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.
- A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year *after the financial year ending 30 June 2006*.

Notice of plan to be given

After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).

(2) The local public notice is to contain —

- (a) notification that —
 - (i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the plan may be inspected; or

- (b) where a plan for the future of the district has been modified —
 - (i) notification that the modifications to the plan have been adopted by the Council and the plan as modified is to apply to the district for a the period specified in the plan; and
 - (ii) details of where and when the modified plan may be inspected.

The Local Government Amendment Act 2004 (Clause 42) does not stipulate a public comment period but does require councils to consult with the electors and ratepayers in the development of the 'plan for the future'.

Risk Management considerations:

The SFP 2006/07 – 2009/10 links the City's strategic direction and its financial and organisational capacity.

It supports informed resource allocation decisions, provides performance measures to ensure that projects and programs are delivered, and meets legislative requirements.

Policy Implications:

Public Participation Policy 1-2 has the stated objective of enhancing the capacity of the community to actively participate in decision-making and strategic direction setting.

Regional Significance:

Not Applicable.

Sustainability Implications:

The Strategic Financial Plan 2006/07 – 2009/10 establishes a sustainable financial strategy for the future through the provision of sufficient funds to allow capital projects and new initiatives to be implemented, ensure the City's infrastructure is maintained, and ensure Council has the financial flexibility to respond to community needs now and into the future.

Council, through the Strategic Financial Planning Framework, is undertaking long-term infrastructure, asset management and financial planning with a view to ensuring that the annual and long-term funding requirements are assessed in a strategic manner.

Consultation:

The draft SFP 2006/07 – 2009/10 will be made available through the City's libraries, at the City's Customer Service Centres, on the City's web site, and upon request for a period of 30 days (29 April 2006 to 29 May 2006). Members of the public will be invited to make submissions. Once all submissions have been considered, the draft SFP 2006/07 – 2009/10 will be adopted with or without modification and will then be made available to the public.

Council will consider all submissions received by the Chief Executive Officer received by 5 pm on Monday 29 May 2006. The draft SFP 2005/06 – 2009/10 will then be adopted by Council (with or without modification) and will be available for public inspection at the City's Administration Centre and Libraries during normal business hours.

COMMENT

The City's draft SFP 2006/07 – 2009/10 has been prepared based on the first four years of the 20-year financial projections and draft budget documentation. The 20-Year financial projects will be included with the draft SFP 2006/07 – 2009/10.

The draft SFP 2006/07 – 2009/10 will provide the community with opportunities to provide comment on the major projects and programs the City intends to undertake for the period of the Plan, and the performance indicators that will measure the City's success in delivering them.

ATTACHMENTS

Attachment 1 Draft Strategic Financial Plan 2006/07-2009/10

VOTING REQUIREMENTS

Simple Majority

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

- 1 ENDORSES the draft Strategic Financial Plan 2006/07 – 2009/10, being the legislated plan for the future pursuant to Section 5.56 of the Local Government Act 1995, shown as Attachment 1 to Report CJ067-04/06;**
- 2 AGREES that the draft Strategic Financial Plan 2006-07 – 2009/10 be advertised for a public comment period of 30 days from 29 April 2006 to 29 May 2006.**

Discussion ensued. Cmr Clough wished to place on record his thanks to Director, Corporate Services, Mr Peter Schneider, and staff for the compilation of the 20-year Strategic Financial Plan.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn260406.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cmr S Smith
Item No/Subject	CJ068-04/06 – City-Country Relationship
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Smith undertakes contract work for WALGA.

CJ068 - 04/06 CITY-COUNTRY RELATIONSHIP - [52469]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ060419_BFR.DOC:ITEM 7

PURPOSE

To recommend that Council takes no further action at this point in time relating to the development of a city-country relationship.

EXECUTIVE SUMMARY

It had been requested previously that consideration be given to a 'country town' relationship during the Briefing Session of 6 November 2001.

Report CJ248-10/02 was tabled at the Council Meeting of 15 October 2002 through which it was recommended that the City establishes a Country-City relationship with the Shire of Cue.

Council did not support this recommendation and resolved that consideration of establishing a City Country Sister City relationship with the Shire of Cue be deferred to allow further analysis to be undertaken.

This recommendation is also made in the light of the Western Australian Local Government Association's (WALGA) *Linkage Program* (which is an initiative that encourages large Councils to link with smaller ones) and the current deliberations of the Minister for Local Government and Regional Development in relation to structural reform.

This project has remained outstanding since 2002 and continues to remain low priority.

Consequently, it is recommended that Council REMOVES the development of a City-Country Relationship from the outstanding list of Council Business.

BACKGROUND

During the briefing session of 6 November 2001 it was requested that consideration be given to developing a 'country-town' relationship.

A report was tabled at the Council Meeting of 15 October 2002 through which it was recommended that the City develops a City-Country relationship with the Shire of Cue. The report suggested that the relationship would be on the basis of youth and cultural exchange.

It was proposed that the initial exchange would occur in late 2002 and would involve bringing young people from Cue to experience the City's Extreme Youth Festival. It was further suggested that there would be opportunities for the City's young people to visit Cue.

Council did not support this recommendation and resolved that consideration of establishing a City-Country relationship with the Shire of Cue be DEFERRED to allow further analysis to be undertaken (CJ248-10/02 refers)

On 5 November 2002 it was agreed (Item CJ152-11/02 refers):

"That Council:

1. *AGREES to bring twelve young people and four carers from the Shire of Cue to experience the City's Extreme Youth Festival in 2002 at an estimated cost of \$3,700 as part of the Youth Exchange Program"*

DETAILS

Issues and options considered:

Further work to develop the city-country relationship has been deferred since 2002, as it has been determined low priority by the City.

If the City were to decide that such a relationship should be considered, then time and resources will need to be allocated to the project.

Link to Strategic Plan:

Although this item had a link to the City's previous Strategic Plan 2000-2003 *Strategy 1.1 Fulfil and maintain a regional coordinating role*, it does not align with the current Strategic Plan.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

A number of risks in relation to this project have been itemised below:

1. The community has not been consulted on the development of such a relationship and therefore the City cannot be certain of support for this project.
2. Project planning for this project has not been undertaken. Until this had been done, the City will not have a clear understanding of the associated costs required.

Financial/Budget Implications:

This item does not have an allocated budget.

Policy Implications:

At this point in time the City does not have any associated policy to guide country town relationships.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

No consultation has been undertaken on this matter with the community.

COMMENT

The Western Australian Local Government Association's (WALGA) *Linkage Program* is an initiative, that encourages large councils to link with smaller ones. Through this initiative WALGA expects that sharing of various resources may occur and the City of Joondalup will endeavour to investigate this matter further.

Progressing the City-Country relationship initiative at the moment is further complicated by the State Government's interest in structural reform. The State Minister for Local Government and Regional Development has requested a report on structural reform within the local government sector. This report has recently been completed and is currently being considered by the Minister. Until a decision is made on this matter, it is considered premature to establish a specific relationship with another local government.

This project has been on the List of Outstanding Council Business since 2002. It continues to be assessed as low priority, and funding for it has not been proposed in the 2006/07 draft budget. The City does not currently have resources (human or financial) for progressing this project.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that Council REMOVES the development of a City-Country relationship from the outstanding list of Council Business.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

CJ069 - 04/06 RESPONSE TO THE FEDERAL GOVERNMENT'S DRAFT SUSTAINABILITY CHARTER - [00906]

WARD: All

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

CJ060419_BRf.DOC:ITEM 8

PURPOSE

To seek the endorsement of Council to provide the Federal Government with a response to its draft Sustainability Charter.

EXECUTIVE SUMMARY

In 2005, the Federal Government's House of Representatives Standing Committee on Environment and Heritage released its report into Sustainable Cities, recommending the establishment of an Australian Sustainability Charter to help foster green development.

The Federal Government released the draft charter in March 2006 and is seeking public comment on the charter with responses due in by 12 May 2006.

In March 2006, following the release of the draft charter paper the Chairperson of the Sustainability Advisory Committee requested that a workshop be called to formulate a draft response to the charter on behalf of Council.

The Sustainability Advisory Committee held its workshop on Thursday 6 April 2006 and its comments are shown as Attachment 1 – Draft Response From The City of Joondalup on the Discussion Paper – Inquiry into a Sustainability Charter.

This report recommends that Council supports the attached draft response.

BACKGROUND

In 2005, The Federal Government's House of Representatives Standing Committee on Environment and Heritage released its report into Sustainable Cities, recommending the establishment of an Australian sustainability charter to help foster green development.

Federal Member for Moore chaired the committee.

The following Terms of Reference were given to the committee:

"The Committee will inquire into and report on issues and policies related to the development of sustainable cities to the year 2025, particularly:

- The environmental and social impacts of sprawling urban development;
- The major determinants of urban settlement patterns and desirable patterns of development for the growth of Australian cities;

- A 'blueprint' for ecologically sustainable patterns of settlement, with particular reference to eco-efficiency and equity in the provision of services and infrastructure;
- Measures to reduce the environmental, social and economic costs of continuing urban expansion; and
- Mechanisms for the Commonwealth to bring about urban development reform and promote ecologically sustainable patterns of settlement."

The committee considered issues such as water shortages, transport congestion and high-energy demands in developing cities to the year 2025.

It recommended that all new relevant Australian Government policy proposals be evaluated as to whether they would impact on urban sustainability and if so, be assessed against the Australian Sustainability Charter and the Council of Australian Governments (COAG) agreed sustainability targets. (COAG is the peak intergovernmental forum in Australia, comprising the Prime Minister, State Premiers, Territory Chief Ministers and the President of the Australian Local Government Association.)

The committee called for the establishment of an independent Australian Sustainability Commission, headed by a National Sustainability Commissioner, to monitor the extent to which Commonwealth funds and State and Territory use of Commonwealth funds promotes the COAG agreed sustainability targets; and task the Commission with exploring the concept of incentive payments to the States and Territories for sustainability outcomes along the lines of the National Competition Council model.

Among the 32 recommendations was:

- The extension of the Roads to Recovery programme to include other modes of transport as a step towards including sustainability in the funding criteria; that infrastructure planning decisions be benchmarked against the recommended Australian Sustainability Charter and the Australian Government significantly boost its funding commitment for public transport systems, particularly light and heavy rail, in the major cities;
- That the provision of Australian Government transport infrastructure funds include provision of funding specifically for sustainable public transport infrastructure for suburbs and developments on the outer fringes of cities;
- That the National Water Commission, in consultation with the States and Territories and the public, prepare an independent and transparent report on water options for each of the Australian capital cities and major regional centres;
- That the Government commission research, either as part of the National Water Initiative or separately, to consider the economic viability and environmental benefits of decentralised water management systems;
- That the Australian Government, in consultation with the Housing Industry of Australia, CSIRO and other industry and scientific bodies, investigate the establishment of a 'sustainable building material' labelling system.

The full report is available at

<http://www.aph.gov.au/house/committee/envIRON/cities/report.htm>

At the City of Joondalup's Sustainability Advisory Committee meeting held on 5 May 2005 the Committee was advised of the Sustainable Cities Inquiry being undertaken by the House of Representatives Standing Committee on Environment and Heritage.

The Committee made the following recommendation at its meeting on 5 May 2005:

“...the Sustainability Advisory Committee REQUESTS an invitation is extended to Hon. Dr Mal Washer to attend a Sustainability Advisory Committee meeting and provide a briefing on the Sustainable Cities 2025 enquiry”.

A presentation and briefing by the Federal Member for Moore on the Sustainable Cities report was held on 17 November 2005 and was attended by a number of committee members, Commissioners, Councillors and staff from the Cities of Joondalup and Wanneroo.

DETAILS

The Federal Government released the draft charter in March 2006 and is seeking public comment on the charter. A copy of the draft charter is shown as Attachment 2.

In March 2006 following the release of the draft charter, the Chairperson of the Sustainability Advisory Committee requested that a workshop be called to formulate a draft response to the charter on behalf of Council.

The Sustainability Advisory Committee held its workshop on Thursday 6 April 2006 and its comments on the draft charter form the substance of the draft response.

Link to Strategic Plan:

Guiding Principle – Sustainability

- We will provide for an integrated environmental, social and economic approach to all our activities.
- We will focus on improving quality of life for current and future residents and ratepayers.

Legislation – Statutory Provisions:

Should the Federal Government's charter progress there may be legislative matters that arise for local government.

Risk Management considerations:

Should the Federal Government's draft charter progress, there may be risk management issues that arise for local government.

Financial/Budget Implications:

Should the Federal Government's draft charter progress there may be funding and budget matters that arise for local government.

Policy Implications:

Should the Federal Government's charter progress there may be policy matters that arise for local government to decide upon.

Regional Significance:

The draft Sustainability Charter adopted in its current form will likely have significant impact on the region with respect to infrastructure provision for roads, building design, air and water management quality.

Sustainability Implications:

The draft Sustainability Charter seeks to place sustainability principles at the highest level of governmental responsibility.

Consultation:

The City's draft response to the Sustainability Charter was undertaken in consultation with City officers and the Sustainability Advisory Committee.

COMMENT

The response to the Discussion Paper – Inquiry into a Sustainability Charter is due for lodgement by the Friday 12 May 2006.

ATTACHMENTS

Attachment 1	Draft Response from the City of Joondalup on the Draft Sustainability Charter
Attachment 2	Discussion Paper – Inquiry into a Sustainability Charter

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council ACCEPTS the draft submission shown as Attachment 1 to Report CJ069-04/06, to be forwarded to the Environment and Heritage Committee by 12 May 2006.

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 ACCEPTS the draft submission shown as Attachment 1 to Report CJ069-04/06, to be forwarded to the Environment and Heritage Committee by 12 May 2006;**
- 2 REQUESTS the Chief Executive Officer to write to members of the Sustainability Advisory Committee thanking them for their valued input;**
- 3 CIRCULATES this submission to all high schools within the City for comment, such comment to be collected and used to inform the strategic planning process in the next 18 months.**

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf190406.pdf](#)

Disclosure of Financial Interests

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ070-04/06 – Minutes of the CEO Performance Review Committee meeting held 4 April 2006 – (Item 1 – CEO Employment Contract Review)
Nature of interest	Financial
Extent of Interest	This item relates to Mr Hunt's contract of employment.

Disclosure of interest affecting impartiality

Name/Position	Mr Peter Schneider – Director Corporate Services
Item No/Subject	CJ070-04/06 – Minutes of the CEO Performance Review Committee Meetings held on 4 April 2006
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO

Name/Position	Mr David Djulbic - Director Infrastructure Services
Item No/Subject	CJ070-04/06 – Minutes of the CEO Performance Review Committee Meetings held on 4 April 2006
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of employment relationship with the CEO

Chief Executive Officer left the Chamber, the time being 2026 hrs.

CJ070 - 04/06 MINUTES OF THE CEO PERFORMANCE REVIEW COMMITTEE MEETING HELD 4 APRIL 2006 - [74574]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services

PURPOSE

The purpose of the report is to submit the unconfirmed minutes of the CEO Performance Review Committee, held on 4 April 2006, to Council for noting.

EXECUTIVE SUMMARY

A meeting of the CEO Performance Review Committee was held on 4 April 2006.

It is recommended that Council *NOTES the unconfirmed minutes of the CEO Performance Review Committee meeting held on 4 April 2006, forming Attachment 1 to this Report.*

BACKGROUND

At its meeting held on 7 June 2005 (Item CJ104-06/05 refers) Council established the Chief Executive Officer Performance Review Committee, comprising the Joint Commissioners, and set the Committee's terms of reference as follows:

- “(a) Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*
- (b) Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) Review the Key Performance Indicators to be met by the Chief Executive Officer.”*

At its meeting held on 9 August 2005 (Item C46-08/05 refers) Council resolved to expand the terms of reference for the Chief Executive Officer - Performance Review Committee to include:

- (a) Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
- (b) Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.”*

DETAILS

During the initial performance review of the CEO, several contractual issues relating to the documented review procedure were identified in addition to contractual issues raised by the CEO.

These were considered by the Committee at its meeting held on 21 and 28 March 2006 and concluded at its meeting held on 4 April 2006.

Issues and options considered:

As contained within the minutes of the Chief Executive Officer Performance Review Committee.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

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

In accordance with Section 5.39 of the Act the employment of a person who is a CEO or senior employee is to be governed by a written contract.

Risk Management considerations:

Section 5.39 of the Act contains various conditions that must be contained within the employment contract of a CEO, which the contract complies with.

Financial/Budget Implications:

Apart from some incidental legal costs associated with redrafting of the CEO's Contract of Employment, which are covered in the centralised legal expenses budget, there are no other costs associated with this item.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the CEO Performance Review Committee held on 4 April 2006 are submitted to Council for noting.

ATTACHMENTS

Attachment 1 Minutes of CEO Performance Review Committee meeting held on 4 April 2006.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Smith that Council NOTES the unconfirmed minutes of the CEO Performance Review Committee meeting held on 4 April 2006, forming Attachment 1 to Report CJ070-04/06.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf190406.pdf](#)

Disclosure of Financial Interests

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	CJ071-04/06 – Request for Annual Leave – Chief Executive Officer
Nature of interest	Financial Interest
Extent of Interest	Mr Hunt holds the position of Chief Executive Officer

Disclosure of interest affecting impartiality

Name/Position	Mr Peter Schneider – Director Corporate Services
Item No/Subject	CJ071-04/06 – Request for Annual Leave – Chief Executive Officer
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO

Name/Position	Mr David Djulbic - Director Infrastructure Services
Item No/Subject	CJ071-04/06 – Request for Annual Leave – Chief Executive Officer
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of employment relationship with the CEO

CJ071 - 04/06 REQUEST FOR ANNUAL LEAVE – CHIEF EXECUTIVE OFFICER – [00384, 13399, 18058, 00561]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

CJ060419_BRF.DOC:ITEM 10

PURPOSE

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

EXECUTIVE SUMMARY

The Chief Executive Officer has requested annual leave for the period 1 May 2006 to 3 May 2006.

It is recommended that Council APPROVES the request from the Chief Executive Officer, Mr Garry Hunt, for annual leave for the period 1 May 2006 to 3 May 2006 inclusive.

BACKGROUND

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

DETAILS

The Chief Executive Officer, Mr Garry Hunt, has requested annual leave for the period 1 May 2006 to 3 May 2006 inclusive.

Issues and options considered:

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

Link to Strategic Plan:

Outcome:	The City of Joondalup is recognised as an employer of choice.
Objective 4.5:	To manage our workforce as a strategic business resource.
Strategy 4.5.4	Implement best practice people-management policies and tools to assist in the achievement of the City's workforce objectives.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Nil.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Smith that Council APPROVES the request from the Chief Executive Officer, Mr Garry Hunt, for annual leave for the period 1 May 2006 to 3 May 2006 inclusive.

Discussion ensued. Cmr Anderson wished to place on record thanks to Director, Corporate Services, Mr Peter Schneider, for his invaluable assistance provided to Commissioners in respect of the CEO Performance Review Committee.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Chief Executive Officer entered the Chamber, the time being 2029 hrs.

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ072-04/06 – List of Payments made during the month of March 2006
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Hunt is one of the payees mentioned in the List of Payments

CJ072 - 04/06 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2006 - [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services

CJ060419_BRF.DOC:ITEM 11

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2006, totalling \$9,465,726.00.

It is recommended that Council NOTES the CEO's list of accounts for March 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to this report, totalling \$9,465,726.00.

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 74633 - 75021 & EFT 5544 - 5899	7,448,340.54
	Vouchers 139A-140A, 142A-143A, 145A-146A & 148A-149A	2,017,385.46
Trust Account		Nil
		\$ 9,465,726.00

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

Risk Management Considerations:

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

Financial/Budget Implications:

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

Policy Implications:

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

Sustainability Implications:

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

Consultation:

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

COMMENT

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

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Anderson that Council NOTES the CEO's list of accounts for March 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 at Attachments A and B to Report CJ072-04/06, totalling \$9,465,726.00.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf190406.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ073-04/06 - Tender 049-05/06 – Provision of Technical Consultancy Services for the City of Joondalup
Nature of interest	Interest that may affect impartiality
Extent of Interest	A relative of Mr Hunt's is engaged by M P Rogers and Associates Pty Ltd

CJ073 - 04/06 TENDER 049-05/06 – PROVISION OF TECHNICAL CONSULTANCY SERVICES FOR THE CITY OF JOONDALUP - [35583]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

CJ060419_BR.F.DOC:ITEM 12

PURPOSE

This report is to seek the approval of Council to establish a panel contract and choose Worley Parsons, Cardno BSD Pty Ltd, Traffic & Transport Solutions, Uloth & Associates, Pavement Analysis Pty Ltd, MP Rogers & Associates Pty Ltd and Traffic Logistics Australia as the successful tenderers for the provision of Technical Consultancy Services on an 'as and when required' basis for the City of Joondalup (Tender 049-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 25 February 2006 through statewide public notice for the provision of Technical Consultancy Services for the City in accordance with the two relevant Schedules 1A and 1C that identify the range of services to be provided. Tenders closed on 13 March 2006. Twelve submissions were received from:

- Cardno BSD Pty Ltd;
- Connell Wagner Pty Ltd;
- GHD Pty Ltd;
- MP Rogers & Associates Pty Ltd;
- Opus International Consultants Ltd;
- Pavement Analysis Pty Ltd;
- Pavement Management Services;
- Sinclair Knight Merz;
- Traffic & Transport Solutions;
- Traffic Logistics Australia;
- Uloth & Associates;
- Worley Parsons Services.

It is recommended, that in relation to Tender Number 049-05/06, Council:

1 CHOOSES:

- *Worley Parsons as the successful tenderer for the provision of Technical Consultancy Services for Road and Drainage Projects, Traffic Engineering (Intersections, Street Treatments, Minor Works/Parking Bays), Structural Design and Drafting Fee, Landscape Works and Street and Recreational Lighting;*
- *Cardno BSD Pty Ltd for the provision of Technical Consultancy Services for Road and Drainage Projects, Traffic Engineering (Intersections, Street Treatments, Minor Works/Parking Bays) and Street and Recreational Lighting in accordance with Tender Number 049-05/06 provision of Technical Consultancy Services and the Schedule of Rates;*

2 CHOOSES:

- *Worley Parsons as the successful tenderer for the provision of Technical Consultancy Services for Main Roads Western Australia Traffic Signal Design Services and Geotechnical Services;*
- *Cardno BSD Pty Ltd for the provision of Technical Consultancy Services for Main Roads Western Australia Traffic Signal Design Services, Geotechnical Services, Environmental Services and Waste Management Services;*
- *Traffic & Transport Solutions for the provision of Technical Consultancy Services for Traffic Engineering Services;*
- *Uloth & Associates for the provision of Technical Consultancy Services for Traffic Engineering Services;*
- *Pavement Analysis Pty Ltd for the provision of Technical Consultancy Services for Pavement Management and Design Services;*
- *MP Rogers & Associates Pty Ltd for the provision of Technical Consultancy Services for Coastal Engineering Services;*
- *Traffic Logistics Australia for the provision of Technical Consultancy Services for Traffic Data Collection Services;*

in accordance with Tender Number 049-05/06 provision of Technical Consultancy Services and the Schedule of Rates;

- 3 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a Contract with:*

- *Worley Parsons*
- *Cardno BSD Pty Ltd*
- *Traffic & Transport Solutions*
- *Uloth & Associates*
- *Pavement Analysis Pty Ltd*
- *MP Rogers & Associates Pty Ltd*
- *Traffic Logistics Australia*

in accordance with their submitted tenders, subject to minor variations that may be agreed between the CEO and the successful tenderers;

- 4 *DETERMINES that the Contract is to be for an initial period of two (2) years with an option to extend, subject to satisfactory performance reviews, for a further maximum period of thirty-six (36) months, in twelve (12) month increments, with the total term of the Contract not to exceed five (5) years.*

BACKGROUND

The City undertakes a structured Capital Works Programme with an indicative expenditure of \$12 million per annum. To assist in the application and delivery of the Capital Works Programme and specific project requirements, a diverse range of Consultancy Services are required.

The scope of services is for the provision of comprehensive Technical Consultancy Services as follows:

Schedule 1A

- 1 Road and Drainage Projects
- 2 Traffic Engineering (Intersections, Street Treatments, Minor Works / Parking Bays)
- 3 Structural Design and Drafting Fee
- 4 Landscape Works
- 5 Street and Recreational Lighting

Schedule 1C

- 1 Main Roads Western Australia Traffic Signal Design Services
- 2 Geotechnical Services
- 3 Traffic Engineering Services
- 4 Pavement Management and Design Services
- 5 Coastal Engineering Services
- 6 Environmental Services
- 7 Waste Management Services
- 8 Traffic Data Collection Services

The requirements within these disciplines may consist of but not be limited to:

- Supplementary Design;
- Technical Specifications;
- Project Work and associated management (new works, reconstruction, enhancement or upgrading);
- Community, Utility and General Liaison;
- Other associated matters.

The City is not expecting to have all the services as stated in the Request to be provided by a single organisation, and therefore tenders were invited from suitably qualified consultants to provide one or more of the disciplines.

DETAILS

Tenders were advertised on 25 February 2006 in the West Australian newspaper with the tenders closing on 13 March 2006. Twelve submissions were received from:

- Cardno BSD Pty Ltd;
- Connell Wagner Pty Ltd;
- GHD Pty Ltd;
- MP Rogers & Associates Pty Ltd;
- Opus International Consultants Ltd;
- Pavement Analysis Pty Ltd;
- Pavement Management Services;
- Sinclair Knight Merz;
- Traffic & Transport Solutions;
- Traffic Logistics Australia;
- Uloth & Associates;
- Worley Parsons Services.

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

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

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

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

The Selection Criteria for Tender Number 049-05/06 is as follows:

Demonstrated Understanding of the Required Tasks

- Appreciation of the requirements
- Outline of the proposed methodology

Capacity

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

Social and Economic Effects on the Local Community

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

Demonstrated Experience in Completing Similar Projects

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

The evaluation panel carried out the evaluation of the above submissions in accordance with the Qualitative Criteria and concluded that the offers submitted by Worley Parsons, Cardno BSD Pty Ltd, Traffic Logistics Australia, Traffic & Transport Solutions, Pavement Analysis Pty Ltd, MP Rogers & Associates Pty Ltd and Uloth & Associates represented value for money to the City.

Issues and options considered:

Prices offered by the consultants were a considering factor in the selection of respondents.

The respondent Worley Parsons was selected to provide all of Schedule 1A items and two of Schedule 1C items on the basis that its Tender scored highly against the qualitative criteria and overall represented good value for money to the City.

Cardno BSD Pty Ltd was selected to provide three of the five items under Schedule 1A and four items under Schedule 1C items (it did not tender for items 3 and 4 of Schedule 1A). Its Tender submission had a high qualitative score and overall represented good value for money to the City.

Traffic Logistics Australia only tendered for one of the items listed which is for Traffic Data Collection Services. Its Tender submission had a high qualitative score and represented good value for money to the City.

Traffic & Transport Solutions and Uloth & Associates were the preferred consultants for the provision of Traffic Engineering Services. Pavement Analysis Pty Ltd and MP Rogers & Associates Pty Ltd were selected for the provision of Pavement Management and Design Services and Coastal Engineering Services, respectively. The respondents selected for these services have extensive experience and knowledge, with highly skilled teams to undertake the tasks required. All Tenders achieved high qualitative scores and overall represented good value for money to the City.

The panel of consultants selected will provide the services on an “as and when required” basis for the various disciplines or part thereof as stated in the Request.

The City, where deemed appropriate, may seek quotations from one or more consultants on the panel for the provision of the required services. Consultants will be selected on the availability of key personnel and the ability to provide the services for each discipline within the allotted time frame as required by the City.

The contract prices shall be in accordance with the following:

- Contract schedule of rates for design services associated with the design programme as designated
- Hourly schedule of rates for unscheduled work identified.

Prior to undertaking any unscheduled work the consultant shall submit a quotation to the City's nominated Superintendent for the work based on the schedule of rates. No unscheduled work is to be undertaken unless approved, in writing by the Superintendent.

Where the City has identified the various disciplines, as stated in the Request, the level of services required and associated with such disciplines may be subject to variations. The City is not obliged to proceed with any requirement for the provision of the services for those disciplines specified.

Link to Strategic Plan:

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

2	Caring for the Environment.
Objective 2.1	To plan and manage our natural resources to ensure environmental sustainability.
Strategy 2.1.1	Maintain and protect natural assets to retain biodiversity.
Strategy 2.1.2	Further develop environmentally effective and energy-efficient programs.
Strategy 2.1.3	Develop a coordinated environmental framework, including community framework.
Objective 2.2	To manage waste effectively and efficiently in alignment with environmental sustainable principles.
Strategy 2.2.2	Plan for the development of waste management.

- | | |
|----------------|---|
| 3 | City Development. |
| Objective 3.1 | To develop and maintain the City of Joondalup's assets and built environment. |
| Strategy 3.1.1 | Plan the timely design, development, upgrade and maintenance of the City's infrastructure. |
| Strategy 3.1.2 | Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup. |
| Strategy 3.1.3 | Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors. |

Legislation – Statutory Provisions:

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

Regulation 20 – Variation of requirements before entry into contract states as follows:

- (1) If, after it has invited tenders for the supply of goods or services and chosen a successful tenderer but before it has entered into a contract for the supply of the goods or services required, the local government wishes to make a minor variation in the goods or services required, it may, without again inviting tenders, enter into a contract with the chosen tenderer for the supply of the varied required subject to such variations in the tender as may be agreed with the tenderer.
- (3) *In sub regulation (1) “minor variation”* means a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply.

Risk Management considerations:

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

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's Capital Works Programme as authorised by Council annually and reviewed periodically. Sufficient funds exist within the budget for these services to be provided on a project basis.

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

All the recommended respondents achieved very high weighted qualitative scores in the evaluation process and are all very well established consultancy firms. Their proposed teams have extensive experience in Western Australia providing municipal services to state and local government authorities, including the City of Joondalup.

The evaluation panel considered that the selected consultants have comprehensive networks of technical resources and expertise to provide the required services on a value for money basis and therefore recommends them as the preferred suppliers.

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

ATTACHMENTS

Attachment 1 - Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that in relation to Tender 049-05/06, Council:

1 CHOOSES:

- (a) Worley Parsons as the successful tenderer for the provision of Technical Consultancy Services for Road and Drainage Projects, Traffic Engineering (Intersections, Street Treatments, Minor Works/Parking Bays), Structural Design and Drafting Fee, Landscape Works and Street and Recreational Lighting;**
- (b) Cardno BSD Pty Ltd for the provision of Technical Consultancy Services for Road and Drainage Projects, Traffic Engineering (Intersections, Street Treatments, Minor Works/Parking Bays) and Street and Recreational Lighting in accordance with Tender Number 049-05/06 provision of Technical Consultancy Services and the Schedule of Rates;**

- 2 CHOOSES in accordance with Tender Number 049-05/06 – Provision of Technical Consultancy Services and the Schedule of Rates:**
- (a) **Worley Parsons as the successful tenderer for the provision of Technical Consultancy Services for Main Roads Western Australia Traffic Signal Design Services and Geotechnical Services;**
 - (b) **Cardno BSD Pty Ltd for the provision of Technical Consultancy Services for Main Roads Western Australia Traffic Signal Design Services, Geotechnical Services, Environmental Services and Waste Management Services;**
 - (c) **Traffic & Transport Solutions for the provision of Technical Consultancy Services for Traffic Engineering Services;**
 - (d) **Uloth & Associates for the provision of Technical Consultancy Services for Traffic Engineering Services;**
 - (e) **Pavement Analysis Pty Ltd for the provision of Technical Consultancy Services for Pavement Management and Design Services;**
 - (f) **MP Rogers & Associates Pty Ltd for the provision of Technical Consultancy Services for Coastal Engineering Services;**
 - (g) **Traffic Logistics Australia for the provision of Technical Consultancy Services for Traffic Data Collection Services;**
- 3 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a Contract with the following in accordance with their submitted tenders, subject to minor variations that may be agreed between the CEO and the successful tenderers:**
- **Worley Parsons**
 - **Cardno BSD Pty Ltd**
 - **Traffic & Transport Solutions**
 - **Uloth & Associates**
 - **Pavement Analysis Pty Ltd**
 - **MP Rogers & Associates Pty Ltd**
 - **Traffic Logistics Australia**
- 4 DETERMINES that the Contract is to be for an initial period of two (2) years with an option to extend, subject to satisfactory performance reviews, for a further maximum period of thirty-six (36) months, in twelve (12) month increments, with the total term of the Contract not to exceed five (5) years.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf190406.pdf](#)

CJ074 - 04/06 PROPOSAL TO PROMOTE THE USE OF GREY WATER WITHIN THE CITY - [62536]

WARD: All

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

CJ060419_BRF.DOC:ITEM 13

PURPOSE

To consider options for the Council to become involved in the promotion of the use of grey water as a sustainability initiative.

EXECUTIVE SUMMARY

Water conservation is a crucial issue for Western Australia. The safe reuse of grey water to irrigate gardens assists in reducing the demand on quality ground and surface water supplies.

The reuse of grey water is supported by the State Water Strategy and the State Sustainability Strategy.

Rebates of up to \$500 are available for approved grey water reuse systems through the Water Corporation's Waterwise Rebate Scheme. The cost of purchasing an approved system and installation by a licensed plumber is still substantial with simple systems starting at around \$200 to more complex systems costing approximately \$12,000. The Waterwise Rebate covers either half the cost of purchasing and installing the system or \$500 (whichever is the lesser amount).

Water Conservation can be supported by the City of Joondalup through encouraging the use of grey water systems on residential and commercial properties. This can be achieved in two (2) ways:

- (1) The City can produce brochures, fact sheets and consider public education campaigns to raise awareness of these systems and to encourage their use.
- (2) Reducing the Local Government fees associated with applications for the installation of grey-water reuse systems.

The Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 require any person installing a grey water reuse system to apply to the Local Government for approval. Currently a fee of \$184 is prescribed under the Regulations for application and approval for these systems. The Local Government Act allows fees to be varied or concessions to be granted.

It is recommended that Council supports the sustainable use of its water resources by reducing the fees (currently set at \$184) associated with the installation of approved grey water reuse systems for its residents. This would demonstrate a Council commitment to this issue as well as providing for the partial recovery of costs associated with processing applications.

BACKGROUND

Grey water is water from bathrooms, kitchens and laundries, with the exclusion of toilet waste.

The average house uses 459 kilolitres of water per year, or approximately 1259 litres each day. This equates to approximately 117 litres of grey water per person per day; of this, 24 litres is used in the kitchen, 42 litres in the laundry and 51 litres in the bathroom (Source: Domestic water use study in Perth, WA 1998-2001).

Grey water can be used to irrigate gardens by the installation of a grey water reuse system, provided that the system is of a design approved by the Executive Director of Public Health. Alternatively, people can bucket wastewater from their washing machine or shower/bath onto their gardens.

The use of grey water reuse systems in sewered areas has been permitted since mid 2002 but to date, the City has not received many applications from residents wishing to install such grey water recycling systems. In addition to being a relatively new concept in Western Australia, the cost of purchasing and installing these systems is believed to be the main barrier preventing residents from installing such systems.

The Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 require any person installing a grey-water re-use system to apply to the Local Government for approval. Following installation, provided that the Local Government is satisfied that the system conforms to the Regulations and any conditions of the approval, the local government will grant a permit to use the system.

Currently the following fees are prescribed under the Regulations and apply to grey water reuse systems:

- | | |
|---|------|
| • Application for approval by a local government | \$92 |
| • Fee for the grant of a permit to use an apparatus (including inspections) | \$92 |

These fees cover:

- City officers examining the application for compliance with the Regulations
- The issuing of formal approval for the system
- Inspection costs associated with approving the system

This is the same fee charged for processing Applications for Septic Tank Apparatus.

Some Councils only charge the Application fee and do not charge the fee for the granting of a permit to use the grey water system. Most Councils in Western Australia do charge both the Application and the Permit fee and the Regulations prescribed the maximum fee that can be charged to enable Councils to recover the cost of processing applications and conducting inspections.

The time taken to approve such a system will depend upon the quality of the Application submitted to the City. At a minimum, Environmental Health Officers will need to confirm that the Executive Director, Public Health has approved the system and that it can adequately be installed on the property. Written approval from the City for the system needs to be prepared and a final inspection on site of the system needs to be made before it can be used.

The Department of Health has produced “Draft Guidelines for the Reuse of Grey Water in Western Australia” with the aim of promoting acceptable long term grey water reuse practice by establishing means of grey water reuse that are safe for the community and the environment and by setting minimum standards for the design, installation and approval procedures relating to grey water reuse.

The Department of Health has also produced a pamphlet on the Reuse of Household Grey Water in Western Australia and a list of approved grey water system suppliers that the City can use to assist persons interested in installing such systems. These are currently available upon request from the City and the Department.

DETAILS

It is proposed that the City reduce the fees associated with the installation of approved grey water reuse systems for residents of the City of Joondalup. This will support the State Water Strategy and the State Sustainability Strategy.

It would be intended that reduction of these fees charged for such applications will commence, on 1 July 2006. This will need to be included in the City's Schedule of Fees and Charges for 2006/2007.

Issues and options considered:

The reduction of fees is an initiative to encourage the reuse of grey water to support the sustainable use of our water resources.

Link to Strategic Plan:

The City of Joondalup Strategic Plan 2003-2008 states, as an objective, to plan and manage our natural resources to ensure environmental sustainability for an outcome of being environmentally responsible in the City's activities. Strategies include the maintaining and protection of natural assets to retain biodiversity, and to further develop environmentally effective and energy-efficient programs.

Legislation - Statutory Provisions:

The Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 require any person installing a grey water reuse system to apply to the Local Government for approval.

The City of Joondalup Register of Delegation of Authority gives the Chief Executive Officer the power to waive fees and delegate the waiving of fees to Directors however this does not apply to statutory fees. The fee associated with a grey-water re-use system is a statutory fee and therefore cannot be waived or reduced by the Chief Executive Officer.

Section 6.12 of the Local Government Act 1995 allows a Local Government to waive or grant concessions in relation to any amount of money owed to the Local Government.

AUTHORITY TO WAIVE FEES

Function to be performed:

Authority to waive fees for goods, services and charges. This authority does not extend to statutory charges, the municipal rate or service charges incorporated within the Rate Notice.

Power or Duty Assigned: Chief Executive Officer

Power to Delegate: Yes

Delegation Recommended: Yes

Delegation to: N/A

Chief Executive Officer

delegates to: All Directors

Reference: Section 6.12 (1) & (2) Local Government Act 1995
Policy 2.4.3

Section 6.12 of the Local Government Act 1995 allows a Local Government to waive or grant concessions in relation to any amount of money owed to the Local Government.

6.12. Power to defer, grant discounts, waive or write off debts

- (1) Subject to subsection (2) and any other written law, a local government may —
 - (a) when adopting the annual budget, grant* a discount or other incentive for the early payment of any amount of money;
 - (b) waive or grant concessions in relation to any amount of money; or
 - (c) write off any amount of money, which is owed to the local government.

** Absolute majority required.*
- (2) Subsection (1) (a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1) (b) may be subject to any conditions determined by the local government.

Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

Risk Management considerations:

There is a minimal risk associated with the City reducing such fees as no applications have been received for these systems within the current financial year. Therefore, it is unlikely that any complaints will be received from applicants who have paid the full application and permit fee.

There is a negligible possibility that ratepayers of the City may not support reducing fees for the processing of these applications. However, it is considered that the advantages of encouraging the use of these systems will be beneficial to the general community.

Financial/Budget Implications:

Currently the City receives very few applications from residents seeking approval to install grey water reuse systems. Therefore, reducing the associated fees will not have any significant financial impact on the City.

A review of the fee reduction should be conducted at the mid year budget review and regularly in the future. This is to ensure that the City is still able to manage the applications received for the installation of grey water reuse systems whilst not requiring full cost recovery for this service.

Policy Implications:

Aligns with Policy 5.4 - Sustainability

Regional Significance:

Not Applicable.

Sustainability Implications:

As water is one of our most precious resources, better management of water use and reuse can achieve improved future sustainability.

Consultation:

Not Applicable.

COMMENT

The reduction of fees is an initiative to encourage the reuse of grey water to support the sustainable use of our water resources. It is intended to further support this aim through education and awareness campaigns of the benefits of grey water systems to the wider community. The promotion of grey water reuse and of the City's support for these systems will encourage the uptake and installation of these recycling systems and will demonstrate the City's commitment to the sustainable use of water.

A reduction in fees to 50% will encourage the uptake and use of these systems in the City whilst still allowing the recovery of some costs associated with processing and approving grey water reuse systems.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cmr Anderson, **SECONDED** Cmr Clough that Council **SUPPORTS** the sustainable use of state water resources and **ENDORSES**:

- 1 the reduction of the fees associated with the installation of approved grey water reuse systems by 50% for residents of the City of Joondalup;
- 2 Raising community awareness and use of these systems by the production of brochures, fact sheets and media promotion campaigns.

Discussion ensued.

The Motion was Put and

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

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

**CJ075 - 04/06 CONSIDERATION OF REQUIREMENT FOR
STRUCTURE PLAN – SORRENTO VILLAGE:
DRAKES WALK, PADBURY CIRCLE, THE PLAZA,
WEST COAST DRIVE & RALEIGH ROAD,
SORRENTO - [65581]**

WARD: South-West

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

CJ060419_BRF.DOC:ITEM 15

PURPOSE

For Council to consider a structure plan proposed for the area known as Sorrento Village.

EXECUTIVE SUMMARY

The City has received the submission of a structure plan relating to eight (8) properties bounded by Drakes Walk, Padbury Circle, The Plaza, West Coast Drive and Raleigh Road, Sorrento. The proposed area includes two (2) single storey dwellings on No 2 Drakes Walk and No 4 Padbury Circle, "The Plaza" commercial/shopping area and the BP service station site. A plan of the subject properties is included as Attachment 1.

The lodgement of the structure plan raises the question of the Council's future planning proposals for the land.

According to the applicant, the intent of the structure plan is to facilitate the future development of the site for mixed use commercial and residential development. This would comprise of two storey residential buildings on Drakes Walk and three (3) five storey commercial and residential apartment buildings on West Coast Drive. The indicative concept plan shows the potential for nine (9) commercial tenancies and up to fifty seven (57) dwellings, with a two storey car park of one hundred forty seven (147) bays located centrally on the site.

It is considered that a scheme amendment is the appropriate planning instrument for any rezoning and recoding of the land. There is no present requirement for a structure plan and whether one might be required could be considered once the Council has considered the broader issue of zoning and desired development and form.

It is therefore recommended that Council ADVISES the proponent that in regard to the structure plan submitted over Lot 145 (2) Drakes Walk, Lot 146 (4) Padbury Circle, Lot 147 (2) Padbury Circle, Lot 148 (136), West Coast Drive, Lot 149 (134) West Coast Drive, Lot 2 (130) West Coast Drive, Lot 153 (126) West Coast Drive and Lot 154 (1) Raleigh Road, Sorrento;

- 1 *That Council considers there is no occasion for making a decision concerning the need for a structure plan.*
- 2 *That the proper course of action is to seek an amendment for the District Planning Scheme No 2.*
- 3 *The Council will reconsider the ultimate desired zoning and form of development of the land through the development of its forthcoming review of the District Planning Scheme No 2.*

BACKGROUND

The applicants initially approached the City in mid 2005 seeking to establish a structure plan over commercial land within the land parcel described below. With time, the proposal was expanded to include residential land.

Suburb/Location:	Lot 145 (2) Drakes Walk, Lot 146 (4) Padbury Circle, Lot 147 (2) Padbury Circle, Lot 148 (136), West Coast Drive, Lot 149 (134) West Coast Drive, Lot 2 (130) West Coast Drive, Lot 153 (126) West Coast Drive and Lot 154 (1) Raleigh Road, Sorrento
Applicant:	Urbanplan
Owner:	Lot 145: GM Rafferty Lots 146, 147 & 148: Equation Pty Ltd Lot 149: PK Wilson & PJ Peard Lot 2: Shannonbrae Pty Ltd, Stonehawk Pty Ltd, PK Wilson, RM O'Mara & MA O'Mara Lots 153 & 154: BP Australia Pty Ltd
Zoning:	DPS: Lots 145, 146 & 147: Residential R20 Lots 148, 149, 2, 153 & 154: Commercial, R20
	MRS: Urban
Site Area:	Total of 7,378m ²

The lodgement of the Urbanplan submission gives rise to the need to consider whether a structure plan is required for the land. The content of the application is also particularly relevant as it proposes substantial changes to the form and character of the land.

Location Details

The structure plan relates to eight (8) properties as identified in Attachment 1. The site is bound by Drakes Walk, Padbury Circle, The Plaza, West Coast Drive and Raleigh Road. Sorrento Village Resort is located to the north of the site and the Sorrento Beach redevelopment is located opposite the site.

Council's Coastal Height Policy & Scheme Amendment

At its February 2006 round of meetings, Council adopted Policy 3-4 Height of Buildings Within the Coastal Area (Item CJ026 – 02/06 refers). This policy included a provision that buildings within 300 metres of the coast shall not exceed 10 metres in height above natural ground level. (The land in question is within the 300 metres coastal area, as defined in the amendment).

Council, at its 4 April 2006 meeting (Item CJ059 – 04/06 refers), considered Amendment 32 to DPS2 which proposes the introduction of a 10 metre maximum building height limit in coastal areas. With minor modifications proposed as a result of the advertising period, Council resolved to adopt Amendment 32 for final approval and the Amendment has been forwarded to the Minister for Planning and Infrastructure for consideration of final approval. This amendment proposes that notwithstanding a provision of an Agreed Structure Plan, the Council shall not approve an application for planning approval of a proposed development that exceeds 10 metres in height. This amendment, if approved, would then override the height controls of the Urbanplan proposal.

In short, the amendment is intended to provide surety to the community about the height limit of acceptable development in the opinion of the Council.

DETAILS

The key aspects of the Urbanplan proposal are:

- A mixed use development for those lots fronting West Coast Drive (zoned Commercial).
- A maximum R80 density across the entire structure plan site.
- A 17.5 metre height limit in the Commercial zone and 10 metres in the Residential zone.

Part 1 of the proposed structure plan, being the statutory provisions of the structure plan, is included in Attachment 2. A full copy of the structure plan and explanatory report (Part 2 of the structure plan) is available for viewing by Commissioners in the Councillors' reading room. Attachment 3 includes indicative plans of a possible future development layout as well as a concept development sketch model of the built form of the indicative plans.

The objectives of the structure plan include:

- providing for the redevelopment of mixed use commercial and residential uses;
- providing a diversity of dwellings that offer greater variety and choice in housing;
- encouraging a high standard of building design and landscape; and
- having regard for the amenity of adjacent lots and surrounding areas.

The proposed structure plan identifies criteria separated into the Commercial and Residential zones. The concept development plan, which is also a part of the structure plan, shows a footprint of buildings that may be possible under the provisions of the structure plan.

The proposed structure plan introduces a method of calculating building height that is different to those provisions in the City's policies and other adopted structure plans.

The structure plan explanatory text (Part 2) outlines the intention to work with the City to reduce the road space of West Coast Drive with a view to reduce traffic speed, provide on street parking and an area for al fresco dining. A landscape concept plan for West Coast Drive is also included in the explanatory text of the proposed structure plan.

Issues and options considered:Issues

The primary issue arising is whether a structure plan is required over the subject lots.

The proposal includes some very significant departures from the current DPS2 standards. The significant characteristics are as follows:

- The DPS2 identifies a coding of R20 for the site while the structure plan proposes a density to R80.
- No change to the existing Residential and Commercial zonings in the knowledge that the indicative development proposals would result in one of the future buildings having a 'split' zoning.
- A scheme amendment request has not been received seeking to:
 - (a) recode the site from R20 to R80.
 - (b) rezone the site to a single zoning, such as Urban Development.
- The suitability of draft structure plan provisions in regard to building height to allow for a development up to 17.5 metres above the highest natural ground level for lots within the Commercial zone. This provision is contrary to Council's Policy 3-4 Height of Buildings Within the Coastal Area, and the draft DPS2 provisions of Amendment 32, which was adopted by Council and is being forwarded to the Minister for Planning & Infrastructure for final approval.
- The suitability of draft structure plan provisions in regard to building height in the Residential zone to allow for development of 9 metres above the highest natural ground level, which is significantly greater than that detailed under Council's Policy 3-2 Height and Scale of Buildings Within Residential Areas.

Options

In considering the requirement for a structure plan for land not located in the Centre or Urban Development zone, Council can:

- (a) consider that there is no occasion for making a decision concerning the need for a structure plan, or
- (b) consider that a structure plan is needed.

Link to Strategic Plan:

At this point, it is not known whether the structure plan is in accordance with the City's Strategic Plan 2003 – 2008. Assessment to that level of detail is considered to be very preliminary at this time.

Legislation – Statutory Provisions:

A structure plan is a requirement for land zoned 'Urban Development' or 'Centre'. A structure plan may be required in other zones.

A structure plan for this site is not required under the provisions of DPS2, having regard to the zoning of the land.

Clause 9.1 of DPS2 allows Council to decide if a structure plan is required.

Risk Management considerations:

Various parts of the consideration process for structure plans are appealable to the State Administrative Tribunal.

If the Urbanplan proposal was initiated, then it could readily be removed from the realm of the Council in terms of appealability.

This is significant because development changes of the type proposed in the Urbanplan submission would ordinarily be considered under the provisions of a DPS2 amendment.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

On 21 February 2006 (Item CJ026 – 02/06 refers) Council adopted Policy 3-4 regarding the Height of Buildings Within the Coastal area. This policy included a provision that buildings within 300 metres of the coast shall not exceed 10 metres in height above natural ground level. The structure plan area is within 300 metres of the coast and the provisions of this structure plan would permit buildings up to 17.5 metres in height.

The subject site includes three (3) lots that are zoned Residential and therefore the provisions of Council's Policy 3-2 Height and Scale of Buildings within Residential areas would ordinarily apply. Policy 3-2 details the process and objective for assessment of planning applications for development in the Residential zone that exceeds the building threshold envelope. The maximum height of the building threshold envelope is 8.5m above the natural ground level, above which public consultation is required. The proposed structure plan includes provisions to allow for a building height up to 9 metres above the highest natural ground level on which each individual building sits.

The intent of the Policy is reflected in the draft Amendment 32 to the DPS2.

Regional Significance:

Not Applicable.

Sustainability Implications:

Generally, higher densities and mixed used proposals may promote both economic and social sustainability.

The applicant outlines that development to a higher density is appropriate given the location of the subject site to a number of services including a bus route on West Coast Drive, the proximity to the coastal strip for recreation and the local centre at The Plaza.

Consultation:

The requirement, or otherwise, for a structure plan is within the realm of the Council. If the Council decided that a Structure Plan is necessary then that process would include a requirement for public consultation.

This proposal has been publicised informally by the proponent, and has drawn significant opposition from the community in various forms.

COMMENT

The substantial changes proposed by the Urbanplan concept are of an extent that ought to be properly considered as a rezoning application.

When the extent, bulk and form of development became apparent, the proponents were advised that the submission ought to be submitted as a request for zoning.

It should also be noted that the City has raised significant concerns about the extent of development proposed and its potential impacts from the earliest stages of negotiations. A DPS2 amendment would need to be assessed on its merits, and there is no guarantee that it would receive a positive recommendation to the Council.

Conclusion

On the basis of the history and analysis presented above, it is considered that a scheme amendment proposal is required in the first instance. It is not considered appropriate that a structure plan be required over the site at this point, considering:

- (a) A scheme amendment was requested to initiate rezoning of the land to Urban Development with an appropriate R Code.
- (b) The provisions regarding building height are in conflict with Policy 3-4 Height of Buildings Within the Coastal Area, and Policy 3-2 Height and Scale of Buildings within a Residential Area.
- (c) Certain clauses within the structure plan document would require further review and consideration.

Ultimately, if the Council were to require a Structure Plan over the land, it should do so acknowledging its role to establish the appropriate planning parameters for the locality, rather than by merely accepting this proposal, which in itself does not represent an appropriate scenario for development in the short term.

Having regard to the principles and issues under consideration, Senior Counsel advice has been obtained to assist with the drafting of the recommendation to the Council.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Part 1 of the Sorrento Village Structure Plan
Attachment 3	Concept Development Plans and Indicative 3D Mass Model of proposed development

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, **SECONDED** Cmr Fox that Council **ADVISES** the proponent that in regard to the structure plan submitted over Lot 145 (2) Drakes Walk, Lot 146 (4) Padbury Circle, Lot 147 (2) Padbury Circle, Lot 148 (136), West Coast Drive, Lot 149 (134) West Coast Drive, Lot 2 (130) West Coast Drive, Lot 153 (126) West Coast Drive and Lot 154 (1) Raleigh Road, Sorrento:

- 1** That Council considers there is no occasion for making a decision concerning the need for a structure plan;
- 2** That the proper course of action is to seek an amendment for the District Planning Scheme No 2;
- 3** The Council will reconsider the ultimate desired zoning and form of development of the land through the development of its forthcoming review of the District Planning Scheme No 2.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf190406.pdf](#)

Disclosure of Financial Interests

Name/Position	Cmr P Clough
Item No/Subject	CJ076-04/06 – Minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 1 February 2006
Nature of interest	Financial
Extent of Interest	Cmr Clough provides consultancy services to Joondalup Health Campus, which is not linked to this application.

Cmr Clough left the Chamber, the time being 2035 hrs.

CJ076 - 04/06 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETING HELD ON WEDNESDAY 1 FEBRUARY 2006 - [55511]

WARD: All

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

CJ060419_BRF.DOC:ITEM 16

PURPOSE

To note the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held Wednesday 1 February 2006.

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on Wednesday 1 February 2006. The unconfirmed minutes of the meeting held on 1 February 2006 are submitted for noting by Council.

It is recommended that:

- 1 *Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 1 February 2006 forming Attachment 1 to this Report;*
- 2 *the issue regarding the Joondalup Hospital be referred to the Joondalup Health Campus Community Board of Advice.*

BACKGROUND

The Seniors Interests Advisory Committee resulted from a Council resolution to elect an Occasional Seniors Advisory Committee on 25 September 2001, which was changed to the Strategic Advisory Committee – Seniors Interests at the Council meeting of 9 October 2001. Initial membership was established at the Council meeting of 18 December 2001. At its meeting of 3 September 2002, Council resolved to remove "Strategic Advisory" from all Council Committees and the Committee became the Seniors Interests Advisory Committee.

The Committee was established because Council identified the benefit of receiving advice from residents of the City of Joondalup on matters to do with seniors, the ageing population and the need for community input into the Seniors Plan.

As stated in the Terms of Reference, the objective of the Committee is to:

- 3.1 Provide advice to Council to ensure that the concerns of seniors are adequately represented in the City planning processes and the strategic directions being developed for older people across the City.

The Appointment of Seniors Interests Advisory Committee Report CJ152–07/05 was endorsed by Council at its meeting of 19 July 2005. The current committee met for the first time on 3 August 2005.

The Terms of Reference, Terms of Appointment states that:

- 4.1 Membership is for a two-year period in line with Council elections. After this two-year term all individuals/organisations must stand down.

DETAILS

Issues and options considered:

Announcements by the Committee Chair, included advising of the resignation from the Committee of National Seniors representative Valerie O'Toole and comments from the Council meeting of 13 December 2005 to the effect that it is pleasing to see the Committee has commenced well, taking a very strategic approach to the work being undertaken.

The Standing Orders Local Law 2005 was introduced to the Seniors Interests Advisory Committee, advising members of the order of business for this and future Committee meetings. An Officer from the City attended the meeting specifically to provide information and answer questions from Committee members regarding Standing Orders. Committee members were provided with a copy of Standard Orders Local Law 2005.

The Committee noted and discussed information related to Future Planning and Strategic Direction of the Seniors Interests Advisory Committee. The Committee seeks Council direction on the best options for progressing issues identified as priorities for seniors at workshop discussions on 3 August 2005 and 2 November 2005. These identified issues were broadly prioritised as: health; access to information; accessibility and affordability of transport; and staying active i.e. GOLD Program/entertainment.

The Committee noted information about two City access and inclusion initiatives: the Beach Wheelchair Project and the Libraries for All Project. Both projects complement the Access and Inclusion Plan, providing opportunities for members of the community to access facilities and to have choices about participating in City programs, activities and events.

A motion was put and carried by the Committee:

“That the Seniors Interests Advisory Committee requests Council to look into health matters at the Joondalup Health Campus.”

This resulted from a Committee member's report of a recent experience as a patient at Joondalup Health Campus.

Link to Strategic Plan:

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

- 1.1 By developing, providing and promoting a diverse range of lifelong learning opportunities.
- 1.2 By meeting the cultural needs and values of the community.
- 1.3 By continuing to provide services that meet changing needs of a diverse and growing community.
- 1.4 By working with the community to enhance safety and security in a healthy environment.

Legislation – Statutory Provisions:

The Seniors Interests Advisory Committee is an official Council Committee with Terms of Reference endorsed by Council.

Risk Management considerations:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

The Seniors Interests Advisory Committee is a locally focused working group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup. Although there may be some issues and concerns unique for seniors within the City, it is probable that these issues and concerns may be similar for many seniors throughout the state. Therefore, whilst focusing and operating from a local perspective, the Committee has and does consider a range of universal issues that impact upon seniors at regional and state levels.

Sustainability Implications:

The Seniors Interests Advisory Committee enables seniors the opportunity to actively participate and provide input into the development and maintenance of a healthy and equitable community that considers their needs.

Consultation:

Not Applicable.

COMMENT

The Committee continues to work toward prioritising issues for its strategic focus: health; information access; accessibility and affordability of transport; and entertainment/staying active. These issues complement the City's Seniors Plan 2004 – 2008 and the Strategic Plan 2003 – 2008 and will provide direction and focus for the Committee.

Further exploration and appropriate actions of issues discussed by the Committee will take place, including: holding a seminar, workshop or information day during 2006 (similar to the 2005 Living Now seminar); launching the Directory in 2006; keeping seniors regularly informed of relevant Council news through various media publications and inclusion and participation of seniors in Joondalup Festival activities.

The Seniors Interests Advisory Committee meeting process continues to inform Committee members of appropriate actions, issues and trends whilst providing a forum for relevant seniors issues to be raised, considered, discussed and noted. At the same time, the process enables Committee members to advise and make recommendations to Council, ensuring that seniors concerns are identified and adequately represented in the planning processes and strategic directions being developed for older people by the City.

The issue raised by the Committee regarding the Joondalup Health Campus, based upon a recent personal experience, is not a Council matter. Rather, it is appropriate that the matter be taken up with the Joondalup Health Campus, through the standard grievance or complaint procedures process. This process is available at all health services, including the Joondalup Health Campus, to ensure individuals are able to address concerns or complaints. The report also recommends that the minutes of the meeting be referred to the Joondalup Health Campus Community Board of Advice.

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith that:

- 1 Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on Wednesday 1 February 2006 forming Attachment 1 to Report CJ076-04/06;**
- 2 the issue regarding the Joondalup Hospital be referred to the Joondalup Health Campus Community Board of Advice.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf190406.pdf](#)

Cmr Clough entered the Chamber, the time being 2036 hrs.

CJ077 - 04/06 POLICY FOR REQUESTS FOR SALE OF PUBLIC OPEN SPACE RESERVES – [89391]

WARD: All

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

CJ060419_BRF.DOC:ITEM 17

PURPOSE

For Council to consider a policy to provide guidance for assessment of requests to purchase portions of public recreation reserves or public open space (POS) within the City of Joondalup.

EXECUTIVE SUMMARY

The Council recently considered two requests by residents to purchase portions of two separate POS reserves. In both instances the landowners concerned sought Council support to purchase part of the existing POS reserve adjacent to their landholding with a view to amalgamating the land into their property.

In considering these items, Council resolved to:

“Refer the issue of the sale of public open space to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue” (Resolution 3 of CJ203 – 09/05).

In 2001 a policy entitled “Preservation of Public Reserves” was prepared. Council resolved to approve the proposal for the purpose of advertising. This policy dealt with procedures for assessing requests for excisions of reserves. However due to public concerns regarding the policy, it was never endorsed by Council.

It is considered appropriate that a policy be adopted to guide assessment of future requests for the purchase of POS. It is therefore recommended that *Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft policy entitled ‘Requests for Sale of Public Open Space’ forming Attachment 2 to this Report and makes the policy available for public comment for a period of 30 days.*

BACKGROUND

Council has considered various requests for excision of portions of POS reserves where adjacent landowners have sought to amalgamate the land into their landholding.

In September 2005 (Item CJ203 – 09/05 refers), the Council considered a request for sale of portion of a POS reserve to an adjoining landowner. Part 3 of the resolution was that the issue of the sale of public open space be referred to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue.

In the last 3 years, the Council has considered a number of requests for sale of portion of POS reserves to adjoining neighbours. A summary of the Council decisions regarding such requests are detailed below:

- In September 2005 (Item CJ203 – 09/05 refers), Council considered and did not support a request by a private landowner seeking to excise 227m² of Castlecrag Park to be amalgamated with the applicant's adjoining residential property.
- In August 2005 (Item CJ180 – 08/05 refers), Council considered and did not support a request by a private landowner, seeking to excise 57m² of Cumberland Park to be amalgamated with the applicant's adjoining residential property.
- In November 2003 (Item CJ260 – 11/03 refers), Council considered and did not support a request by a private landowner, seeking to excise 53m² of Hawick Park to be amalgamated with the applicant's adjoining residential property.

In all of the above cases, the Council did not support the requests with the primary reason being that the loss of public open space was not considered to be in the best interests of the community, or orderly and proper planning.

A draft policy "Preservation of Public Reserves" was considered by Council in November 2001 (Item CJ400 – 11/01 refers) whereby it was resolved to adopt the draft policy and make it available for public comment. The policy that was developed outlined procedures for dealing with requests for excisions and/or cancellations of any reserve within the City. The policy was predominantly aimed at procedures for assessing and dealing with requests for excisions of reserves for club rooms for sporting groups, Western Power substations and to a lesser degree the requests by residents for minor excisions of POS to amalgamate into their landholding. A copy of the draft policy is provided in Attachment 1. The policy was advertised for 21 days, with the time period for submissions being extended for a further 21 days. A total of 14 submissions were received as well as 42 proforma letters. 13 of the submissions requested modifications to the draft policy as advertised. In addition, an information session was held for residents to attend. The policy was not adopted due to the community concerns regarding the policy and its potential link to the precinct planning process.

At its meeting of 11 April 2006, the Policy Committee considered a report on the sale of open public spaces, with a request to advertise for public comment for a period of twenty one (21) days. The Policy Committee amended the request to advertise for thirty (30) days and referred the sale of open public spaces draft policy for the purpose of public comment, to the next Council meeting.

DETAILS

Issues and options considered:

From time to time, Council receives requests from ratepayers seeking to purchase portion of a POS reserve for which the Management Order has been granted to the City of Joondalup. The majority of the requests are for minor excisions of a POS reserve whereby it is proposed to amalgamate the land into the adjoining residential lot. In the majority of the cases such requests are for the benefit of the applicant (who seeks to have the land amalgamated into their title) and in those cases there is usually little or no benefit to the community at large.

In considering such requests for excisions or cancellations of reserves, the Council has the ability to not support such requests or if they believe that there is merit in the proposal they

can resolve to initiate advertising seeking public comment on the proposal to dispose portion of the reserve.

In regard to assessment of such requests, the Council could:

- (a) continue to consider each request for excisions from POS reserves on the merits of the individual case;
- (b) give further consideration to the draft policy “Preservation of Public Reserves” that was advertised in 2001/02 with modifications based upon concerns expressed in the submissions; or
- (c) adopt a new policy specifically relating to the sale of POS reserves to adjoining properties.

Link to Strategic Plan:

The following objective and strategy in the City’s Strategic Plan 2003 – 2008 is applicable to this report:

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

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

Legislation – Statutory Provisions:

Reserves

A reserve is the setting aside of Crown Land for a specific purpose, generally a public purpose. Under Section 41 of the Land Administration Act 1997 (LAA), the Minister for Lands may set aside Crown Land by a Ministerial Order in the public interest. The majority of the requests received relate to POS reserves that are given up by a developer when land is subdivided and set aside under Section 20A of the Town Planning and Development Act as a reserve for “Public Recreation”. The POS land ceded under Section 20A of the Town Planning and Development Act is subsequently clearly identified as a reserve for “Public Recreation”.

Once created, a reserve is placed under the care, control and management of a State Government department, Local Government or incorporated community group by way of a Management Order. A Management Order under the LAA does not convey ownership of the land, however it does allow as much control as is essential for the management of the land.

In regard to a request to excise portion of a reserve, if the Council resolves to not support the request, the matter does not proceed. If the excision/cancellation or closure of the reserve is supported, Council makes a recommendation to the Department for Planning and Infrastructure (formerly Department of Land Administration), who is the determining authority.

The provisions of the Department for Planning & Infrastructure (DPI) guidelines to dispose of S.20A reserves state that “there are strong moral considerations which underlie the State’s policy on ensuring a high level of protection for reserves created under Section 20A of the Town Planning Development Act.” The guidelines go on to state that a “necessity or desirability of a high order is to be established before a proposal affecting a Section 20A reserve may be approved.” The guidelines outline that where the reserve is to be substantially reduced, the proposal must be sign posted indicating the intended change, advertised in a local newspaper and letters sent to nearby landowners.

District Planning Scheme No 2

Clause 8.11 of District Planning Scheme No. 2 relates to local planning policies. Clause 8.11.3 outlines the procedures for making and amending a local planning policy. A policy once adopted by Council is required to be advertised for a minimum of 21 days with a notice to be placed in the local paper for 2 consecutive weeks.

Risk Management considerations:

If the Council did not adopt a policy regarding this matter, there is a risk that decisions could be made on an ad hoc basis.

Financial/Budget Implications:

DPI guidelines to dispose of S.20A reserves (POS) state when the disposal of a reserve is supported, the funds received from the sale of the land must be used to fund the purchase of replacement recreation land or to undertake capital improvements to other recreation reserves in the general locality.

Policy Implications:

In the event that the Council resolved to not adopt a policy regarding this matter, the Council can use the Department for Planning & Infrastructure guidelines for assessment.

The aim of Council’s Policy 6-1 (Reserves, Parks and Recreation Grounds) is to provide a variety of POS that fulfil the community’s recreational and environmental needs.

Regional Significance:

POS reserves are created and made accessible for the use of the community for recreational activity, passive or active and provide for visual relief in the built environment. The principle of retaining such reserves for the community is of significance.

Sustainability Implications:

By ensuring that public open space reserves are retained in full and such requests for minor excisions are not supported, it will maximise environmental sustainability. In assessing such requests, due consideration should be given to retention of existing natural bush land and acknowledgement that POS reserves also provide visual relief in addition to passive and active recreation areas.

Consultation:

Any draft Local Planning Policy is required to be advertised for a period of a minimum of twenty one (21) days, with a notice placed in the paper for two (2) consecutive weeks, being in accordance with Clause 8.11.3 of the Scheme.

COMMENT

The draft policy entitled “Preservation of Public Reserves” (Attachment 1 refers) as advertised in 2001/02 was more focussed on requests by sporting groups and other parties to excise portion of a reserve for a club room, a Western Power substation or other similar requests. The policy did not clearly relate to requests by adjoining landowners seeking to excise portion of a POS reserve to include in their land holding. It is considered that this policy did not clearly address the matter raised by Council in September 2005 and on these grounds it is recommended that this policy not proceed. A new succinct policy regarding the requests for sale of portions of POS reserves could provide guidance to the Council and also address some of the concerns raised by those who lodged submissions on the “Preservation of Public Reserves” policy as advertised in 2001/02.

The Council has dealt with requests for minor excisions to POS on a number of occasions. As detailed in the Department for Planning & Infrastructure *Guidelines for the Administration of Section 20A “Public Recreation” Reserves* a necessity or desirability of a high order is to be established before a proposal affecting a Section 20A reserve may be approved. The Council could continue to deal with requests for minor excisions of POS reserves, giving due consideration to this state government guideline. However a policy could assist the Council by providing a degree of delegation and clear guidance for advertising and assessment. In order to ensure consistency of decisions with due consideration of the state government guidelines, it is recommended that a policy be adopted regarding this matter.

Draft Policy

In regard to the policy aims, these are considered to be to encourage the preservation of POS reserves where they provide a benefit to the community, with due consideration being given to the current and future needs of the community, as well as environmental matters.

The draft policy outlines that if the request for the excision of portion of the POS reserve does not provide a benefit to the community at large, that delegation be given to the Manager Approvals, Planning & Environmental Services to determine that the request not be supported. The power to cancel, change or amend a reserve rests with the Minister for Planning & Infrastructure under section 51 of the Land Administration Act 1997. However, the decision to not proceed with such a request rests with the Local Government. The decision not to proceed is proposed to be implemented via a local planning policy and therefore the introduction of such delegation to the Manager Approvals, Planning & Environmental Services would require a modification to the town planning delegations.

The draft policy also provides requirements for advertising for those requests where it is considered that the proposal has potential merit and benefit to the community. Such requests are to be advertised for 30 days with signs on site, notice in the local paper, liaison with identified local community and interest groups and letters written to nearby landowners. Upon completion of the advertising, the matter is to be presented to Council for determination.

It is considered that the draft policy will provide for consistency in dealing with proposals for minor excisions to POS and it will also enable efficient processing of those requests that clearly do not provide a benefit to the community. Accordingly it is recommended that the policy as provided in Attachment 2 be referred to Council with a recommendation that it be adopted for the purposes of public advertising.

ATTACHMENTS

Attachment 1 Draft Preservation of Public Reserves policy as advertised in 2001/02
Attachment 2 Proposed new policy: Requests for Sale of Public Open Space Reserves

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft policy entitled 'Requests for Sale of Public Open Space Reserves' forming Attachment 2 to Report CJ077-04/06 and makes the policy available for public comment for a period of thirty (30) days.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10agn260406.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cmr P Clough
Item No/Subject	CJ078-04/06 - Proposed Aged Care Facility at Lot 550 (42) Woodlake Retreat
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Clough provides consultancy services to an aged care provider, other than the applicant of this proposal, but not someone that has an interest in this issue. Cmr Clough stated he would act impartially in relation to this Item.

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	CJ078-04/06 - Proposed Aged Care Facility at Lot 550 (42) Woodlake Retreat
Nature of interest	Interest that may affect impartiality
Extent of Interest	A relative of Mr Hunt's was admitted to an AEGIS Pty Ltd facility from Osborne Park Hospital on Thursday, 12 April 2006 for eight (8) weeks. Mr Hunt stated he has not been involved in any discussions with consultants or representatives of Aegis Pty Ltd in relation to this development, apart from a discussion with an MLA on Wednesday, 19 April 2006.

Name/Position	Mr Ian Cowie - Director Governance and Strategy
Item No/Subject	CJ078-04/06 - Proposed Aged Care Facility at Lot 550 (42) Woodlake Retreat
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Cowie was a member of the Statutory Planning Committee when it approved the Structure Plan for Woodlake Retreat

Name/Position	Mr Chris Terelinck – Manager Approvals Planning and Environmental Services
Item No/Subject	CJ078-04/06 - Proposed Aged Care Facility at Lot 550 (42) Woodlake Retreat
Nature of interest	Interest that may affect impartiality
Extent of Interest	In the mid-late 1990s Mr Terelinck worked with a development group on the original subdivision of the subject land and subsequently on the development of scenarios of the adjoining land on Lot 709.

Explanation by Acting Director, Corporate Services

In response to questions raised by Dr Cusack during Public Question Time, it was advised that the agreed Structure Plan was in fact certified by the WA Planning Commission and the reference to the 4 metre wide easement is notated in clause (i) (iv) of the Structure Plan.

CJ078 – 04/06 PROPOSED AGED CARE FACILITY AT LOT 550 (42) WOODLAKE RETREAT, KINGSLEY - [11513]

WARD: South-East

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

For Council to consider an application for planning approval for an aged care facility at Lot 550 (42) Woodlake Retreat, Kingsley.

EXECUTIVE SUMMARY

The subject land is situated between Wanneroo Road and Lake Goollelal, immediately north of medium density single residential development.

The site is zoned 'Urban Development' under the City's District Planning Scheme No 2 (DPS2).

A Structure Plan for Lot 550 (Woodlake Retreat Structure Plan) was certified by the Western Australian Planning Commission in November 2003 and adopted by the City of Joondalup in December 2003. The Structure Plan provides the objectives and criteria for the development of Lot 550. Under the Structure Plan, "Aged Care Facility" is the only permissible use on the subject site.

Forty eight (48) submissions were received when the proposal was advertised for public comment. The majority of these were objections to the proposed development and mainly based on traffic impact, amenity and environmental grounds.

Pursuant to Clause (e) of the Woodlake Retreat Structure Plan, Council is required to determine whether the land owner should make a financial contribution towards the potential northward extension of Woodlake Retreat to Wanneroo Road. Based on advice received from the Department of Planning and Infrastructure (DPI), it was recommended that a financial contribution not be required from the land owner in this instance. It is the City's view that a financial contribution should be provided.

If the Council were to approve the application, then this would necessitate the need to exercise discretion by Council in relation to plot ratio. However in relation to site coverage, it is recommended that the development be modified to comply with the site coverage requirements of the Woodlake Retreat Structure Plan.

Whilst many of the local community are opposed to the proposal, the development generally complies with the provisions of the Woodlake Retreat Structure Plan. It is recommended that the Aged Care Facility at Lot 550 Woodlake Retreat be approved.

In most situations, Council normally makes two decision in relation to a development proposal, being a decision under the District Planning Scheme No. 2 (DPS) and the Metropolitan Region Scheme (MRS). In this instance, as the site is partly reserved under the MRS, the Western Australian Planning Commission (WAPC) will be the decision making body for the development under the MRS and Council will make the determination under the District Planning Scheme.

For a further detailed chronology of events in relation to the history of Lots, 6, 7, 550 (previously 100) and 709 (previously 24), refer to attachment 4.

BACKGROUND

Suburb/Location:	Woodlake Retreat, Kingsley
Applicant:	Montague Grant Architects
Owner:	Aegis Pty Ltd
Zoning:	DPS: Urban Development
	MRS: Urban and Parks & Recreation
Site Area:	1.3981 hectares
Structure Plan:	Woodlake Retreat Structure Plan

Lot 550 Woodlake Retreat is a former market garden site, located between Wanneroo Road and Woodlake Retreat, immediately south of the existing Kingsley Retirement Village. Amendment 578 to the City's former Town Planning Scheme No 1 rezoned the land immediately south of the subject lot from 'Rural' to 'Residential Development' with an R40 density code and accompanying structure plan. In support of this amendment, an indicative subdivision layout of the total group of landholdings (including Lot 550) was prepared, although it was not endorsed or approved by the Western Australian Planning Commission (WAPC).

The indicative subdivision plan had no statutory effect, as the land owner of Lot 550 did not wish to be part of either Amendment 578 or the structure plan. Amendment 578 was gazetted in September 1995, rezoning the land immediately south of Lot 550 from 'Rural' to 'Residential Development'. At this time, Lot 550 retained its Rural zoning.

Lot 550 was eventually rezoned from Rural to Urban Development on 28 November 2000 with the gazettal of the DPS2. Pursuant to the provisions of DPS2, a separate Structure Plan was required to be adopted prior to any development or subdivision of Lot 550 occurring.

The Woodlake Retreat Structure Plan was subsequently prepared in 2003. The main features of the Structure Plan were as follows:

- Aged Care Facility being the only land use permissible on Lot 550.
- Provisions controlling the development's setbacks to Woodlake Retreat, Wanneroo Road, adjacent residential development to the south and the retirement village development to the north.
- Building height, plot ratio and site coverage provisions.
- Car parking provisions for staff and aged care residents.
- Access being available from Woodlake Retreat and Grasslands Loop, with car parking accessible from these two streets.
- No access to the site being permitted from Wanneroo Road.
- Construction of a cul-de-sac head at the end of Grasslands Loop, through the excision of land from the development site.
- Inclusion of a conceptual development plan for the development of an aged care facility on the site.
- Possible requirement for a financial contribution towards a link road from the northern end of Woodlake Retreat to Wanneroo Road.
- Excision of the portion of Lot 550 located west of Woodlake Retreat, for Parks and Recreation purposes.

The Structure Plan was advertised for public comment from March to April 2003. At the close of advertising, 48 submissions had been received, with the majority of those being objections based on increased vehicular traffic, access and safety issues, car parking, and amenity grounds. At the time however, it was considered that the proposed aged care facility was acceptable as a compatible land use with the surrounding area and represented a desirable development scenario for the landholding.

The Woodlake Retreat Structure Plan was subsequently adopted by the Council on 29 July 2003 and forwarded to the WAPC for final approval.

The WAPC subsequently resolved to adopt and certify the Structure Plan on 11 November 2003, subject to one modification. The modification required by the WAPC involved the creation of a 4 metre wide easement over a portion of the car parking area associated with the aged care facility accessed from Grasslands Loop. The easement was required to provide pedestrian access from Grasslands Loop to a bus stop on Wanneroo Road, close to the eastern boundary of Lot 550. The modification was agreed and the Structure Plan was finally adopted by Council on 16 December 2003.

The Woodlake Retreat Structure Plan (as adopted by the Council and WAPC) provides the primary planning framework to guide the development of Lot 550 Woodlake Retreat. The application the subject of this report is therefore required to meet the various development criteria contained in the Structure Plan. However, Council does have the discretion to vary any development standard or requirement through the use of clause 4.5 of the DPS.

Lot 550 Woodlake Retreat is contained in two parts, separated by the Woodlake Retreat road reservation, although they are still joined on the title as one lot at this stage. The western portion of the site is reserved under the Metropolitan Region Scheme (MRS) as Park and Recreation while the eastern portion (which contains the proposed development) is within the Urban zone under the MRS.

As the parent lot still contains the reserved portion of the site and although there is no development proposed on this portion of the lot, the application is to be referred to the WAPC for its determination of the application under the MRS. Council is still required to make its own determination of the application under the DPS.

Subdivision approval for the site was granted by the WAPC in January 2004 to, amongst other matters, subdivide the western portion of the site from the title and to include it into the abutting reserve. At this stage, compliance with the conditions of subdivisional approval has not occurred and Lot 550 still exists with two parts.

DETAILS

The subject site rises from a level of 30m AHD on the western boundary (Woodlake Retreat) to levels of 34 metres Australian Height Datum (AHD) on the south-eastern boundary and 35.5 metres AHD on the north-eastern boundary. The level of the ground floor of the development is proposed to have a height of 29.77 metres AHD, requiring cut into the west-east angled slope of the land from its Woodlake Retreat frontage.

The setbacks to the residential land to the north and south of the development generally comply with the requirements of the Woodlake Retreat Structure Plan, however some minor variations are proposed to the northern boundary, being a proposed setback of 2 metres in lieu of 3 metres. These variations are not supported, and it is recommended that the development plans be amended to provide a minimum 3 metre setback to the northern boundary of the development.

The proposed development includes the following features:

- It is a part single, part two-storey development;
- 102 beds are to be provided, of which there are 30 low care beds, 49 high care and 23 beds for dementia residents;
- Office facilities and nurse stations associated with the administration of the facility;

- Indoor and outdoor dining areas, courtyards and terraced areas and therapy areas for residents;
- A path network through the site; and
- 50 car parking bays, comprising 10 (restricted use parking spaces) being accessible from Grasslands Loop and 40 accessible from Woodlake Retreat.

Issues and options considered:

Council has the discretion to:

- Approve the application;
- Approve the application subject to conditions; or
- Refuse the application.

Link to Strategic Plan:

The proposal is consistent with Objective 3.3 of the City's Strategic Plan, whereby the City recognises the changing demographic needs of the community, and assists in providing a variety of living choices and housing styles for its residents.

Legislation – Statutory Provisions:

The site is zoned Urban Development under DPS2 and is subject to the Woodlake Retreat Structure Plan.

When determining this application, Council is required to have regard to the contents of the Structure Plan and Clauses 4.5.2, 4.5.3, 6.8, 9.8.2 and 9.8.3 of DPS2. These provisions of the DPS2 are shown below:

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 the 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.*

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.*

9.8.2 Where an Agreed Structure Plan imposes a classification on the land included in it by reference to reserves, zones (including Special Use Zones) or Residential Density Codes, until it is replaced by an amendment to the Scheme imposing such classifications:

- (a) the provisions of the Agreed Structure Plan shall apply to the land within it as if its provisions were incorporated in this Scheme and it shall be binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and*
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme shall apply with the necessary changes or alterations to the Agreed Structure Plan area.*

Without limiting the generality of the preceding subclause, under an Agreed Structure Plan:

- (a) in the areas designated as zones, the permissibility of uses shall be the same as set out in the Zoning Table as if those areas were zones under the Scheme, having the same designation;*
- (b) the standards and requirements applicable to zones and R Codings under the Scheme shall apply with the necessary changes or alterations to the areas having corresponding designations under the Agreed Structure Plan. However an Agreed Structure Plan may make provision for any standard or requirement applicable to zones or R Codings to be varied, and the standard or requirement varied in that way shall apply within the area of the Agreed Structure Plan, or any stipulated part of that area, as if it was a variation incorporated in this Scheme;*

- (c) *the development control procedures including (without limitation) the procedures for approval of uses and developments under the Scheme shall apply as if the land was correspondingly zoned or reserved under the Scheme;*
- (d) *provisions duplicating or substantially to the same effect as any provisions of the Scheme shall have the same force and effect in regard to the land in the Structure Plan as if they were provisions of the Scheme;*
- (e) *where land is classified as a Local Authority Reservation, the rights, provisions and procedures, and the obligation of the Council in regard to compensation shall apply as if the land was correspondingly reserved under the Scheme;*
- (f) *any other provision, standard or requirement in the Structure Plan shall be given the same force and effect as if it was a provision standard or requirement of this Scheme, but in the event of there being any inconsistency or conflict between any provision, requirement or standard of the Scheme and any provision requirement or standard of an Agreed Structure Plan, the provision requirement or standard of the Scheme shall prevail;*
- (g) *an Agreed Structure Plan may distinguish between provisions, requirements or standards which are intended to have effect as if included in the Scheme, and provisions, requirements or standards not so intended, and it is only the provisions so intended which have that effect. Any other provisions are for guidance or information only, or such other purpose as stipulated in the Agreed Structure Plan documents.*

Development Standards Table

The following table summarises the development details under the Woodlake Retreat Structure Plan.

Standard	Required	Provided
Front setback (Woodlake Retreat)	3 metres minimum, 4 metres average	4.2 metres minimum setback
Rear setback (Wanneroo Road)	3 metres minimum	Main building 3 metres minimum setback. Patio area reduced to 2 metres setback.
Side setback (north)	3 metres minimum	Main building 2.54 metres minimum setback. Patio area reduced to 2 metres setback.
Side setback (south)	3 metres minimum	3.65 metres minimum setback
Plot Ratio	Maximum 0.65	0.78 (refer to comments in report)
Site Coverage	60%	62.2% (Refer to comments in report)
Height	Maximum 8.5 metres above Natural Ground Level other than minor projections from roofline associated with servicing the aged care facility	1 minor projection to a height of 9 metres located above a lift shift, associated with servicing of the aged care facility.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Clause (e) of the Woodlake Retreat Structure Plan states that a financial contribution towards an additional link road from Woodlake Retreat to Wanneroo Road may be required at the development application or subdivision stage. Advice from the Department of Planning and Infrastructure states that the condition is inappropriate in this instance. However, taking a broader view of the needs for the local road network it will be recommended that a financial contribution be made.

Cost sharing arrangements for the road are yet to be determined, and the full cost is estimated to be approximately \$920,000. The breakdown of the estimated costs and works are outlined below:

- (i) extension of the existing Woodlake Retreat road to the northern boundary of Lot 709 (\$160,000);
- (ii) a 260 metre road extension from the northern end of lot 709 Woodlake Retreat through the CALM reserve to Wanneroo Road (\$360,000); and
- (iii) alterations to the proposed traffic lights at the intersection of Wanneroo Road and Kingsway and land acquisition of road truncations on the western side of Wanneroo Road. Note also that a provisional amount of \$400,000 will be required for traffic light installation and modifications to the Kingsway/Wanneroo Road intersection from a three- way to upgrade to a four-way controlled intersection.

In relation to part (i) above, the owner of lot 709 Woodlake Retreat will be required to extend Woodlake Retreat to their northern boundary to complete the final stage of development of their site. Council may be required to fund the costs of the works identified in part (i) above, should the development of Lot 709 Woodlake Retreat occur after the construction of the link road. Council would be able to re-coup any costs associated with those works through conditions on the development approval.

It is anticipated that the Council would be required to fund at least part of the construction of the link road north of Lot 709, given the function of the link road as a local road.

In addition, the City has been advised that the:

- (a) Conservation and Land Management (CALM) would give up the land for the link road alignment; and
- (b) CALM would pay for the cost of the proposed car parking area and contribute to the link road from Wanneroo Road to the proposed car parking area.

Policy Implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability Implications:

The environmental impact of the proposal has been the subject of assessment by the DoE and the WAPC. The DoE has advised that it is satisfied with the research undertaken, subject to the preparation of an Integrated Water Management Plan to control stormwater runoff into Lake Goollelal. Further, should it be established that there is acid sulphate soils (ASS) in the ground during construction, all works are to cease and an acid sulphate soils management plan (ASSMP) is to be prepared for the site and approved by the DoE.

Consultation:

Due to the historic interest in the development of the site, it was determined by the City that the proposal should be advertised for public comment even though Woodlake Retreat Structure Plan classifies “Aged Care Facility” as a permissible use. Advertising was undertaken for a period of twenty-one (21) days from 12 January to 2 February 2006. All nearby land owners were notified in writing of the proposal, three (3) signs were erected on the site and a notice was placed in the Joondalup Community newspaper for three (3) consecutive weeks, commencing on 12 January. All documentation associated with the Structure Plan was made available for public viewing at the City’s Administration Building and on the City’s website.

At the conclusion of public advertising, a total of forty eight (48) submissions were received, with the majority of submissions being objections to the proposal. The submissions are available for reading in the Councillor Reading Room.

Key issues arising from Public Advertising

Objection/concerns to the development application included the following major issues:

- 1 Size and scale of the proposed aged care facility (including plot ratio and site coverage) and impact on residential amenity.
- 2 Traffic impact on Woodlake Retreat as the sole access and egress point from Wanneroo Road.
- 3 Traffic impact on Grasslands Loop and deletion of the car parking area accessible from Grasslands Loop.
- 4 Parking provision on site and potential overflow of visitor parking onto Woodlake Retreat and Grasslands Loop.
- 5 Safety concerns regarding the proposed public walkway on the southern boundary of the development site, adjacent to the rear of existing residential properties.
- 6 Nature of residents’ accommodation within the facility.
- 7 Environmental impact on Lake Goollelal and Yellagonga Regional Park.
- 8 Concerns over acid sulphate soils (ASS) on the development site.
- 9 Potential overprovision of aged care facilities in the immediate locality.
- 10 Potential flooding of the development

These issues are discussed further below.

COMMENT

Land Use

The Structure Plan states that “Aged Care Facility” is the only land use permissible on Lot 550. The development proposal is entirely consistent with this provision. The Structure Plan further states that the portion of Lot 550 to the west of Woodlake Retreat shall be ceded for Parks and Recreation under the Metropolitan Region Scheme. The subdivision of Lot 550, which was approved by the WAPC in January 2004, included conditions to this effect.

Building Setbacks

As outlined in the “Development Standards Table” earlier in this report, the proposed development generally complies with the building setback requirements of the Structure Plan. Some minor variations are proposed to the northern (Retirement Village) and eastern (Wanneroo Road) boundaries, however it is recommended that the approval be conditioned requiring the lodging of amended plans depicting full compliance with the statutory provisions of the Structure Plan.

Plot Ratio and Site Coverage

Plot ratio is not defined under the Woodlake Retreat Structure Plan, nor is a definition provided in the City’s DPS. The City has received legal advice, which indicates that:

- (a) Council should use the “normal and common English meaning” of that term; and
- (b) for the purpose of determining plot ratio for the development, the City has discretion under Clause 4.5 of its District Planning Scheme No 2 to have regard to areas of buildings that would otherwise be excluded as a common practice by other approval authorities under other planning instruments.

In relation to part (a) above, the Macquarie Dictionary defines “plot ratio” as follows:

plot ratio: floor space index;

floor space index: a ratio of the maximum area on a site which may be built on, to the total area of the site; plot ratio; site index. Also floor-space ratio

floor space: 1. space available on the floor. 2. selling space in a shop, as opposed to space for staff or storage purposes

Based on the definition outlined above, the calculated plot ratio for the site is 0.78 or 7031m², whereas the maximum permissible plot ratio is 0.65 or 5852m², a difference of 1,179m².

The Council does have discretion under clause 4.5 of the DPS to vary development standards and requirements. Clause 4.5.3 states the following:

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.*

Clause 4.5.3(a) requires the Council to have regard to the criteria set out in Clause 6.8 of the DPS, which is shown in the section headed "Legislation - Statutory Provisions" of this report. This clause requires Council to have due regard to various matters, including but not limited to the following areas:

- (i) the interests of orderly and proper planning and the preservation of the amenity of the locality;
- (ii) submissions from the applicant, public bodies and the public;
- (iii) any agreed Structure Plan – which is the Woodlake Retreat Structure Plan- Structure plan No.3 in this instance; and
- (iv) other provisions of the DPS.

Clause 4.5.3(b) requires Council to be satisfied that the non-compliance would not have any adverse impact on certain matters as defined in the clause, as shown above.

The development is subject to an agreed structure plan, which incorporated an indicative plan for the development of the site as part of the structure plan. The development is very similar to the indicative plan, although there has been some changes to the site planning.

The development site rises approximately 4-5.5m from Woodlake Retreat to Wanneroo Road. Having regard to the topography of the site and the design of the development it appears as though its two storeys when viewed from Woodlake Retreat and properties adjoining the site. The upper floor of the Woodlake Retreat elevation is extended back to Wanneroo Road as a single storey level due to the topography of the site.

The combination of various development control mechanisms such as plot ratio, site coverage, open space, building height control and building setbacks help control the size, scale and bulk of a development and its subsequent impact on the streetscape and adjoining properties. The development does not comply with certain side setbacks, site coverage or plot ratio. In response to submissions, it is proposed to require compliance with:

- (a) boundary setbacks; and
- (b) site coverage which is greater than the 60% limit set by the structure plan by 2.2 % or 203m².

Further, the applicant will be required to provide privacy screens to help minimise the loss of privacy onto adjoining sites.

In relation to plot ratio, the building bulk of the development is has been contained through the other development control mechanisms and the design of the development. The site is being excavated to allow the basement car parking areas and other non-habitable areas to be located partly below natural ground level.

Further, the site is very substantial in area and as such, the full size of the development is not readily visible when viewed from points outside of the site. With the reduction in site coverage, the plot ratio excess will be further reduced.

The development, which will read as a two storey development from Woodlake Retreat, has two storey residential development located on either side of the site. In terms of scale, the development would be compatible with the scale of the adjoining development. The design of the façade to Woodlake Retreat is articulated and the site planning results in a greater street setback to the main building (apart from the port-cochere), with the greatest setback at the centre of the street elevation. This is a much larger setback than shown in the indicative plan for this site which formed part of the approved structure plan for this site.

It is proposed to locate more floor space on the site, particularly in the basement area, which is different to the indicative plan. The area to the north-east of the basement area is proposed to be developed with the servicing operations of the development. It is proposed to locate service areas such as the kitchen, laundry, bin storage, plant equipment in this area and behind the main parking area. As this will require further excavation into the site than originally identified in the indicative plan it is considered that such a change will not adversely impact on the surrounding properties.

Overall, it is considered that the non-compliance in plot ratio will not adversely impact on the surrounding property due to the reasons outlined above, and as such, Council should exercise its discretion to support this variation.

In relation to part b) above, there are examples of where plot ratio has been defined by other Local Authorities, which excludes areas from the calculation of plot ratio, such as lift shafts, stairs, toilets and amenities, external wall thicknesses, plant rooms, floor space used for the parking of wheeled vehicles, etc. Exclusions of this type can be found in planning schemes of local authorities such as Perth City Council and Cottesloe. There are other local authorities, such as Cities of Canning and Wanneroo that include all the building as part of the plot ratio calculation.

The Residential Design Codes 2002 forms part of the DPS. The definition of plot ratio contained within that document is reproduced below:

The ratio of the gross total of the areas of all floors of buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls but not include the areas of lift shafts, stairs or stair landings common to two or more dwellings, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, area used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one dwelling, or balconies or verandahs open on at least two sides.

This document sets out those areas that are included and excluded from the calculation of plot ratio for residential development.

The Joondalup City Development Plan and Manual (JCCDPM) sets out the method for calculating plot ratio in the Central Business District and City North precincts as follows:

Plot ratio shall be determined as the ratio of the gross total of the areas of all floors of the buildings on a site to the area of land within the site boundaries. For this purpose, such areas shall include the area of any walls but not include the areas of lift shafts, stairs or stair landings common to two or more residential/commercial units, machinery, air conditioning and equipment rooms, non-habitable space that is wholly below natural ground level, areas used exclusively for the parking of wheeled vehicles at or below natural ground level, lobbies or amenities areas common to more than one residential/commercial unit, or balconies or verandahs open on at least two sides.

The definition of plot ratio for the Residential Design Codes and the JCCDPM, apart from some minor variations including reference to commercial units in the JCCDPM, are very similar.

If Council accepted that certain areas could be excluded from the calculation of plot ratio, then the overall plot ratio number would be reduced. For example, if the following areas were excluded from the plot ratio calculation:

- Undercroft car parking area and service yard
- Lift shafts
- Voids
- Communal stairwells
- Balconies and terraced areas open on at least two sides
- Basement laundry area.

then the actual plot ratio would be approximately 0.61, which would comply with the maximum permitted plot ratio of 0.65.

Having regard to the provisions of clause 4.5.3 and the submissions received, it is considered that the proposed development with the plot ratio variation would be consistent with the objectives of the Woodlake Retreat Structure Plan and would not adversely impact on the development nor the surrounding locality. Further, the proposed development would result in a proposed development that was contemplated in the Woodlake Retreat Structure Plan in terms of bulk and scale.

Building Height

The Structure Plan requires that buildings be a maximum height of 8.5 metres above natural ground level. Minor projections from the roofline associated with servicing the aged care facility are permitted to exceed the building height limit.

The proposed building height generally complies with the height requirements of the Structure Plan. One projection to a height of 9 metres is proposed within the roof space above a lift shaft within the development. It is considered that this projection is associated with the servicing of the facility and can be supported.

Access - Road

The Structure Plan requires that no vehicular access be permitted from Wanneroo Road to the aged care facility. The proposed development is consistent with this provision and provides primary vehicular access from Woodlake Retreat to a thirty six bay under croft car park, with an additional four bays parallel to Woodlake Retreat, and an additional small car park for ten cars from Grasslands Loop. The subdivision approval over Lot 550 was conditioned requiring a 0.1 metre pedestrian accessway along the eastern boundary of the development site to prevent access from Wanneroo Road.

Servicing of the site will occur from Woodlake Retreat only as the car parking area located off Grasslands Loop is required to:

- (a) have a security gate and key pad or similar arrangement; and
- (b) for use by visitors to high care residents.

Access - Pedestrians

Further provisions of the Structure Plan require the provision of a dual use path along the section of Wanneroo Road abutting the subject site, pedestrian access through the site, building façades and landscaping adjacent to pedestrian paths and the provision of a 4 metre easement have been addressed through the development plans.

Parking

The Structure Plan establishes car parking standards for the development at the rate of one (1) bay per staff member and one bay per four residents. The following table demonstrates that the development will adequately meet this requirement:

Standard	Required	Provided
Staff Parking	1 per staff member (24 staff = 24 bays)	24
Visitor Parking	1 per 4 residents (102 residents = 25.5 bays)	26
Total Bays	49.5	50

As required by the Structure Plan, the car park adjacent to Grasslands Loop accommodates only ten bays and the main car parking area on Woodlake Retreat has been located behind the main façade of the building on the Woodlake Retreat frontage, so as not to dominate the streetscape.

The parking standards were established during the development of the Woodlake Retreat Structure Plan. Appropriate conditions of approval addressing staffing and visitors numbers are proposed to be included in the recommendation of approval.

Streetscape

The Structure Plan requires that the development address both Woodlake Retreat and Wanneroo Road, with Woodlake Retreat being the primary frontage. The proposed design meets this requirement.

It is recommended that the planning approval be conditioned to include the provision of uniform fencing along the Wanneroo Road frontage, in accordance with the Structure Plan and Council's Uniform Fencing Policy. The fencing should allow for passive surveillance of Wanneroo Road.

To prevent overlooking into adjoining residential properties, it is recommended that the south facing balconies and windows within the south-west wing of the development be screened and/or obscured. Although overlooking is not considered in the Structure Plan, it is considered that such measures will assist in minimising any perceived amenity and privacy impacts on adjacent residents to the south.

Service areas, bins and material storage areas are proposed to be maintained in the basement area, to minimise noise impacts on the adjacent homes and retirement village. It is considered that the proposed locations depicted on the development plans are appropriate and are supported.

Landscaping

The Structure Plan requires that landscaping be provided in accordance with Clause 4.12 of the Scheme. The development meets the landscaping requirement of this Clause, with regard to the overall landscaping provision throughout the site (8%) and on the primary frontage of the development (3 metres).

Ground Levels and Drainage

It is recommended that conditions be imposed on the development requiring the coordination of ground levels between the subject site and adjoining properties. A further condition should be imposed requiring that all stormwater be maintained in accordance with an Integrated Water Management Plan, to the satisfaction of the City and the WAPC. Such a plan should prevent stormwater runoff from entering Lake Goollelal.

Signage

No signage is proposed as part of the application. Any future applications for signage will be assessed for compliance with the Structure Plan, which requires that signage be integrated with buildings and shall be appropriate in character.

Grasslands Loop Cul-de-sac Head and Parks and Recreation Reservation

The subdivision approval issued for Lot 550 includes conditions relating to the ceding of the proposed cul-de-sac head at the end of Grasslands Loop as road reserve. A similar condition has been imposed requiring that the portion of Grasslands Loop west of Woodlake Retreat be ceded to the WAPC as Parks and Recreation Reserve. Whilst these provisions do not necessarily relate to the current development application, it should be noted that these actions are required to be undertaken prior to clearance being issued for the current subdivision approval over Lot 550. As the subdivision approval will expire in 2007, and to provide certainty for the City in regards to these actions being undertaken, it is recommended that the development be conditioned requiring the ceding of the cul-de-sac head and the ceding of the land subject to the Parks and Recreation Reserve to be undertaken prior to the issue of a building licence for the development.

Issues Raised During Public Advertising

Size and Scale of the Development

As can be seen from the "Development Standards" Table shown above, the proposal generally complies with the design provisions of the Woodlake Retreat Structure Plan. Some setback variations are proposed to the northern and eastern boundaries, and it is recommended that approval be conditioned requiring these variations to be deleted and the development plan to fully comply with the Structure Plan.

The overall height of the development generally complies with the maximum 8.5 metres above natural ground level permitted under the Structure Plan. One minor variation is proposed, being a projection to 9 metres, above a lift shaft within the development. This variation is supported, as it is associated with the servicing of the development and the projection is restricted to roof space only.

A site coverage and plot ratio was sought, however, it is recommended that the development be modified to comply with the Structure Plan requirements for site coverage. By complying with site coverage, there will also be a subsequent reduction in plot ratio.

Overshadowing and Privacy

The Structure Plan includes no provisions on overshadowing or privacy. However, it is recommended that the south-facing windows and balconies in the south-western wing of the development be screened to prevent overlooking onto adjacent properties.

Traffic Management

When considering the Woodlake Retreat Structure Plan in 2003, the following traffic scenario was considered by Council, comparing the proposed development with other potential development scenarios:

<i>Proposed Aged Care Facility</i>	<i>Grouped Dwelling Development Scenario</i>	<i>Standard Dwelling Residential Development Scenario</i>
40-45 staff trips + 30 visitor trips (maximum) + 3 delivery vehicles per day = 73-78 vehicle trips per day.	42 dwellings @ 5-6 vehicle movements per day = 210 to 252 vehicle trips per day	21 dwellings @ 5-6 vehicle movements per day = 105 to 126 vehicles per day

(Report CJ167-07/03 – 29 July 2003)

A vehicle trip or movement is seen as a vehicle journey, that is, arriving and departing or vice versa.

In light of the above, it was considered that the traffic impact of the proposed aged care facility would be less than that of Lot 550 being subdivided or developed for residential housing.

Currently, one vehicular access point into Woodlake Retreat is available from Wanneroo Road, being the intersection just north of Waldecks Kingsley. While it is generally accepted by the City that the development of an aged care facility will result in significantly fewer trips being generated than if the land was developed for residential purposes, it is acknowledged that the current traffic situation is unsuitable and could be further exacerbated by the expansion of the Kingsley Retirement Village, north of the subject site.

In the past, the northwards extension of Woodlake Retreat through the Regional Parks and Recreation Reservation, to form a 4-way intersection with Kingsway and Wanneroo Road has been discussed as a possible traffic solution but has not been formally endorsed. It has previously been considered that such a link road would assist in minimising traffic conflict issues on Woodlake Retreat, and would also provide access to the regional reserve for those residents east of Wanneroo Road. Subsequently, Clause (e) of the Structure Plan states that:

“a financial contribution from the applicant may be required at the subdivision or development application stage to facilitate an additional link from Woodlake Retreat onto Wanneroo Road, should the Department of Planning and Infrastructure (Main Roads WA) and the City of Joondalup determine that such a link is required.”

In light of the above, the City has been involved in ongoing consultation with the DPI, Main Roads WA, the Department of Conservation and Land Management (CALM) and other bodies to determine a strategy to best resolve traffic management issues on Woodlake Retreat. In principle, there is agreement between the relevant government groups to extend Woodlake Retreat to form an intersection with Kingsway and Wanneroo Road. The extension of the road is considered a desirable outcome as:

- It would provide an alternative access point onto Wanneroo Road for residents in the locality.
- It would provide an access point into the Yellagonga Regional Reserve for residents east of Wanneroo Road.
- It would complement the proposed CALM parking and picnic facilities, as identified in the Yellagonga Regional Park Management Plan.

The WAPC has given a commitment to make the regional reserve available for the road extension and indicative calculations put the road construction, including land acquisition for truncations, at a cost of around \$920,000, comprising:

- (i) extension of the existing Woodlake Retreat road to the northern boundary of Lot 709 (\$160,000);
- (ii) a 260 metre road extension from the northern end of lot 709 Woodlake Retreat through the CALM reserve to Wanneroo Road (\$360,000); and
- (iii) alterations to the proposed traffic lights at the intersection of Wanneroo Road and Kingsway and land acquisition of road truncations on the western side of Wanneroo Road. Note also that a provisional amount of \$400,000 will be required for traffic light installation and modifications to the Kingsway/Wanneroo Road intersection from a three- way to upgrade to a four-way controlled intersection.

A notional road layout is shown as Attachment 3 to this report.

At present, no scheme has been implemented to guide the proportion of contributions payable by each land owner and/or government agency towards the road construction. It is considered that any extension to Woodlake Retreat would be undertaken to accommodate wider community benefits and is not required solely to manage traffic generated by the Aged Care Facility, or the proposed additions to the Kingsley Retirement Village. A portion of Woodlake Retreat, which dissects the site into two portions, being the wetland and the urban portions, was constructed through a previous subdivision of Lot 550. The construction of this portion of the road was funded by the developers of the Kingsley Retirement Village, to provide vehicular access to this development. It should be noted that the owners of the Kingsley Retirement Village will be required to fully fund the extension of Woodlake Retreat to the northern boundary of Lot 709, through the development approval process for the final stage of development of the site.

The DPI, in consultation with Main Roads WA, has advised that given the relatively minor local traffic impact of the proposed Aged Care Facility, and given that the proposed road extension will serve a wider community need for access into Lake Yellagonga, no financial contribution should be required from the owner of Lot 550. However, taking a wider view of the impact of development on the local road network and the history in relation to this site and to the area it is believed that a contribution should be made.

The proposed link road will provide a safe and convenient linkage to Wanneroo Road for residents within the locality, as well as a regional access point into the Lake Goollelal reserve. The current and previous owners have not contributed to the construction of the overall network and in light of this, it is considered appropriate that the relevant government agencies fund the road connection, with a contribution from the owners of Lot 550 Woodlake Retreat. The extent of that contribution should be determined by the Western Australian Planning Commission, when they make a determination on the development application under the MRS.

The matter of when construction of the road is to occur, the proposed alignment and the remaining cost contribution will need to be further considered by Council and other relevant bodies.

Traffic Impact on Grasslands Loop

It is proposed that Grasslands Loop be extended northwards to form a cul-de-sac on Lot 550, with ten parking bays accessible from the extension. This is entirely consistent with the Woodlake Retreat Structure Plan. The ten parking bays are restricted to provide only access to “high care” patients within the aged care facility, with access to this car park being security controlled. Members of the general public without security clearance cannot access this car park.

It is considered that the traffic impact of these ten bays on Grasslands Loop will be minimal. No staff parking or general access to the facility will be available from this road. Further, no service or delivery vehicles will use the road, as the loading areas are accessible only from Woodlake Retreat. The extension of the road to form a cul-de-sac will provide a turnaround area for the City’s refuse vehicles, which are currently forced to reverse through Grasslands Loop when the current limit of the road is reached.

In light of the above, and given that the extension of Grasslands Loop is consistent with the design depicted in the Woodlake Retreat Structure Plan, the extension of Grasslands Loop to form a cul-de-sac in Lot 550 is supported. A condition requiring the ceding of this land, for the creation of the cul-de-sac head, as identified in the Woodlake Retreat Structure Plan, is proposed to be part of the recommendation for approval.

On-site and Overflow Parking

The Woodlake Retreat Structure Plan requires that car parking be provided at the rate of one (1) bay per staff member and one per four residents of the Aged Care Facility. The development includes provision for a maximum of twenty four staff members working on site at any one time and one hundred and two residents. As depicted earlier in this report, the development meets its statutory requirement for car parking bay provision. It is recommended that conditions be imposed on the approval to ensure that:

- (a) Twenty four bays are set aside and used exclusively for staff car parking within the development; and
- (b) the number of staff working from this site at any one time is restricted to twenty four

Public Walkway on Southern Boundary of Development

The submitted development plans provide for a public walkway on the southern boundary of the development site. The walkway is proposed to link Woodlake Retreat to the new cul-de-sac head at Grasslands Loop and subsequently provide pedestrian and bicycle access to Wanneroo Road.

The walkway is bound on the north side by the aged care facility and on the south side by private residences. The City has historically encountered problems with similar pedestrian access ways, in relation to security and anti-social behaviour. In this instance, it is not considered appropriate to provide an additional, enclosed pedestrian linkage fenced in by private residences and the aged care facility. As such, the development plans should be modified to “fence in” the walkway and make this area accessible only for residents of the aged care facility, removing public accessway. Access from Woodlake Retreat to Wanneroo Road would then be via Grassland Loop and then the car parking area linking Grasslands Loop and Wanneroo Road.

Nature of Accommodation in the Facility

A number of submissions raised concern regarding the potential of the aged care facility to be used to accommodate “post acute hospital transient care”. The proponent has, however, confirmed in writing that the site will not be used for this purpose, with the facility to be used solely for residential aged care, as required by the Woodlake Retreat Structure Plan.

Environmental Impact on Lake Goollelal and Yellagonga Regional Park

The development plans and supporting information were referred to the Department of Environment (DoE) for comment in December 2005.

The Department’s initial response dated 31 January 2005 advised that the subject site is located adjacent to property currently mapped as Conservation Category Wetlands (CCW) on the Department’s Geomorphic Wetlands Swan Coastal Plain dataset. The protection of this land (Lake Goollelal) requires the retention of an adequate buffer, with 50 metres regarded as the minimum.

The road reserve of Woodlake Retreat defines the 50 metre buffer from Lake Goollelal. Subsequently, as the proposal is located on the eastern side of Woodlake Retreat, in the ‘Urban’ zone, no development will occur within the buffer area.

The Department requested that two further plans be prepared prior to works commencing on site, being:

1. An integrated water management plan, to the satisfaction of the WAPC; and
2. A wetland management plan for the wetlands and buffer, to the satisfaction of the DoE.

Item 1, above, is supported as it will provide an instrument for minimising stormwater runoff into Lake Goollelal. The development should be conditioned accordingly, with the applicant providing full details of water management on the subject site to the City and WAPC.

As the development is proposed to be located on the eastern side of Woodlake Retreat, and no development is proposed on the wetland portion of Lot 550 (located west of Woodlake Retreat), Item 2 above is not considered applicable to this proposal. The wetland portion of Lot 550 will eventually be ceded to the Western Australian Planning Commission as Parks and Recreation Reserve, in accordance with the subdivision approval over the land.

Acid Sulphate and Contaminated Soil Issues

The land owner (AEGIS) commissioned a report in May 2005 by consultants IT Environmental to assess Acid Sulphate Soils (ASS) at Lot 550, and determine the impact of this development on the affected soils (if any). This report was referred to the DoE in December 2005 with the development plans. The DoE is the peak body on matters relating to acid sulphate soils.

The DoE has advised the City that it is satisfied with the field management procedures undertaken in the May 2005 report, in relation to the recognition and identification of ASS materials at Lot 550. The Department has further advised that the May 2005 report was prepared on the premise that the Western Australian Planning Commission would place the following condition on the subdivision approval of the site, ensuring that it be investigated for ASS prior to subdivision approval being granted.

“Prior to the commencement of any site works:

- (a) A preliminary site investigation shall be undertaken to determine whether acid sulphate soils are present on the land and, if present, their extent and severity;*
- (b) If the site is found to contain acid sulphate soils, an acid sulphate soils management plan shall be submitted and approved; and*
- (c) All site works shall be carried out in accordance with the provisions of the approved management plan to the satisfaction of the Western Australian Planning Commission.”*

The subdivision of Lot 550 was approved by the WAPC in January 2004, with no such condition imposed. Action a) above, was undertaken prior to the development application being lodged. Accordingly, it is recommended that the development approval be conditioned with points b) and c), as shown above. Part c) above should be amended to read “to the satisfaction of the Department of Environment.” This will ensure that if ASS is identified on site, investigations and an acid sulphate soils management plan (ASSMP) will be developed in accordance with DoE guidelines, prior to further works continuing on site.

If the investigations into potential ASS for this site revealed that there was an ASS risk, then the applicants would be required to prepare an ASSMP to address the identified risk, before any works commenced. However, as the investigations into ASS on this site have indicated that there is a minimal risk of disturbing ASS, the DoE have advised that an ASSMP should be developed, only if during the course of excavation, ASS are found on the site. This approach will allow for the formulation of an ASSMP specifically focussed on the identified risk that has been established during excavation, rather than a generic approach to possible different scenarios.

During the public consultation process, the notion of “flipping” the development, to have primary access from Wanneroo Road was raised as a way of minimising the risk of acid sulphate soils being unearthed through the development. However, it is not considered feasible for the development to be flipped, as no access from Wanneroo Roads is permitted, and such a design change would require a considerable increase to the use of Grasslands Loop as an access point for the development. The design of the proposed development is also consistent with the concept plan for the development, which has been adopted by the City and WAPC through the Structure Planning process.

Over-provision of Aged Care Facilities in the Immediate Locality

In light of the current application and the Meath Care Aged Care Facility at Hocking Road, Kingsley (approved by Council at its meeting of 16 December 2005), some members of the community argue that there is an over-provision of such facilities in the immediate locality. However, the City has a responsibility to plan for Australia's ageing population and to provide diversity in housing style and lifestyle choices within the City.

Flooding

The (then) Water Corporation of Western Australia (WAWA) advised the Council in 1995 of a minimum building floor level to ensure that flooding of any habitable room did not occur. Non-habitable rooms can be built at a lower level. The nominated building floor level was 29 metres above Australian Height Datum (AHD).

The habitable room floor level of the proposed development (33.7m above AHD) is some 4.7m above the nominated level. The floor level of the non-habitable rooms in the basement (varies from 29.77m – 30.77m AHD) is 0.77m above the nominated level at the lowest floor level.

Both these floor levels are above the level referred to in the 1995 correspondence. Therefore, for the purposes of protecting habitable rooms from flooding, the proposed development meets the 1995 advice.

Conclusion

The proposed aged care facility is consistent with the Woodlake Retreat Structure Plan and should be supported. Appropriate conditions have been recommended to address the issues raised by the community and other bodies during the consultation process.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plan
Attachment 3	Notional Plan for Woodlake Retreat extension
Attachment 4	Chronology of events for lots 6, 7, 550 and 709 Woodlake Retreat

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under Clause 4.5 of District Planning Scheme No 2 and determines that the plot ratio of 0.78 is appropriate in this instance;
- 2 APPROVES the Application for Planning Approval dated 22 November 2005 submitted by Montague Grant Architects, the applicant, on behalf of the owner, Aegis Health Care Pty Ltd, for an Aged Care Facility at Lot 550 Woodlake Retreat, Kingsley, subject to the following conditions:

- (a) The preparation of an Integrated Water Management Plan for Lot 550 Woodlake Retreat, to the satisfaction of the City of Joondalup and Western Australian Planning Commission;
- (b) An acid sulphate soil management plan shall be submitted and approved by the Department of Environment, should the site be found to contain acid sulphate soils. All site works shall cease if acid sulphate soils are found. Any further site works shall be carried out in accordance with the provisions of an approved acid sulphate soil management plan by the Department of the Environment and to the satisfaction of the City of Joondalup and the Department of Environment;
- (c) Prior to the issue of a building licence, the proponent shall submit amended plans for approval by the City, showing compliance with the eastern and northern boundary setback requirements of the Woodlake Retreat Structure Plan and deleting the proposed public walkway on the southern boundary of the development;
- (d) The provision of a uniform style of fencing along the eastern (Wanneroo Road) frontage of the subject site, in accordance with Council's policy on Uniform Fencing;
- (e) A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the City;
- (f) Bin storage and wash down facilities shall be provided in accordance with the approved plans and to the satisfaction of the City. Bin areas shall consist of a concrete floor that grade evenly to an industrial floor waste gully connected to sewer and a hose cock installed to the satisfaction of the City;
- (g) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
- (h) Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
- (i) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be City prior to the commencement of construction;
- (j) A Memorial shall be placed on the Certificate of Title to provide a warning regarding midge plague problems that may exist on the site. Prospective tenants shall also be warned of potential midge problems;

- (k) The development shall be connected to the sewer;
- (l) Visitors' car parking bays number 1 – 26 as indicated in RED on the approved plans shall be signposted;
- (m) The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition, detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:
 - (i) the location and type of existing and proposed trees and shrubs within the car park area
 - (ii) any lawns to be established
 - (iii) areas to be reticulated or irrigated
- (n) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (o) A Dual Use Path is to be constructed along Wanneroo Road in a location depicted on the approved plans, to the satisfaction of the City and Department of Planning and Infrastructure;
- (p) A Nutrients and Irrigation Management Plan is to be provided as part of the detailed landscape plan;
- (q) The maximum number of staff permitted to work from the premises at any point in time is twenty four (24);
- (r) Ground levels between the development and adjoining properties shall be coordinated to the satisfaction of the Manager Infrastructure Management Services;
- (s) The south-facing windows and balconies, as marked on red on the approved plans, shall be screened or obscured to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (t) The portion of Lot 550 Woodlake Retreat:
 - (i) located west of the Woodlake Retreat road reserve being shown on a Diagram or Plan of Survey (deposited plan) as a "Reserve for Recreation" and vested in the Crown under Section 152 of the Planning and Development Act 2005;
 - (ii) identified as the extension to Grassland Loop, being excised from the title and shown on a Diagram or Plan of Survey as a dedicated road, as set out in Section 168 of the Planning and Development Act 2005;

such land to be ceded free of cost and without any payment of compensation by the Crown;

- (u) Arrangements being made to the satisfaction of the City of Joondalup to ensure that access to the car park adjacent to Grasslands Loop is restricted only to visitors of “High Care” residents within the facility;
 - (v) the submission of revised plans to the satisfaction of the City, such plans showing the development being modified to comply with the 60% site coverage requirement;
- 3 NOTES that this approval is based on the construction of an extension of Woodlake Retreat to Wanneroo Road at Kingsway, to be jointly funded by the developer of Lot 550, Main Roads WA, Conservation and Land Management (CALM) and the Department of Planning and Infrastructure (DPI), as well as the City of Joondalup. It is further noted that the cost of the portion of the extended road adjacent to Part Lot 709 may be recouped from the owner of Part Lot 709 at the time of development of that lot;
- 4 GIVES consideration to the provision of part funding of the proposed link road within the Five Year Capital Works Program, with such timing to coincide with the likely opening date for the proposed development;
- 5 REFERS the application to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme;
- 6 ADVISES the Western Australian Planning Commission that:
 - (a) Council believes that an additional road link from Woodlake Retreat to Wanneroo Road is required;
 - (b) a financial contribution is required to be made by the owners of Lot 550 Woodlake Retreat for the extension of the existing road network, as foreshadowed in part 1.4.3(e) of the Woodlake Retreat Structure Plan – Structure Plan No. 3; and
 - (c) it requests the Commission to make the determination on the amount of the financial contribution required in relation to part 1.4.3(e) of the Woodlake Retreat Structure Plan – Structure Plan No. 3.

ADDITIONAL INFORMATION

On page 86 of the agenda, the history of the lot now known as Lot 550 Woodlake Retreat is discussed, for the purpose of providing background to the report on the current development application.

In doing so, it is stated that the WAPC did not endorse a local structure plan for Lot 550 Woodlake Retreat to be used as a guide to future development. The report attachment 4 does however indicate that the WAPC endorsed a structure plan for the land as a guide to future development, and that this occurred in June 1995. The attachment is correct, and any confusion is regretted.

To clarify the situation, the following information is provided:

- The Council's TPS1 did not contain provisions relating to Structure plans until January 1997.
- The 1995 WAPC resolution to endorse the Structure Plan appeared to take the form of advice that it would use the plan as a guide for the assessment of subdivision and development applications for the land.
- The resolution does not compel the future design of development to be in a particular form, it merely established parameters against which future applications could be considered.
- The 1995 sketch appears to have been an instrument to demonstrate that coordinated development of the various lots could occur in a staged manner and in a way that acknowledged access restrictions to Wanneroo Road.
- The gazettal of DPS2 only continued "agreed Structure Plans" - the Structure Plan referred to above was not an "agreed" Structure Plan adopted under the provisions of the TPS1

MOVED Cmr Clough, SECONDED Cmr Smith that Council:

- 1 EXERCISES discretion under Clause 4.5 of District Planning Scheme No 2 and determines that the plot ratio of 0.78 is appropriate in this instance;**
- 2 APPROVES the Application for Planning Approval dated 22 November 2005 submitted by Montague Grant Architects, the applicant, on behalf of the owner, Aegis Health Care Pty Ltd, for an Aged Care Facility at Lot 550 Woodlake Retreat, Kingsley, subject to the following conditions:**
 - (a) The preparation of an Integrated Water Management Plan for Lot 550 Woodlake Retreat, to the satisfaction of the City of Joondalup and Western Australian Planning Commission;**
 - (b) An acid sulphate soil management plan shall be submitted and approved by the Department of Environment, should the site be found to contain acid sulphate soils. All site works shall cease if acid sulphate soils are found. Any further site works shall be carried out in accordance with the provisions of an approved acid sulphate soil management plan by the Department of the Environment and to the satisfaction of the City of Joondalup and the Department of Environment;**
 - (c) Prior to the issue of a building licence, the proponent shall submit amended plans for approval by the City, showing compliance with the eastern and northern boundary setback requirements of the Woodlake Retreat Structure Plan and deleting the proposed public walkway on the southern boundary of the development;**
 - (d) The provision of a uniform style of fencing along the eastern (Wanneroo Road) frontage of the subject site, in accordance with Council's policy on Uniform Fencing;**

- (e) A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the City;
- (f) Bin storage and wash down facilities shall be provided in accordance with the approved plans and to the satisfaction of the City. Bin areas shall consist of a concrete floor that grade evenly to an industrial floor waste gully connected to sewer and a hose cock installed to the satisfaction of the City;
- (g) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
- (h) Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
- (i) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be City prior to the commencement of construction;
- (j) A Memorial shall be placed on the Certificate of Title to provide a warning regarding midge plague problems that may exist on the site. Prospective tenants shall also be warned of potential midge problems;
- (k) The development shall be connected to the sewer;
- (l) Visitors' car parking bays number 1 – 26 as indicated in RED on the approved plans shall be signposted;
- (m) The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition, detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:
 - (i) the location and type of existing and proposed trees and shrubs within the car park area
 - (ii) any lawns to be established
 - (iii) areas to be reticulated or irrigated
- (n) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;

- (o) A Dual Use Path is to be constructed along Wanneroo Road in a location depicted on the approved plans, to the satisfaction of the City and Department of Planning and Infrastructure;
- (p) A Nutrients and Irrigation Management Plan is to be provided as part of the detailed landscape plan;
- (q) The maximum number of staff permitted to work from the premises at any point in time is twenty four (24);
- (r) Ground levels between the development and adjoining properties shall be coordinated to the satisfaction of the Manager Infrastructure Management Services;
- (s) The south-facing windows and balconies, as marked on red on the approved plans, shall be screened or obscured to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (t) The portion of Lot 550 Woodlake Retreat:
 - (i) located west of the Woodlake Retreat road reserve being shown on a Diagram or Plan of Survey (deposited plan) as a “Reserve for Recreation” and vested in the Crown under Section 152 of the Planning and Development Act 2005;
 - (ii) identified as the extension to Grassland Loop, being excised from the title and shown on a Diagram or Plan of Survey as a dedicated road, as set out in Section 168 of the Planning and Development Act 2005;such land to be ceded free of cost and without any payment of compensation by the Crown;
- (u) Arrangements being made to the satisfaction of the City of Joondalup to ensure that access to the car park adjacent to Grasslands Loop is restricted only to visitors of “High Care” residents within the facility;
- (v) the submission of revised plans to the satisfaction of the City, such plans showing the development being modified to comply with the 60% site coverage requirement;
- (w) the applicant contributing such amount as determined by the WA Planning Commission in respect of the construction of the extension to Woodlake Retreat prior to the issuing of the building licence;

- 3 NOTES that this approval is based on the construction of an extension of Woodlake Retreat to Wanneroo Road at Kingsway, to be jointly funded by the developer of Lot 550, Main Roads WA, Conservation and Land Management (CALM) and the Department of Planning and Infrastructure (DPI), as well as the City of Joondalup. It is further noted that the cost of the portion of the extended road adjacent to Part Lot 709 may be recouped from the owner of Part Lot 709 at the time of development of that lot;

- 4 **GIVES** consideration to the provision of part funding of the proposed link road within the Five Year Capital Works Program, with such timing to coincide with the likely opening date for the proposed development;
- 5 **REFERS** the application to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme;
- 6 **ADVISES** the Western Australian Planning Commission that:
 - (a) Council believes that an additional road link from Woodlake Retreat to Wanneroo Road is required;
 - (b) a financial contribution is required to be made by the owners of Lot 550 Woodlake Retreat for the extension of the existing road network, as foreshadowed in part 1.4.3(e) of the Woodlake Retreat Structure Plan – Structure Plan No. 3; and
 - (c) it requests the Commission to make the determination on the amount of the financial contribution required in relation to part 1.4.3(e) of the Woodlake Retreat Structure Plan – Structure Plan No. 3.

Discussion ensued.

AMENDMENT MOVED Cmr Anderson, **SECONDED** Cmr Fox that Points 2(b) and 6(a) of the Motion be amended as follows:

- The following words to be inserted at the end of Point 2(b);

“In the interim, a detailed framework for management of acid sulphate soils shall be provided to the satisfaction of the City;”
- Point 6(a) be amended to read:

“6(a) Council is of the strong belief that an additional road link from Woodlake Retreat to Wanneroo Road is required;”

Cmr Anderson spoke to the Amendment.

With the approval of Cmr Anderson as the Mover and Cmr Fox as the Seconder, it was agreed the words *“Prior to the issuing of a building licence”* be used in place of the words *“In the interim.....”*.

The Amendment was Put and

CARRIED (5/0)

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

The Original Motion as amended, being:

That Council:

- 1 EXERCISES discretion under Clause 4.5 of District Planning Scheme No 2 and determines that the plot ratio of 0.78 is appropriate in this instance;**
- 2 APPROVES the Application for Planning Approval dated 22 November 2005 submitted by Montague Grant Architects, the applicant, on behalf of the owner, Aegis Health Care Pty Ltd, for an Aged Care Facility at Lot 550 Woodlake Retreat, Kingsley, subject to the following conditions:**
 - (a) The preparation of an Integrated Water Management Plan for Lot 550 Woodlake Retreat, to the satisfaction of the City of Joondalup and Western Australian Planning Commission;**
 - (b) An acid sulphate soil management plan shall be submitted and approved by the Department of Environment, should the site be found to contain acid sulphate soils. All site works shall cease if acid sulphate soils are found. Any further site works shall be carried out in accordance with the provisions of an approved acid sulphate soil management plan by the Department of the Environment and to the satisfaction of the City of Joondalup and the Department of Environment. Prior to the issuing of a building licence, a detailed framework for management of acid sulphate soils shall be provided to the satisfaction of the City;**
 - (c) Prior to the issue of a building licence, the proponent shall submit amended plans for approval by the City, showing compliance with the eastern and northern boundary setback requirements of the Woodlake Retreat Structure Plan and deleting the proposed public walkway on the southern boundary of the development;**
 - (d) The provision of a uniform style of fencing along the eastern (Wanneroo Road) frontage of the subject site, in accordance with Council's policy on Uniform Fencing;**
 - (e) A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the City;**
 - (f) Bin storage and wash down facilities shall be provided in accordance with the approved plans and to the satisfaction of the City. Bin areas shall consist of a concrete floor that grade evenly to an industrial floor waste gully connected to sewer and a hose cock installed to the satisfaction of the City;**
 - (g) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;**

- (h) Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
- (i) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be City prior to the commencement of construction;
- (j) A Memorial shall be placed on the Certificate of Title to provide a warning regarding midge plague problems that may exist on the site. Prospective tenants shall also be warned of potential midge problems;
- (k) The development shall be connected to the sewer;
- (l) Visitors' car parking bays number 1 – 26 as indicated in RED on the approved plans shall be signposted;
- (m) The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition, detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:

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 - (iii) areas to be reticulated or irrigated
- (n) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (o) A Dual Use Path is to be constructed along Wanneroo Road in a location depicted on the approved plans, to the satisfaction of the City and Department of Planning and Infrastructure;
- (p) A Nutrients and Irrigation Management Plan is to be provided as part of the detailed landscape plan;
- (q) The maximum number of staff permitted to work from the premises at any point in time is twenty four (24);
- (r) Ground levels between the development and adjoining properties shall be coordinated to the satisfaction of the Manager Infrastructure Management Services;

- (s) The south-facing windows and balconies, as marked on red on the approved plans, shall be screened or obscured to the satisfaction of the Manager Approvals, Planning and Environmental Services;
 - (t) The portion of Lot 550 Woodlake Retreat:
 - (i) located west of the Woodlake Retreat road reserve being shown on a Diagram or Plan of Survey (deposited plan) as a “Reserve for Recreation” and vested in the Crown under Section 152 of the Planning and Development Act 2005;
 - (ii) identified as the extension to Grassland Loop, being excised from the title and shown on a Diagram or Plan of Survey as a dedicated road, as set out in Section 168 of the Planning and Development Act 2005;such land to be ceded free of cost and without any payment of compensation by the Crown;
 - (u) Arrangements being made to the satisfaction of the City of Joondalup to ensure that access to the car park adjacent to Grasslands Loop is restricted only to visitors of “High Care” residents within the facility;
 - (v) the submission of revised plans to the satisfaction of the City, such plans showing the development being modified to comply with the 60% site coverage requirement;
 - (w) the applicant contributing such amount as determined by the WA Planning Commission in respect of the construction of the extension to Woodlake Retreat prior to the issuing of the building licence;
- 3 NOTES that this approval is based on the construction of an extension of Woodlake Retreat to Wanneroo Road at Kingsway, to be jointly funded by the developer of Lot 550, Main Roads WA, Conservation and Land Management (CALM) and the Department of Planning and Infrastructure (DPI), as well as the City of Joondalup. It is further noted that the cost of the portion of the extended road adjacent to Part Lot 709 may be recouped from the owner of Part Lot 709 at the time of development of that lot;
- 4 GIVES consideration to the provision of part funding of the proposed link road within the Five Year Capital Works Program, with such timing to coincide with the likely opening date for the proposed development;
- 5 REFERS the application to the Western Australian Planning Commission for determination under the Metropolitan Region Scheme;
- 6 ADVISES the Western Australian Planning Commission that:
- (a) Council is of the strong belief that an additional road link from Woodlake Retreat to Wanneroo Road is required;
 - (b) a financial contribution is required to be made by the owners of Lot 550 Woodlake Retreat for the extension of the existing road network, as foreshadowed in part 1.4.3(e) of the Woodlake Retreat Structure Plan – Structure Plan No. 3; and

- (c) it requests the Commission to make the determination on the amount of the financial contribution required in relation to part 1.4.3(e) of the Woodlake Retreat Structure Plan – Structure Plan No. 3.

was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn260406.pdf](#)

Disclosure of Financial Interests

Name/Position	Cmr Peter Clough
Item No/Subject	C21-04/06 – Proposed Hospital and Medical Centre (including Pharmacy) and Café/Restaurant at Lot 450 (8) Davidson Terrace, Joondalup
Nature of interest	Financial
Extent of Interest	Cmr Clough provides consultancy services to Joondalup Health Campus, which is not linked to this application.

Disclosure of interest affecting impartiality

Name/Position	Cmr A Fox
Item No/Subject	C21-04/06 – Proposed Hospital and Medical Centre (including Pharmacy) and Café/Restaurant at Lot 450 (8) Davidson Terrace, Joondalup
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Fox is currently employed within the health care sector, but has no relationship with any facility within the Joondalup area.

Cmr Clough left the Chamber, the time being 2053 hrs.

C21-04/06 PROPOSED HOSPITAL AND MEDICAL CENTRE (INCLUDING PHARMACY) AND CAFÉ/RESTAURANT AT LOT 450 (8) DAVIDSON TERRACE, JOONDALUP - [40318]

WARD: North

RESPONSIBLE Mr Clayton Higham

DIRECTOR: Planning and Community Development

PURPOSE

To request Council's determination of an application for Planning Approval for a hospital, medical centre and café/restaurant and associated two storey car parking deck.

EXECUTIVE SUMMARY

An application has been received for the development of a private hospital facility within the Central Business District precinct of the Joondalup City Centre.

The property is subject to the Joondalup City Centre Development Plan and Manual (JCCDPM). While some of the land uses are not preferred for this site, the JCCDPM does support the mixing of land use. It is notable that the proposed uses are consistent with those of the Joondalup Health campus which is opposite the development site.

The subject site is located on the south-west corner of the intersection of Davidson Terrace and Shenton Avenue. The proposal comprises a three level hospital building with an adjacent two level decked parking area. The hospital includes the provision of 60 beds and consulting rooms for psychiatric care and other general medical practice rooms and a pharmacy. A café-restaurant is also proposed, with alfresco dining on Davidson Terrace.

The development also includes a two storey car park on the southern portion (along the Davidson Terrace frontage) of the site to service the various uses within the proposed facility. The car park is designed for future conversion of the frontage to commercial tenancies, should the demand arise at some stage in the future. The carpark provides for 254 parking bays, which is below the JCCDPM requirement. It is proposed that cash-in-lieu should be provided for the shortfall. The City centre is designed to provide for a balance of parking on public and private land, and the proposal is consistent with that objective.

Discretion is also required for the approval of the building being setback rather than being built on the site boundaries, although the design merit of the proposal and the future potential for development do support a conclusion that these are reasonable for this proposal.

The proposal was advertised for public comment for a period of three weeks. At the close of advertising, 11 submissions had been received, comprising 5 objections and 6 non-objections. Discretion is sought under the City's District Planning Scheme No 2 (DPS2) in regard to parking provision on site, as well as proposed variations to the development's setbacks to Davidson Terrace and Shenton Avenue.

Given that the development will contribute to the desired built form and scale of the City Centre area, and is in a location that is complementary to existing medical facilities, the proposed development is supported.

BACKGROUND

Suburb/Location:	Lot 450 (8) Davidson Terrace, Joondalup
Applicant:	The Planning Group
Owner:	Primewest Pty Ltd
Zoning:DPS:	Centre
MRS:	Central City Area
Site Area:	1.2376 hectares
Structure Plan:	Joondalup City Centre Development Control Manual

Lot 450 (8) Davidson Terrace, Joondalup is currently partly developed with an existing three storey office building ("Joondalup House") having been approved and built on the western portion of the lot in the late 1980s.

DETAILS

The subject site is located on the south-western corner at the intersection of Shenton Avenue and Davidson Terrace, within the Joondalup Central Business District. The proposed development includes the following features:

- A three level main hospital building with provision for 60 private psychiatric care beds;
- A two level decked car parking area;
- Consulting rooms, dining areas and treatment areas for private psychiatric care;
- Provision for 6 General Practitioners on the ground floor of the building;
- Provision for three specialist medical consulting rooms, a pharmacy and alfresco café/restaurant facing onto Davidson Terrace

The following variations to the applicable standards of the JCCDPM are sought:

- (a) Provision of 254 car parking bays in lieu of 307 bays;
- (b) Setbacks of 2.8 metres to 8 metres to Shenton Avenue in lieu of nil setback; and
- (c) Setbacks of 3.5 metres to 6 metres to Davidson Terrace in lieu of a nil setback.

Issues and options considered:

Council has the discretion to:

- Approve the application;
- Approve the application subject to conditions;
- Refuse the application.

Link to Strategic Plan:

It is likely that this proposed development will contribute to meeting the demand for health care and associated services for the increasing population of the City Centre area and the region.

It is considered that the proposal is in line with many objectives of the City's Strategic Plan and City Development.

Legislation – Statutory Provisions:

The site is zoned Centre under the DPS2. The provisions of DPS2 and the JCCDPM control development within this area. The proposal involves two variations to the provisions of the JCCDPM, relating to car parking and setbacks. Provisions of DPS2 enable Council to consider such variations.

Clause 4.5.1 of DPS2 allows the City to consider variations to development standards and provisions as follows:

4.5 *Variations to Site and Development Standards and Requirements*

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

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

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

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

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

Clause 4.8 of DPS2 allows the City to consider appropriate car parking standards for all types of development within the City as follows:

4.8 *Car Parking Standards*

4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.

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

Council may permit the payment of cash-in-lieu of car parking in accordance with Clause 4.11 of DPS2.

The relevant Clause of DPS2 is as follows:

Car Parking – Cash-in-Lieu or Staging

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

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

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

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

Council resolved to adopt the Joondalup City Centre Public Parking Strategy on 12 February 2002, which has several underlying principles. An extract from that document is reproduced below:

- *provide up to fifty percent (50%) of parking in the Joondalup CBD strategy area in the long term as public parking under the control of the City of Joondalup;*
- *ensure that the provision of public parking is efficient and cost effective to the City.*
- *minimise financial risk to the City arising from the provision and management of parking in the Joondalup CBD.*
- *use monies received from cash-in-lieu of providing parking in the CBD only for the purchase of land for or the development of parking facilities for the Joondalup CBD.*

*Where a developer decides to provide a lesser number of parking bays than is required in a development, the option is available under District Planning Scheme No 2 for a cash payment to be made for each parking bay that is not provided. Any cash-in-lieu payment must be quarantined for parking purposes. **This provision should not be relaxed or varied for City Centre development because the funds are essential for the construction of future multi level parking facilities in the CBD.***

At the same Council meeting, it was resolved that the cash payment in lieu of the provision of on-site parking within the City Centre would be \$8,100 per parking bay. A reviewed cash-in-lieu policy was considered by Council at its meeting of 4 April 2006, where it was resolved that a revised cash-in-lieu payment of \$25,440 per bay should apply in the Joondalup City Centre. The increased rate is reflective of the increasing land values and construction costs within the City Centre. At this meeting, it was further resolved, however, that the revised figure would not apply to development applications received prior to 17 April 2006. As the subject application was lodged in December 2005, the previous figure of \$8,100 per bay applies to this development.

Development Standards Table

Standard	Allowable	Provided
Front Setback	0 metres	3.5 metres – 6 metres (Davidson Terrace)
Rear Setback	No requirement	N/A
Side Setback	0m	2.8 metres – 8 metres (Shenton Avenue)
Plot Ratio	1.0 (1.2736 hectares)	0.91 (1.1407 hectares)
Height	13.5 metres	12.5 metres
Car Parking	307	254

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

A shortfall in car parking is proposed. Based on the applicable rate of \$8,100 per bay (when the proposal was lodged), the shortfall amounts to a cash-in-lieu requirement of \$429,300, if based on a shortfall of 53 car bays. The applicant suggests a reduced requirements should apply (as discussed below) and if that scenario was approved, then the cash-in-lieu requirement would reduce to \$348,300.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

While the JCCDPM designates Medical Suites and Leisure and Entertainment as preferred uses in the Central Business District, "Hospital" is not identified as a preferred use and is required to be assessed on its merits. Given this, and due to the nature of the proposal, a twenty one day public advertising period was undertaken.

Advertising was undertaken from 16 February to 9 March 2006. All land owners within the area bounded by Shenton Avenue, Grand Boulevard, Boas Avenue and Lakeside Drive were notified in writing of the proposal, two signs were erected on the site and a notice was placed in the Joondalup Community newspaper for three consecutive weeks, commencing on 16 February. All documentation associated with the proposal, including plans, reports and a traffic impact statement, were made available for public viewing on the City's website. At the conclusion of public advertising, a total of 11 submissions had been received, comprising 5 objections and 6 non-objections.

Key issues arising from Public Advertising

The following matters were raised through objections submitted during the public advertising period:

- 1 Security and safety concerns over the type of psychiatric services offered at the proposed hospital;
- 2 Negative impact on property values within close proximity of the development site;
- 3 The potential for overflow parking into nearby residential areas.

These matters will be further discussed in the Comment section of this report.

COMMENT

The proposal complies with all DPS2 and JCCDPM requirements, with the exception of the proposed setbacks to Davidson Terrace and Shenton Avenue and car parking standards applicable to the site. It is considered that the development will integrate well with the character of the City Centre and will provide a health service to residents in the northern corridor.

Urban Design

The proposed built form of the development generally complies with the urban design requirements of the JCCDPM. The building includes well articulated facades, with active uses to the Davidson Terrace frontage of the subject site. The car parking area on the southern frontage of the site, facing onto Reid Promenade, has been designed to enable future conversion of this portion of the site for commercial purposes, which could create active frontages to Reid Promenade in the future. The area identified for future commercial/retail tenancies has a 70.5 metres wide frontage to Reid Promenade and a depth of 12 metres. This would provide sufficient flexibility to accommodate a wide range of uses. In the interim, the south-facing façade of the car parking area should be suitably articulated to achieve the design outcomes desired for this area.

Should the applicant seek to develop this section of the car parking area in the future for commercial uses, the proposal will be required to be assessed on its merits based on the relevant standards that are applicable at that time.

While the setbacks to the main frontages do not necessarily comply with the provisions of the JCCDPM, it is considered that the size and scale of the development will ensure that the built form will maintain a strong presence on Shenton Avenue and Davidson Terrace, particularly at the intersection of these two streets. The development should allow for natural surveillance to be provided over both streets and the adjacent car parking area. This is considered particularly important given that it is proposed to be a 24-hour hospital use.

The subject site has frontages of approximately 120 metres to both the northern and eastern boundaries. The site slopes from south to north and from a height of 57 metres AHD in the south-eastern corner to 48 metres AHD in the north-eastern corner of the site. The size and topography of the site makes it difficult to achieve a true “main street” development, in terms of having minimal setbacks to the street frontage, as well as an active interface between the built form and the street. The proposed finished floor levels of the development will be 50.5 AHD for the hospital component, and 49.25 AHD for the medical centre tenancies. This will result in a level difference of up to 1.25 metres between the built form and the footpath on the Shenton Avenue and frontage and a difference of 800mm on Davidson Terrace.

The setbacks of the building to Shenton Avenue (2.8 metres – 8 metres) are sympathetic with the existing Joondalup House development to the west and will assist in preserving existing vegetation for pedestrian shelter and shade. These setbacks will also ensure that the 3-storey building is sympathetic to the pedestrian domain.

The Davidson Terrace frontage will include stairs into the development, which respects the existing topography of the development and will draw attention to the land uses on the ground floor of the development. A disabled ramp has been included to link the building to Davidson Terrace, resulting in the development being further setback from Davidson Terrace.

The development plans include a variety of materials and colours, contributing to make the proposed development a landmark feature at a highly prominent entrance to the CBD.

Land Use

The JCCDPM states that:

“there is considerable flexibility in the possible distribution of land uses throughout the City Centre. The mixing of land uses is encouraged and development proposals will be treated on their merits.”

While “Hospital” is not identified as a preferred use in the CBD, the proposed use is supported, given the nature of the facility, its strong contribution to the urban form of the CBD and its location in close proximity to existing hospital/medical facilities at the Joondalup Health Campus.

The proposal also provides for a medical centre, shop (pharmacy) and restaurant uses. It is considered that these uses are complementary with the General City Uses of “Medical Suites” and “Leisure and Entertainment”. As such, the proposed land uses are considered appropriate and are supported.

Plot Ratio

For General City Uses, the JCCDPM requires that the development have a maximum plot ratio of 1.0 or 12,376m² of floor space. The areas used for the purpose of calculating plot ratio are defined in the JCCDPM. For this application, plot ratio calculations must include the existing Joondalup House building on the western end of the subject site, as both developments are located on the same landholding.

The overall plot ratio for the development is 0.91, or 11,407m², comprising:

- 4000m² for the existing Joondalup House building;
- 4517m² for the proposed hospital;
- 2890m² for the decked car parking area (including ramp).

The plot ratio therefore complies with the requirements of the JCCDPM and is supported.

Car Parking

The car parking requirement for the proposed development is shown in the table below, with the relevant car parking standard set out in the JCCDPM and DPS2:

Standard	Required	Provided
Hospital	1 per staff member (34 staff = 34 bays) 1 per 3 patients accommodated (60 beds = 20 bays)	<i>Car parking for all land uses has been combined into one main parking area, with a total parking provision applicable.</i>
Medical Centre	5 per practitioner (7 practitioner = 35 bays)	
Consulting Rooms	5 per consulting room (3 rooms = 15 bays)	
Shop (Pharmacy)	7 per 100m ² NLA (112m ² = 8 bays)	
Restaurant	1 per 5m ² dining area (126m ² dining area = 25 bays)	
Existing Office ("Joondalup House")	1 per 30m ² NLA (5100m ² NLA = 170 bays)	
Total Bays	307 bays	254 bays

The proponent has prepared a Traffic Impact Statement and Car Parking Report, seeking Council's support to reduce the number of bays required to facilitate the development. The Traffic Impact Statement and Car Parking Report states that parking demand for the facility will be satisfied through the provision of 250 bays, due to the likelihood of dual-purpose trips to a number of different land uses at the development.

It is also stated that, given the nature of the facility, the application of the car parking standards for "Hospital" use is not appropriate in this instance. The proponent argues that the car parking ratio for "hospital" specified under DPS2 is for a public or private hospital where people are admitted for personal care and treatment and where significant numbers of visitors are expected. Information provided from the applicant indicates that the proposed Sentiens hospital can be considered distinctly different in its operation. Sentiens have further advised that:

"the intent of a psychiatric hospital is to remove people from their everyday environment and influences, with visitors strongly discouraged. Mental health care generally has a stigma attached to it, and in many cases patients generally do not wish to receive visitors, which in turn generates less car parking demand for such facilities."

The proposed development will include a porte-cochere facility whereby patients can be dropped off and collected from the facility, minimising the need for cars to be parked long-term in the (unsecured) car park.

Having regard to the findings of the Traffic Impact Statement and Car Parking Report, it is recommended that Council exercises discretion under Clauses 4.8.2 and 6.1.3(b) of District Planning Scheme No 2 and applies a rate of 1 per staff member and 1 per 6 patients accommodated for the proposed hospital.

The following table summarises the revised car parking provision for the facility based on the modified car parking ratio discussed in the previous paragraph:

Standard	Required	Provided
Hospital	1 per staff member (34 staff = 34 bays) 1 per 6 patients accommodated (60 beds = 10 bays)	<i>Car parking for all land uses has been combined into one main parking area, with a total parking provision applicable.</i>
Medical Centre	5 per practitioner (7 practitioner = 35 bays)	
Consulting Rooms	5 per consulting room (3 rooms = 15 bays)	
Shop (Pharmacy)	7 per 100m ² NLA (112m ² = 8 bays)	
Restaurant	1 per 5m ² dining area (126m ² dining area = 25 bays)	
Existing Office ("Joondalup House")	1 per 30m ² NLA (4000m ² NLA = 136 bays)	
Total Bays	297 bays	254 bays

The type of treatment offered by the proposed hospital is of the type with which the community may attach significant discomfort and misunderstanding. Patient visits while under care are considerably lesser than for other kinds of ailments. The effect of a revised calculation is that the requirement would reduce from 307 bays (under the JCCDPM) to 297 bays as calculated here. The 10 car bay differential amounts to a reduced cash-in-lieu payment by 10 bays x \$8100 per bay, or \$81 000 in real terms.

The conclusions put forward by the Traffic Consultant are agreed in this case and it is recommended that a condition be imposed on the development approval requiring a cash-in-lieu payment for 43 bays.

Matters raised in public advertising

The following issues were raised through objections to the proposal during the consultation process:

Security and Safety Concerns

Several submissions queried the nature of psychiatric care proposed for the facility and whether this would create safety issues for surrounding residents. In response, the applicant provided the following information:

- *Sentiens provides a range of health services for people with chronic mental and physical conditions such as depression, diabetes and asthma.*
- *The hospital is being built to meet a significant requirement for community health services in the north metropolitan area. This centre will offer the required services to the community, which are not currently provided in the Joondalup area.*
- *Sentiens Joondalup is a psychiatric clinic. It is designed to provide mental health care to people who have mental health problems. This facility will admit patients who voluntarily request care. The facility will take only those regarded as safe to be in the community and who do not present a threat to others.*
- *The most common admissions are likely to be depression, anxiety, bipolar disorder and stress.*
- *It is likely that patients from the hospital will be representative of ordinary people in the community, their friends and relatives.*

It should be noted that there is already an existing mental hospital component at the nearby Joondalup Health Campus. This facility provides similar mental health services to those proposed to be provided at the Sentiens hospital and has operated for several years without major incident.

Negative Impact on Property Values

Property values are not considered to be a relevant planning consideration. The proposal must be considered only for compliance with the various criteria of the JCCDPM and DPS2. It should be noted that no information or justification was provided in support of the supposed impact on property values.

Overflow Parking

The Traffic Impact Statement and Car Parking Report (TISCPR) prepared for the application states that the parking provision on site will exceed demand. An alternative parking table was assembled as part of their report, using the criteria of the Road Transit Authority (RTA) of New South Wales and where traffic generation rates were not available, the Institute of Engineers USA Generation Rates (ITE). Under this alternative assessment, which does not have as stringent parking requirements as the JCCDPM, a total of 245 car parking bays would be required on site. While the RTA or the ITE criteria has no statutory bearing on this application, when considering the number of multi-trips that the proposal will generate to its different land uses, as well as the strong pedestrian and public transport networks in the Joondalup CBD, it was considered by the applicants that the estimated parking demand would be met with the reduced number of on-site car parking spaces.

Although the TISCPR indicates that the estimated car parking demand will be met on-site and therefore, there would be no impact on the amenity of the locality, some concern is expressed at the extent of the variation. The proposed land use is for a hospital and as such, the mode of operation could change based on the type of use made of the hospital, for instance, a change from a private psychiatric hospital to a private general hospital. Having regard to this issue, Council could either:

- (a) support the reduction in car parking numbers and exercise discretion through the use of Clause 4.5 of the DPS; or
- (b) accept a cash-in-lieu payment for the shortfall in car parking under clause 4.8 of the DPS; or
- (c) require the provision of car parking based on the standards prescribed in the DPS.

Given the size and scale of the facility, the variety of land uses which will use the facility and the strong public transport network and walkability within the Joondalup City Centre, and the findings in the TISCPR, it is recommended that option (b) be adopted..

Should the mode of operation of the hospital change or there is an under-estimation in the parking numbers, a cash-in-lieu payment for the 43 bays will provide the City with additional funds with which to purchase land for the construction of future public car parking sites or further development of existing public parking sites within the locality. This would address any assessed shortfall in car parking. Further, there is an existing public car parking area located in close proximity and to the east of the development site, centrally located within the street block bounded by Davidson Terrace/Shenton Avenue/Lakeside Drive and Reid Promenade.

Consequently, it is considered more beneficial to the City and to the community that the parking shortfall be addressed through a cash-in-lieu payment rather than the provision of extra bays on site. The funds from the cash-in-lieu contribution can be used to fund future public car parking construction (and associated land acquisition) within the CBD.

Conclusion

The proposed development will be a positive addition to the City Centre. It will provide a much needed health service to the residents of the northern corridor. The design of the development meets the urban design objectives of the JCCDPM and it is considered that a development of this scale will provide a suitable landmark building at a key entry point into the Joondalup CBD.

The “Hospital” land use proposed is considered to have strong merit, given its location and design, while the other land uses are considered to be “preferred” uses under the provisions of the JCCDPM. The setback variations are considered to be minor, and are sympathetic to the levels of the site, as well as maintaining the visually impression on Shenton Avenue that has been created by the existing Joondalup House development. Given the multi-functional nature of the development, and the strong pedestrian and public transport networks within the CBD, it is considered that there will not be a significant parking overflow into surrounding areas based on the TISCP. However, the payment of a cash-in-lieu contribution will assist the City in creating new public parking areas or development of existing facilities within the CBD, which would address any overflow that may arise from this development if the TISCP has under-estimated parking demand.

It is therefore recommended that the development be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Supporting Documentation

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION: That Council:

1 EXERCISES discretion under:

- (a) Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2 and determines that the car parking standard for the hospital use be amended as follows:

- (i) 1 car parking space per staff member and 1 car parking space per 6 patients;

This results in a car parking requirement of 297 bays in lieu of 307;

- (b) Clause 4.5 of the City of Joondalup District Planning Scheme No 2 and determines that the:

- (i) setbacks to Shenton Avenue and Davidson Terrace of 2.8 metres to 8 metres and 3.5 metres to 6 metres respectively;
 - (ii) level difference between the footpath and tenancies facing Shenton Avenue of 1.25 metres;

are appropriate in this instance;

- 2 Having regard to Clause 4.11.2, considers that a cash-in-lieu payment of 43 car parking spaces is appropriate;
- 3 APPROVES the application for Planning Approval dated 19 December 2005 submitted by The Planning Group, the applicant, on behalf of the owner, Primewest Pty Ltd, for a Hospital, Medical Centre (including pharmacy), Café-Restaurant and double storey decked car parking area at Lot 450 (8) Davidson Terrace, Joondalup, subject to the following conditions:
 - (a) Provision of 254 car-parking bays, which includes six disabled parking bays and thirty four allocated staff bays, with the parking to be open to the public at all times;
 - (b) A cash-in-lieu payment being made to the City of Joondalup for 43 car parking bays, at the rate of \$8,100 per bay;
 - (c) The “Future GP Consulting Rooms” being deleted from the approved plans and being subject to separate future application as required;
 - (d) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
 - (e) Six disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
 - (f) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. 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;
 - (g) The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plan;
 - (h) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
 - (i) Bin storage area shall consist of a concrete floor that grades evenly to an industrial floor waste connected to sewer and the provision of a hose cock;
 - (j) The gradient between the disabled parking bay and the building entrance, including disabled access ramps, to be a maximum of 5%;

- (k) Design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;
- (l) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (m) Ground floor glazing for the commercial unit should be maximised. At least 50% of the area of the commercial unit front façades shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the frontage;
- (n) Obscured or reflective glazing shall not be used at the ground level;
- (o) Pedestrian shelter shall be provided to the commercial ground floor unit in accordance with the Joondalup City Centre Plan and Manual. Details of the proposed pedestrian shelter are to be submitted to the City for approval;
- (p) Any advertising signage shall be subject to a separate application for Planning Approval;
- (q) The south-facing facade of the car parking area (fronting Reid Promenade) being articulated to the satisfaction of the Manager – Approvals, Planning and Environmental Services'

ADDITIONAL INFORMATION

Amended plans were received for this report on 13 April 2006. Part 3 of the recommendation to approve the application has been amended to include reference to the date that the revised plans were received and that they form part of this approval.

The ground floor plan shows the area of the car parking structure that could be developed with commercial uses, to achieve an active street frontage to Reid Promenade. The upper level plan and the street elevations are amended to reflect the change in the design as this part of the proposal.

AMENDED OFFICER'S RECOMMENDATION

That Council:

1 EXERCISES discretion under:

- (a) Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2 and determines that the car parking standard for the hospital use be amended as follows:
 - (i) 1 car parking space per staff member and 1 car parking space per 6 patients.

This results in a car parking requirement of 297 bays in lieu of 307.
- (b) Clause 4.5 of the City of Joondalup District Planning Scheme No 2 and determines that the:

- (i) setbacks to Shenton Avenue and Davidson Terrace of 2.8 metres to 8 metres and 3.5 metres to 6 metres respectively;
- (ii) level difference between the footpath and tenancies facing Shenton Avenue of 1.25 metres.

are appropriate in this instance.

2 Having regard to Clause 4.11.2, considers that a cash-in-lieu payment of 43 car parking spaces is appropriate.

3 APPROVES the application for Planning Approval dated 19 December 2005 and the amended plans received 13 April 2006 from The Planning Group, the applicant, on behalf of the owner, Primewest Pty Ltd, for a Hospital, Medical Centre (including pharmacy), Café-Restaurant and double storey decked car parking area at Lot 450 (8) Davidson Terrace, Joondalup, subject to the following conditions:

- (a) Provision of 254 car-parking bays, which includes six disabled parking bays and thirty four allocated staff bays, with the parking to be open to the public at all times;
- (b) A cash-in-lieu payment being made to the City of Joondalup for 43 car parking bays, at the rate of \$8,100 per bay;
- (c) The “Future GP Consulting Rooms” being deleted from the approved plans and being subject to separate future application as required;
- (d) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
- (e) Six disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
- (f) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. 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;
- (g) The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plan;
- (h) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;

- (i) Bin storage area shall consist of a concrete floor that grades evenly to an industrial floor waste connected to sewer and the provision of a hose cock;
- (j) The gradient between the disabled parking bay and the building entrance, including disabled access ramps, to be a maximum of 5%;
- (k) Design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;
- (l) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (m) Ground floor glazing for the commercial unit should be maximised. At least 50% of the area of the commercial unit front façades shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the frontage;
- (n) Obscured or reflective glazing shall not be used at the ground level;
- (o) Pedestrian shelter shall be provided to the commercial ground floor unit in accordance with the Joondalup City Centre Plan and Manual. Details of the proposed pedestrian shelter are to be submitted to the City for approval;
- (p) Any advertising signage shall be subject to a separate application for Planning Approval;
- (q) The south-facing facade of the car parking area (fronting Reid Promenade) being articulated to the satisfaction of the Manager – Approvals, Planning and Environmental Services.

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

1 EXERCISES discretion under:

- (a) **Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2 and determines that the car parking standard for the hospital use be amended as follows:**

- (i) **1 car parking space per staff member and 1 car parking space per 4.5 patients.**

This results in a car parking requirement of 301 bays in lieu of 307;

- (b) **Clause 4.5 of the City of Joondalup District Planning Scheme No 2 and determines that the:**

- (i) **setbacks to Shenton Avenue and Davidson Terrace of 2.8 metres to 8 metres and 3.5 metres to 6 metres respectively;**
 - (iii) **level difference between the footpath and tenancies facing Shenton Avenue of 1.25 metres;**

are appropriate in this instance;

- 2 Having regard to Clause 4.11.2, considers that a cash-in-lieu payment of 47 car parking spaces is appropriate;
- 3 **APPROVES** the application for Planning Approval dated 19 December 2005 and the amended plans received 13 April 2006 from The Planning Group, the applicant, on behalf of the owner, Primewest Pty Ltd, for a Hospital, Medical Centre (including pharmacy), Café-Restaurant and double storey decked car parking area at Lot 450 (8) Davidson Terrace, Joondalup, subject to the following conditions:
- (a) Provision of 254 car-parking bays, which includes six disabled parking bays and thirty four allocated staff bays, with the visitor parking to be open to the public at all times;
 - (b) A cash-in-lieu payment being made to the City of Joondalup for 47 car parking bays, at the rate of \$8,100 per bay;
 - (c) The “Future GP Consulting Rooms” being deleted from the approved plans and being subject to separate future application as required;
 - (d) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
 - (e) Six disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
 - (f) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. 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;
 - (g) The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plan;
 - (h) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
 - (i) Bin storage area shall consist of a concrete floor that grades evenly to an industrial floor waste connected to sewer and the provision of a hose cock;
 - (j) The gradient between the disabled parking bay and the building entrance, including disabled access ramps, to be a maximum of 5%;

- (k) Design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;
- (l) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (m) Ground floor glazing for the commercial unit should be maximised. At least 50% of the area of the commercial unit front façades shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the frontage;
- (n) Obscured or reflective glazing shall not be used at the ground level;
- (o) Pedestrian shelter shall be provided to the commercial ground floor unit in accordance with the Joondalup City Centre Plan and Manual. Details of the proposed pedestrian shelter are to be submitted to the City for approval;
- (p) Any advertising signage shall be subject to a separate application for Planning Approval;
- (q) The south-facing facade of the car parking area (fronting Reid Promenade) being articulated to the satisfaction of the Manager – Approvals, Planning and Environmental Services.

Discussion ensued.

AMENDMENT MOVED Cmr Anderson, **SECONDED** Cmr Smith that Point 1 (a) (i) of the Motion be amended to read:

“1 car parking space per staff member and 1 car parking space per 3 patients.”

Cmr Smith requested the minutes to record that she had seconded the amendment for the purpose of debate only.

The Amendment was Put and

LOST (1/3)

In favour of the Amendment: Cmr Anderson **Against the Amendment:** Cmr Paterson, Smith and Fox

The Motion as Moved Cmr Fox, Seconded Cmr Anderson was Put and

CARRIED UNANIMOUSLY (4/0)

Appendices 15 and 16 refer

*To access this attachment on electronic document, click here: [Attach15min260406.pdf](#)
[Attach16min260406.pdf](#)*

Cmr Clough entered the Chamber, the time being 2107 hrs.

Disclosure of interest affecting impartiality

Name/Position	Cmr M Anderson
Item No/Subject	C22-04/06 – Review of Draft Audit Committee Charter
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Anderson is a Chartered Accountant

C22-04/06 REVIEW OF DRAFT AUDIT COMMITTEE CHARTER - [50068]

WARD: All

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

PURPOSE

To provide Council with operational guidelines as a basis for developing the City's own Audit Committee Charter that is in line with best practice principles.

EXECUTIVE SUMMARY

Audit Committees play a major role in assisting Local Government organisations in fulfilling their corporate governance responsibilities.

It has been recognised that the introduction of a formal Charter for the Audit Committee will provide clear guidelines that will enhance the City's review processes.

BACKGROUND

A draft Audit Committee Charter was presented to the Audit Committee meeting on 18 October 2005, and subsequently to the Council meeting on 1 November 2005 (CJ226-11/05 refers) where the Council:

"REQUESTED the Chief Executive Officer to review the draft Audit Charter by modifying the words to more appropriately reflect:

- *Legislative requirements*
- *Oversight and monitoring role of the Audit Committee*
- *Clarification of the role and function of the Committee*
- *Terms of appointment of the independent Committee members*
- *Quorum numbers and composition of Committee*
- *Interaction with the Internal Auditor*
- *Status of independent persons"*

It was requested that a report be presented to a future Audit Committee meeting.

Following the Council meeting the Local Government Operational Guidelines were received by the City from the Department of Local Government and Regional Development.

At its meeting held on the 26 April 2006, the Audit Committee gave consideration to the Audit Committee Charter.

DETAILS

A draft Audit Committee Charter has been developed and is submitted to the Audit Committee for its consideration. This charter has been based on the:

- Draft charter presented to the Audit Committee in October 2005;
- The requested changes suggested by the Committee at the October 2005 meeting; and
- Local Government Operational Guidelines (No 9) as prepared by the Department of Local Government and Regional Development.

Link to Strategic Plan:**Strategy 1.2 (Leadership) of the Strategic Plan is:**

“Take a leadership role, initiate facilitate and promote leading-edge projects and best practices which deliver significant benefits to the community.

To achieve this we will:

1.2.1 “Promote best practice principles within the Local Government industry”.

1.2.2 “Maintain best practice in risk management, compliance and performance reporting”.

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council. Section 7.12 deals with “Duties of local government with respect to audits”.

Risk Management considerations:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

It is considered that the attached Charter Guidelines will assist the Council in discharging its corporate governance responsibilities by clearly articulating the objectives, roles and responsibilities, amongst other matters, of the Audit Committee.

ATTACHMENTS

Attachment 1	Draft Audit Committee Charter
Attachment 2	Audit Committees in Local Government - Local Government Operational Guidelines Number 9

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council ADOPTS the Audit Committee Charter as detailed in Attachment 1 to this Report.

MOVED Cmr Anderson, **SECONDED** Cmr Smith that Council ADOPTS the Audit Committee Charter as detailed in Attachment 1 to Report C22-04/06, subject to the following amendments:

Objectives:

- 2.1 Delete – “accept responsibility”
Replace with the word “oversee”
- 4.4 After external persons, insert the words “*being natural persons*”
- 4.6 After the word fee, insert the words “*to be set as part of the budget process*”
- 7.1(b) After the word Officer, insert the words “*and report back to Council*”
- 7.1 (t) After the word “indicators”, the paragraph is deleted and the following is inserted:

“the Audit Committee may seek information or obtain advice on matters of concern using the normal processes of the City.”

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17min260406.pdf](#)

C23-04/06 CREDIT CARD PROCEDURES - [82558]

WARD: All

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

PURPOSE

To advise Council of the changes made to the Corporate Credit Card procedures to bring them into line with the guidelines issued by the Department of Local Government and Regional Development.

EXECUTIVE SUMMARY

The corporate credit card procedures have been updated to conform to the guidelines issued by the Department of Local Government and Regional Development.

BACKGROUND

A forensic audit was conducted by Deloitte Touche Tohmatsu in March 2004. The audit scope included a range of contractual issues associated with the previous Chief Executive Officer, including the use of his corporate credit card. A subsequent Internal Audit was conducted in July 2004, which focused on the other corporate credit cardholders from December 1999 to January 2004.

At its meeting on 18 October 2005, the Audit Committee resolved that:

Use of Credit/Charge Cards be reviewed in light of the Local Government Operational Guidelines Number 11 in relation to use of corporate credit and the discussions that have taken place at this meeting.

At its meeting held on the 26 April 2006, the Audit Committee gave consideration to proposed changes to the Corporate Credit Card procedures.

DETAILS

The credit card corporate procedures have been updated to conform to the guidelines issued by the Department of Local Government and Regional Development (Attachment 1 refers).

Link to Strategic Plan:

Strategy 1.2 (Leadership) of the Strategic Plan is:

“Take a leadership role, initiate facilitate and promote leading-edge projects and best practices which deliver significant benefits to the community.

To achieve this we will:

1.2.1 “Promote best practice principles within the Local Government industry”.

1.2.2 “Maintain best practice in risk management, compliance and performance reporting”.

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council. Section 7.12 deals with “Duties of local government with respect to audits”.

Risk Management considerations:

The risks associated with not complying with corporate credit card procedures include non-compliance with policy and legislation.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Proposed Procedure for Use of Credit/Charge Cards

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION: That Council ENDORSES the changes to the corporate credit card procedures as shown on Attachment 1 to this report.

MOVED Cmr Smith, **SECONDED** Cmr Anderson that Council **ENDORSES** the changes to the Corporate Credit Card procedures as shown on Attachment 1 to Report C23-04/06, subject to the following changes:

That all references to 5.9 in the document be changed to read 5.6 and that in Item 5.6.3 after officer, the following words be inserted

“or, in the case of the CEO’s card, the Director of Corporate Services.”

Chief Executive Officer advised that the issues in relation to the Review of the Draft Audit Committee Charter and Credit Card Procedures were matters raised in October 2005 and as such, are not matters brought to the Council without prior notification.

The Motion was Put and**CARRIED UNANIMOUSLY (5/0)****In favour of the Motion:** Cmr Paterson, Clough, Anderson, Smith and Fox*Appendix 18 refers**To access this attachment on electronic document, click here: [Attach18min260406.pdf](#)***Disclosure of interest affecting impartiality**

Name/Position	Mr Garry Hunt - Chief Executive Officer
Item No/Subject	C24-04/06 - Confidential Item - Request for Legal Representation
Nature of interest	Interest that may affect impartiality
Extent of Interest	The applicants reports to the Chief Executive Officer

**C24-04/06 REQUEST FOR LEGAL REPRESENTATION –
MANAGER AUDIT & EXECUTIVE SERVICES –
[94225]**

WARD: All

RESPONSIBLE Mr Garry Hunt
DIRECTOR: Office of CEO

This Item Is Confidential - Not For Publication

A full report was provided to Joint Commissioners under separate cover. This Report is marked Confidential and appended in the Minute book.

MOVED Cmr Smith, **SECONDED** Cmr Clough that Council **REFUSES** the request for funding dated 7 April 2006 from the Manager Audit & Executive Services, under City Policy 8-7 – Legal Representation for Elected Members and Employees based on the fact that the application does not satisfy the criteria of the Policy guidelines.

The Motion was Put and**CARRIED (5/0)****In favour of the Motion:** Cmr Paterson, Clough, Anderson, Fox and Smith**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

ANNOUNCEMENT OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

ADDRESS BY CHIEF EXECUTIVE OFFICER, MR GARRY HUNT

Ladies and Gentlemen, Commissioners, Staff

I requested the opportunity of the Chairman to place on record some issues this evening as this is the last formal meeting for the Council before the close of its term on 6 May 2006.

Five Commissioners were appointed in early December 2003, with their tenure due to expire on 6 May 2006. There has been a change of the playing team along the way with Commissioner Allan Drake-Brockman being replaced by Commissioner Peter Clough.

At the time of their appointment, Commissioner John Paterson had had experience as a local government Councillor and a Mayor, both at much smaller places than the City of Joondalup. Commissioner Steve Smith had had experience as a local government Chief Executive Officer. I think it is fair to say, that Commissioners arrived at a time of some considerable chaos in terms of Council meeting process and the general aspects of governance. I think it is also fair to say (I have had it confirmed by staff) that there was organisational turmoil within the City's day to day operations. The rubbish did get picked up and the grass was mowed, but there were lots of issues of concern.

Although the role of Commissioner is paid, I calculated that the hourly rate is such that any consultant considering doing this for a full-time position would go broke very quickly. It does not recognise the amount of time that is required and the amount of time spent by Commissioners on Council business. In the time that I have known Commissioners, there have been no complaints about the amount of paperwork they have received.

There are sectors in the community, small admittedly by quantum, in Joondalup who are very quick to criticise and I did take some heart this evening from members of the public who showed respect and recognised good when good is done and are also very quick to draw to our attention when we do less than what is the required standard. I thank those who made their comments this evening.

There are detractors of the role of Commissioners, but you need to remember that Commissioners are only ever appointed under legislation when the determination by the Minister of the day is that the particular local government is out of control and needs to be dealt with.

This City has a population of 160,000 people and electors of 100,000. In view of the number of people that criticise the Commissioners in some of the things they have done, quite frankly, in the most part they are small in number.

I think it is fair to say the Commissioners brought stability. They did resolve the situation of the former CEO; not to everyone's satisfaction and if you asked them individually they would have liked a different result, but they did what they had to do, professionally and in an appropriate way.

In looking back at some of the issues they dealt with, they addressed:

- the Governance issues
- Standing Orders
- the Governance framework
- the Strategic Financial Plan which was dealt with this evening
- and a whole raft of new policies and public participation.

Commissioners oversaw two consecutive budgets for the 2004/05 and 2005/06 years. They saw project implementation such as:

- the selection of the depot site
- the implementation and Stages 1 and 2 of Sorrento Beach
- the construction of the soon to be opened Craigie Leisure Centre.

They introduced Public Statement Time, a brave move I have to say for my part as CEO, and they were right in terms of the benefit that it would bring. The one thing that is very noticeable about the role of the Commissioners, and I guess the media might well be looking forward to the Commissioners leaving, because they are pretty bland to report on. There are no emotional outbursts in the Chamber or in the media, or half-considered views that are sometimes attributed to others.

Commissioners leave the Council with the foundation for the return of the democratically elected Council and I have to say they have not at any stage sought to extend their role beyond what has been necessary.

So Chairman John and Commissioners all, on behalf of the staff I thank you sincerely for your contribution. I wish these words to be placed on record for posterity, not that the words themselves are good, but I want it recorded that there was a lot achieved.

I hope that you look back on your time at the City with fondness, and I wish you good wealth and health in your future.

ADDRESS BY CHAIRMAN JOHN PATERSON

I wish to have my thanks recorded on behalf of the other Commissioners. One thing you left out which was very dear to us was Ocean Reef Road. We wondered what we had struck when we got here and found there was a road that wasn't going to be constructed.

It has been a great experience. I would have to say from my own point of view, it is most probably one of the highlights of my life. I don't think in two and a half years I have ever struck a position that has been so bad at the start and so good at the finish. I think Commissioners leave with heads high and very pleased with the job they have left behind. Commissioners believe that Joondalup is such a wonderful City. It has got such a lot going for it and I am certain in my mind that a new City Council will take it forward.

So thank you everybody.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2120 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR S SMITH
CMR A FOX

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