

# Minutes **Ordinary Meeting of Council**

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

**ON TUESDAY, 16 DECEMBER 2008**

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**MINUTES OF COUNCIL MEETING  
HELD ON TUESDAY 16 DECEMBER 2008**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 16 DECEMBER 2008

### DECLARATION OF OPENING

The Mayor declared the meeting open at 1902 hrs.

### ANNOUNCEMENT OF VISITORS

Nil.

### ATTENDANCES

#### Mayor:

TROY PICKARD

#### Councillors:

Cr KERRY HOLLYWOOD	North Ward	<i>absent from 2228 hrs to 2232 hrs</i>
Cr TOM McLEAN	North Ward – <i>Deputy Mayor</i>	
Cr ALBERT JACOB, JP	North-Central Ward	<i>absent from 2146 hrs to 2148 hrs</i>
Cr MARIE MACDONALD	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr MICHELE JOHN	South-West Ward	<i>absent from 2106 hrs to 2124 hrs</i>
Cr MIKE NORMAN	South-West Ward	
Cr SUE HART	South-East Ward	<i>to 2038 hrs</i>
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK	South Ward	
Cr FIONA DIAZ	South Ward	

#### Officers:

MR GARRY HUNT	Chief Executive Officer	<i>absent from 2052 hrs to 2059 hrs</i>
MR CLAYTON HIGHAM	Director, Planning & Community Development	
MR IAN COWIE	Director, Governance & Strategy	
MR MIKE TIDY	Director, Corporate Services	
MR MARTYN GLOVER	Director, Infrastructure Services	<i>absent from 2153 hrs to 2155 hrs</i>
MR MIKE SMITH	Manager, Governance & Strategy	
MR CHRIS TERELINCK	Manager, Approvals, Planning & Environmental Services	<i>absent from 2032 hrs to 2041 hrs</i>
MR GAVIN TAYLOR	Manager, Leisure & Cultural Services	
MR MARK McCRORY	Media Advisor	
MRS JANET FOSTER	Administrative Services Co-ordinator	
MRS ROSE GARLICK	Administrative Secretary	

There were 36 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME**

The following questions were taken on notice at the Annual General Meeting of Electors held on 1 December 2008:

**Mr M Caiacob, 7 Rowan Place, Mullaloo:**

*Re: Ocean Reef Marina Redevelopment*

Q1 *Will the coastal erosion and shoreline impact assessment address marine sand and ocean current movements for the entire length of Mullaloo and Whitfords Beach?*

A1 The City's objective is to ensure there are no detrimental effects on the coastline to the north or south of the proposed Ocean Reef Marina development area. In assessing the overall impact of the proposed project, specialised research through investigative studies and assessments will be undertaken.

**Mr M Sideris, Mullaloo:**

Q1 *At the Council meeting held on 25 November 2008, Council considered an application for a proposed tavern, offices etc (CJ252-11/08 refers). This proposal was short 24 car parking bays. There was no mention in the report of a cash-in-lieu consideration. With respect to the shortfall of 24 car parking bays, what was the cash-in-lieu value of those bays?*

A1 The application included a proposal for reciprocal use of the parking area which was accepted by the Council, and hence cash in lieu of car parking was not entertained.

The following questions were taken on notice at the Council meeting held on 25 November 2008:

**Mr S Magyar, Heathridge:**

Q1 *Under what clause of the Standing Orders Local Law does Council have the power to limit the power of the Chairman to conduct the work of his or her committee in the manner that the Chairman sees fit?*

A1 The Standing Orders Local Law 2005 prescribe the roles and responsibilities of a presiding person.

Q2 *Can Council make resolutions that change Local Laws without following due process as detailed in the Local Government Act 1995?*

A2 The Local Government Act 1995 sets out a procedure to amend local laws.

The following questions were submitted in writing prior to the Council meeting:

**Mr R Van der Voorden, Joondanna:**

Q1 *Has the Administration included false and misleading information elsewhere in the Annual report in relation to the number of meeting attended by elected members, remuneration of senior officers or any other matter?*

A1 The City is unaware of any false or misleading information in the Annual Report.

Q2 *What confidence can the public have that the Administration does not regularly engage in conduct where information is falsified in order to give a better but inaccurate account of operations?*

A2 The City does not falsify information.

Q3 *What was the actual expenditure on legal services against budget for the year ended 30 June 2008?*

A3 \$322,922.53 (inc GST).

**Mr K Robinson, Como:**

Q1 *Were the CEO and Directors entitled and given the opportunity to vote on the EBA in the employee ballot?*

Q2 *Is the CEO aware that the EBA for Salaried Officers voted on by employees and the EBA for Salaried Officers recommended to Council differ in a number of areas despite the report to Council indicating that the documents were identical?*

Q3 *When did the CEO become aware that the information reported to Council on the EBA was inaccurate?*

Q4 *What actions did the CEO take to correct the information provided to members of the Council on which they based their decision?*

A1-4 The City is unable to respond to these questions as it is unclear which of the EBAs the City has had in place that they relate to.

Q5 *When first established and as at 1 July 2007 and 1 April 2008 the Staff establishment includes how many FTE's in the Strategic Planning Directorate?*

A5 The City has no Strategic Planning Directorate.

**Mrs M Zakrevsky, Mullaloo:**

1 (a) *Have each of the two positions Ref. No 08 - 158 for "Bush Regenerator – Weed control" advertised in newspapers and on the City of Joondalup's website in October this year been filled?*

(b) *If so, from what date did each employee commence weed control work in natural areas reserves?*

2 (a) *Have each of the five positions Ref No 08 -159 for "Weed control" advertised in newspapers and on the City of Joondalup's website in October this year been filled?*

(b) *If so, from what date did each employee commence work in the City of Joondalup's parks, verges, median strips and sumps?*

A1-2 These questions will be taken on notice.

**The following questions were submitted verbally at the Council meeting held on 16 December 2008:**

**Mrs L Norsworthy, Kewdale:**

*Re: CJ262-12/08 – Local Law Amendment – Shopping Trolleys*

*Q1 Shopping trolleys play an important role in assisting the disadvantaged in the community who do not have their own transport, or for whom public transport is not available. Rather than blame or fine retailers for this occurrence, is Council prepared to investigate any positive measure such as providing personal shopping trolleys to disadvantaged people like several other Councils have done?*

*A1 Response by Mayor Pickard: This is not currently being considered.*

*Q2 At present there are no containment systems on the market which stop trolleys leaving a store or shopping centre. Has Council taken into account that any physical barrier that stops a trolley leaving a retail outlet would also stop a wheelchair or pram?*

*A2 Response by Mayor Pickard: The City is not aware of that. Information has not been provided, however, there is technology in the eastern states that locks the wheels of a trolley, making it unable to go over a ramp.*

**Mr S Kobelke, Sorrento:**

*Re: Notice of Motion No 1 – Mayor Pickard – Written Questions for Presentations at Briefing Sessions and Council Meetings*

*Q1 If the Notice of Motion (Written Questions for Presentations at Briefing Sessions and Council Meetings) goes through, does that mean all bodies outside the City will be excluded from submitting written questions to the Council?*

*A1 Response by Mayor Pickard: Yes.*

*Re: CJ280-12/08 – Request for Review of the Coastal Height Policy*

*Q2 Has the City met with the new Minister for Planning to press for a decision on the District Planning Scheme No 2 amendment for the review of the coastal height policy?*

*A2 Response by Mayor Pickard: No.*

**Mr J Clune, Canning Vale:**

*Re: CJ262-12/08 – Local Law Amendment – Shopping Trolleys*

*Q1 \$500.00 is an unprecedented fine for the impounding of a trolley. It has not happened anywhere else in Australia to my knowledge. Is Council prepared to take extensive legal action to defend its actions if it does impound a trolley and demand a \$500.00 penalty?*

*A1 Response by Mayor Pickard: The City will take whatever action it deems appropriate to enforce any Local Laws that have been adopted by the Council.*

Q2 *At least two large metropolitan Councils in Perth are examining the issue of those persons who take trolleys and abandon them. Has the City of Joondalup considered taking similar action against those who commit this offence?*

A2 *Response by Mayor Pickard:* This issue was addressed at the Briefing Session on 9 December 2008 where it was indicated that the City would look at installing signs in parks adjacent to shopping centres.

**Mr G Steinbach, Quinns Rock:**

Re: *CJ262-12/08 – Local Law Amendment – Shopping Trolleys*

Q1 *It is our belief that if the laws are to be enforced, it will merely jeopardise the financial longevity of our businesses. The current laws that provide for the fining of customers that abandon trolleys should be enforced and in that respect, what has prompted the change in attitude of the City of Joondalup?*

A1 *Response by Mayor Pickard:* It has been a five year journey with retail outlets attempting to work for a common good to resolve the issue of abandoned shopping trolleys, inaction on behalf of the major retailers and not taking appropriate proactive measures to address the City's problems. Hence the adoption of a Local Law two years ago to address the problem. This is the second stage of the Local Law to ensure that shopping centres comply with the community's expectation that it does not find shopping centre trolleys in our neighbourhoods.

Q2 *Is the City of Joondalup using a model that is already in place and what results have been achieved?*

A2 *Response by Mayor Pickard:* Some of the model is already in place, while other elements of the model are new. Our City is accustomed to breaking new ground in local government, not only in Western Australia but throughout Australia and is prepared to set the benchmark.

**Mr W Spencer, Executive Director, Retail Traders Association, Hay Street, East Perth:**

Q1 *Is the Council fully aware that most retailers have a daily street run undertaken by contractors in order to collect trolleys?*

A1 *Response by Mayor Pickard:* No, the City is not aware of that because the proliferation of shopping trolleys in our suburbs does not support that claim.

Q2 *The turnover of shopping trolleys is approximately 8-10 times per day. There are approximately 5,000 units within the City of Joondalup area which equates to 40-50,000 movements per day that are handled by sub-contractors. Is the Council aware that the current three hour collection time is a severe penalty to retailers, some contractors and shoppers?*

A2 *Response by Mayor Pickard:* The City does realise this is a penalty for retailers. This is the reason for proposing to adopt a Local Law to ensure that positive behaviour arises out of this act from the major shopping retailers in our City.

**Mrs K Schenic, Greenwood:**

*Re: Late Report – Shared Use of Penistone Oval*

*Q1 This week City workers have been undertaking work on three out of five days. If the school is sharing the oval, how is the City going to carry out future works on the oval during normal working hours? Who will be responsible for the costs should it require any future works to be undertaken after hours?*

*A1 Response by Mayor Pickard: The shared use arrangement that was adopted by the Council on 25 November 2008 is to share the costs dependant on the shared usage of that particular facility. This occurs throughout the City where a Council facility is shared and the cost is dependant on the timeframe a school needs to use the facility. Last year as part of its Budget, Council resolved to carry out extensive works to Penistone Oval based on feedback received from sporting groups that use the oval. Such works included levelling, installation of reticulation and fertilisation of the oval.*

*Q2 When would the work be undertaken on the oval next year or the following year if the students are still there?*

*A2 Response by Mayor Pickard: As the City has done in respect of 10 other sites where there is a shared oval arrangement with schools, there are windows of opportunity either before or after school hours to undertake required works. The City liaises with the relevant school to determine the most convenient time to undertake any works to ensure minimum disruption to activities on the oval.*

**Mr W Hutchinson, Greenwood:**

*Re: Late Report – Shared Use of Penistone Oval*

*Q1 It appears that Council officials support the proposal from the Department of Education and Training. As most projects require justification prior to acceptance, can the Council inform the Greenwood community what social, educational, financial and environmental benefits will accrue from this proposal?*

*A1 Response by Mayor Pickard: A written response will be provided.*

*Q2 Will the survey conducted, which included 16 “No” votes, be included in the discussions this evening?*

*A2 Response by Mayor Pickard: No.*

**Mr S Magyar, Heathridge:**

*Re: CJ287-12/08 - Federal Infrastructure Grants - Proposed Projects - Page 133 – Yellagonga Environment Centre Project.*

*Q1 What is the City doing to progress the Centre to the point where it will be able to apply for such grant opportunities as presented in this report?*

*A1 Response by Mayor Pickard: The City is currently engaging in conversation with relevant stakeholder groups including West Coast TAFE, Edith Cowan University and environmental groups to ascertain what their needs would be for an environmental centre. This will provide an opportunity for a facility to be scoped that meets the users’ needs. This would also include an educational area for children.*

Once this has been assessed an item would be presented to a future Strategy Session of the Council to consider if it wished to proceed with an environmental centre, allocate funds for design and potential construction. It is envisaged it would be several years before the City is in a position to be able to apply for grants such as the infrastructure grant that is on offer at present.

Q2 *Will any consideration be given to establishing a Steering Committee or a process similar to what is being used for the Ocean Reef Marina redevelopment to assist in progressing the environmental centre project?*

A2 *Response by Mayor Pickard:* All of those options are open for adoption by the Council. There is a process in relation to Ocean Reef involving relevant community members and groups. The City may pursue a similar course of action depending on the feedback it receives from key stakeholders.

**Mrs D Kelly, Greenwood:**

*Re: Late Report – Shared Use of Penistone Oval*

Q1 *When the City of Joondalup was initially approached regarding the replacement of the Greenwood Primary School, did the City of Joondalup officials indicate to the Department of Education and Training that shared use was acceptable and that the replacement school could continue in the format currently presented?*

A1 *Response by Mayor Pickard:* No, the Department of Education and Training were advised that any shared use arrangement would be a decision of the Council.

Q2 *Can the City please defer its decision on the shared use arrangement to accommodate the petition that Cr Brian Corr will present this evening?*

A2 *Response by Mayor Pickard:* That is a decision for the Council to determine.

**Mr P Skeffington, Mullaloo:**

A question asked by Mr Skeffington was ruled out of order by Mayor Pickard.

Q1 *What involvement does the United Nations have in local government operations, specifically in relation to the City of Joondalup?*

A1 *Response by Mayor Pickard:* This question would need to be presented to the United Nations.

**PUBLIC STATEMENT TIME**

**Mrs L Norsworthy, Kewdale:**

Mrs Norsworthy spoke in relation to Item CJ262-12/08 - Local Law Amendment - Shopping Trolleys.

**Mr W Spencer, East Perth:**

Mr Spencer spoke in relation to Item CJ262-12/08 - Local Law Amendment - Shopping Trolleys.

**Mr S Kobelke, Sorrento:**

Mr Kobelke spoke in relation to written questions submitted to Briefing Sessions and Council Meetings and also in relation to Item CJ280-12/08 - Request for Review of the Coastal Height Policy.

**Mr W Hutchinson, Greenwood:**

Mr Hutchinson spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**Ms D Kelly, Greenwood:**

Ms Kelly spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**C81-12/08                      EXTENSION OF PUBLIC STATEMENT TIME – [01122] [02154]**

**MOVED Cr John, SECONDED Cr Jacob that Public Statement Time be extended.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean and Norman

**Mr G Steinbach, Joondalup:**

Mr Steinbach spoke in relation to Item CJ262-12/08 - Local Law Amendment - Shopping Trolleys.

**Mr D Hamilton, Greenwood:**

Mr Hamilton spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**Ms K Schenk, Greenwood:**

Ms Schenk spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**Mr P Mann, Greenwood:**

Mr Mann spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**Ms H Watkinson, Kingsley:**

Ms Watkinson spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**Ms R Bertolini, Greenwood:**

Ms Bertolini spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**Mr S Magyar, Heathridge:**

Mr Magyar spoke in relation to the proposed Yellagonga Environment Centre.

**Mr J Young, Greenwood:**

Mr Young spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**Mr P Wellington, Greenwood:**

Mr Wellington spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement and tabled a summary of the Greenwood Population Survey for Elected Members' information.

**Mr P Speed, Greenwood:**

Mr Speed spoke in relation to Item C89-12/08 – Consultation Results: Penistone Oval Shared Use Agreement.

**APOLOGIES AND LEAVE OF ABSENCE****Leave of Absence previously approved**

Cr Trona Young      10-17 December 2008 inclusive

**CONFIRMATION OF MINUTES****C82-12/08      MINUTES OF COUNCIL MEETING, 25 NOVEMBER 2008**

**MOVED Mayor Pickard, SECONDED Cr John that the Minutes of the Council Meeting held on 25 November 2008 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean and Norman

## **ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

### **CONSTITUTIONAL RECOGNITION**

I welcomed the outcomes of the recent historic Local Government Summit held in Melbourne last week, which looked at improving Australia's constitution for future generations.

The Local Government Sector wanted to see the importance of communities given a greater emphasis in the future governance of Australia.

The Prime Minister asked Local Government to develop a blueprint for constitutional reform at the inaugural meeting of the Australian Council of Local Government (ACLG) in November.

The Local Government has responded at the Summit by developing a model for constitutional change which does the following:

- Proposes a new power be added to the constitution to expressly empower the Australian Government to fund local councils; and
- Proposes that the existence of local government be reflected in the Constitution and provides for the right of people to democratically elect their local council.

The Summit Declaration was voted on unanimously by 160 voting delegates and 560 paid delegates, and that will now go to the Australian Local Government Association Board, which I sit on, to consider that Summit Declaration and the motion that was passed for presentation to the Australian Government.

### **HEATHRIDGE CAROLS IN THE PARK**

The 2008 Heathridge Carols in the Park is on Sunday, 21 December 2008 at Heathridge Park.

The very popular annual event is proudly supported by the City of Joondalup and for more than a decade, has been run by Whitfords Church and has been an integral part of the community's Christmas celebrations.

Every year thousands of local residents come together for this special occasion and I encourage the community to attend this great event.

Heathridge Carols in the Park has become a tradition where every year people take a timeout from busy schedules to reflect on the importance of faith, family and friends – which is especially important during the festive season.

### **CITY OF JOONDALUP BATTLE OF BANDS FINALE**

The City's Battle of the Bands competition final will be held at The Maxx Nightclub, in Joondalup on Thursday, 18 December 2008 from 6pm to 10pm.

The City is hoping a big crowd turns out for this popular annual event, which is a perfect way for youngsters to celebrate the end of the school year.

This year's final band line-up features local bands National Outrage, Electric Dyslexic, Marble Rise and Citizen who will battle it out at the event, which is a fully supervised drug, alcohol and smoke free event for young people aged 12 to 18 years.

**FAREWELL TO DIRECTOR OF GOVERNANCE AND STRATEGY, MR IAN COWIE AND APPROVALS, PLANNING AND ENVIRONMENTAL SERVICES MANAGER, MR CHRIS TERELINCK**

Finally, it is with great sadness that I announce that our Director of Governance and Strategy, Mr Ian Cowie is unfortunately leaving the City in the New Year to take the helm at the City of Gosnells as CEO.

This will be his last Joondalup Council meeting and I would like to take this opportunity to publicly thank him on behalf of the Council for his hard work and dedication during his time at the City.

He has been a great asset for the City and he will most certainly be missed by all.

Another senior staff member is also leaving to take up a Director role with the City of Gosnells next year is, Mr Chris Terelinck.

This is also his last Joondalup Council meeting.

He has been with the City 10 years, which is a great achievement and he leaves with our best wishes as he has been a hard working and dedicated leader of the planning team.

Good luck to you both in your new roles.

This is the last Ordinary Council meeting for the year. It has been a very busy year and I'd like to take the opportunity to commend the Councillors in the wonderful role they've performed in delivering good governance, stability and sound policy decision making for the residents and ratepayers of our City over the last 12 months, and also to the Chief Executive Officer, Mr Garry Hunt, his Directors, Executive and all the staff at our City for the dedication, passion and commitment that they demonstrate on a daily basis in the operations of the City. May I, on behalf of the Council, wish all the residents and ratepayers a joyous, safe and prosperous Christmas and New Year.

## **DECLARATIONS OF INTEREST**

### **Disclosure of Financial Interests**

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

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ270-12/08 - Application for Urgent Payment of Legal Expenses relating to Third Party Claim in the Magistrates Court of Western Australia - Chief Executive Officer
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Mr Hunt has made an urgent application for payment of legal representation costs in respect of these legal proceedings

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ271-12/08 - Application for Urgent Payment of Legal Expenses relating to Third Party Claim in the Magistrates Court of Western Australia – Team Leader, Rating Services
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Mr Hunt has also made an urgent application for payment of legal representation costs in respect of the same legal proceedings

<b>Name/Position</b>	<b>Cr Michele John</b>
<b>Item No/Subject</b>	CJ278-12/08 – West Coast Drive Dual Use Path Upgrade
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Cr John lives in the locality

<b>Name/Position</b>	<b>Cr Albert Jacob</b>
<b>Item No/Subject</b>	CJ281-12/08 – proposed Showrooms and Shop Development at Lot 5004 (4) Hobson Gate, Currambine
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Cr Jacob has provided architectural services for an adjoining development.

<b>Name/Position</b>	<b>Mr Martyn Glover - Director, Infrastructure Services</b>
<b>Item No/Subject</b>	CJ286-12/08 – Draft Joondalup City Centre Structure Plan
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Mr Glover owns a property within the City Centre Structure Plan

### Disclosure of interest affecting impartiality

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

<b>Name/Position</b>	<b>Cr Mike Norman</b>
<b>Item No/Subject</b>	CJ260-12/08 – ICLEI Local Action for Biodiversity – Biodiversity Action Plan
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is Chairman of Joondalup Community Coast Care Forum which has commented on this proposal.

<b>Name/Position</b>	<b>Cr Mike Norman</b>
<b>Item No/Subject</b>	CJ278-12/08 – West Coast Drive Dual Use Path Upgrade
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is Chairman of Joondalup Community Coast Care Forum which has commented on this proposal.

<b>Name/Position</b>	<b>Cr Russ Fishwick</b>
<b>Item No/Subject</b>	CJ279-12/08 – Tender 039/08 – provision of Beach Lifeguard Patrol Services
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Fishwick is a Senior State Examiner for Surf Life Saving Western Australia

<b>Name/Position</b>	<b>Mayor Pickard</b>
<b>Item No/Subject</b>	CJ285-12/08 – 2008/2009 Sports Development Program – Round 1
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is a patron of the Joondalup District Cricket Club

<b>Name/Position</b>	<b>Mr Mike Smith, Manager Governance &amp; Marketing</b>
<b>Item No/Subject</b>	CJ285-12/08 – 2008/09 Sports Development Program – Round 1
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mr Smith is a life member of the Joondalup Districts Cricket Club

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

Nil.

#### **PETITIONS**

#### **C83-12/08                    PETITIONS SUBMITTED TO THE COUNCIL MEETING – 16 DECEMBER 2008**

#### **PETITION OBJECTING TO SHARED USE OF PENISTONE PARK – [02184] [06712] [12950]**

Cr Corr tabled a 485-signature petition on behalf of residents of the City of Joondalup requesting the City of Joondalup to act on the objections of the petitioners to a request from the Department of Education and Training (DET) to share Penistone Reserve for the new Greenwood Primary school proposed to be constructed at 12 Merivale Way, Greenwood.

**MOVED Cr Corr, SECONDED Cr Hart that the Petition objecting to the shared use of Penistone Reserve be RECEIVED, referred to the CEO and a subsequent report presented to Council for information.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean, and Norman

#### **C84-12/08                    CONSIDERATION TO CHANGE ORDER OF BUSINESS - [02154]**

**MOVED Cr Hart, SECONDED Cr Corr that in accordance with Clause 14(4) of the City's Standing Orders Local Law 2005, that Late Item – Consultation Results: Penistone Oval Shared Use Agreement and CJ262-12/08 – Local Law Amendment Shopping Trolleys be considered as the first items within the Order of Business – 'Reports'.**

**The Motion was Put and**

**CARRIED (8/4)**

**In favour of the Motion:** Mayor Pickard, Crs Diaz, Hart, John, Macdonald, Norman, Corr, Fishwick **Against the Motion:** Crs Amphlett, Hollywood, Jacob and McLean.

## **CJ262-12/08 LOCAL LAW AMENDMENT - SHOPPING TROLLEYS – [22513]**

**WARD:** All

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

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### **PURPOSE/EXECUTIVE SUMMARY**

To report on the findings of the community consultation concerning the proposed *Local Government and Public Property Amendment Local Law (No.2) 2008*.

### **BACKGROUND**

At the Council meeting of 15 July 2008 (CJ113–07/08 refers), the content of the draft *Local Government and Public Property Amendment Local Law (No.2) 2008* was approved and released for a six-week public consultation period (provided at Attachment 1).

The Amendment Local Law specifically proposes the following:

- Removal of the requirement to notify shopping trolley owners prior to impounding trolleys left abandoned in a public place;
- Increasing the penalty for the offence from \$100 to \$500; and
- Making the offence above more closely identify with the public purpose function of local government.

An advertisement inviting public submissions was published in the Weekend Edition of the West Australian on Saturday 16 August 2008 and subsequently in the two local newspapers. Posters were also placed in all the City's libraries and at the Customer Service Centres in the Whitford City Shopping Centre and the City's Administration Centre, Boas Avenue, Joondalup. For the duration of the consultation, which closed on 30 September 2008, Public Notices on the City's website carried links to an online survey and the electronic copy of the proposed Local Law itself.

Letters and copies of the proposed Local Law were sent to stakeholders for their consideration. The mailing list included local residents and ratepayer's associations, The Trolley Shop, Trolleytracker and 40 retail outlets that provide trolleys for the use of customers.

### **DETAILS**

In total, 24 submissions were received from members of the public and local retail outlets in the form of completed surveys, letters and emails.

- 17 submissions were from members of the general public; and
- 7 were from retailers including local IGA stores and larger companies such as Target Australia, Woolworths, Coles and Kmart (generally Head Offices, rather than individual stores).

All of the submissions received from the public were in support of the Amendment, (some 71% of submissions). Most of the retailers and retailer associations who responded to the consultation did not support the Amendment. Their views were as follows:

- The problem of abandoned shopping trolleys is not caused by retailers and it is therefore unreasonable that retailers are targeted for resolving it. *“People abandoning the trolleys should be brought to bear responsibility for their own actions”*.
- The costs of adding the store contact details to trolleys are considerable (estimated to be \$13,000 in one case), particularly in circumstances where they are imported pre-branded from overseas for distribution throughout Australia.
- The requirement that a shopping trolley is removed within 3 hours is unreasonable and is not in alignment with other Local Governments that allow 24 hours for collection.
- The proposed infringement increase is disproportionate to the offence and could remove the incentive for retailers to economically retrieve impounded trolleys. One retailer identified that the \$500 infringement is more than three times the value of a trolley.

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

#### Option 1: Adopt the Amendment Local Law in its current form

It is recommended that this option *not* be pursued given the level of concerns expressed by both retailer groups and the Department of Local Government and Regional Development.

The Department raised its concerns with the City because it believed that removing the requirement to notify shopping trolley owners prior to impounding their trolleys lacked “reasonableness and practicality”. As such, it recommended that the requirement for notification be reinstated into the law. Given that the Department provides advice to the Joint Standing Committee on Delegated Legislation on matters relating to local laws, it would seem prudent for Council to agree with the Department’s position.

The City is also unsure if the Joint Standing Committee would accept the clause within the proposed Amendment if, as legal advice has suggested, retailers heavily object to the proposal and the law comes under close scrutiny by the Committee.

Another major concern expressed by most of the retailers who responded during the consultation period was the requirement for a contact phone number to be installed on all shopping trolleys. It was highlighted in many submissions that effective systems are currently in place to ensure that trolley contractors and retail management are accessible for abandoned shopping trolley sightings to be referred to.

Therefore, placing a significant financial impost on retailers, despite systems already being in place, could be considered as unjustified, unnecessary and potentially damaging to the City’s relationships with large retailers in the area.

#### Option 2: Change the Amendment Local Law by removing the requirement for a contact phone number to be provided on the trolley

This option is *not* recommended as the notification requirement referred to in Option 1 would still apply.

Option 3: Change the Amendment Local Law by removing the requirement for a contact phone number to be provided on the trolley and reinstate the requirement for the City to provide notification before impounding an abandoned shopping trolley

This option *is* recommended as retailers have claimed that if notified, considerable efforts would be made to recover identified trolleys in order to reduce the potential risks they may pose to the public.

This option also removes the financial impost on retailers to update their shopping trolleys to provide contact phone numbers, however, the penalty for failing to remove a shopping trolley left unattended in a public place, (after receiving notification), will still be increased to \$500. The aim of this increase is to encourage compliance with the law and to indicate to retailers the importance that Council places on the issue of abandoned shopping trolleys.

Option 4: Change the Amendment Local Law by removing the \$500 increased penalty and the requirement for a contact phone number to be provided on trolleys

This option is *not* recommended given that no notification would be required before the City could impound abandoned trolleys. The penalty would also remain at \$100 under this option, which could be considered adverse to the strong position created by removing the requirement for notification.

Option 5: Do not adopt the Amendment Local Law

This option is *not* recommended.

**Link to Strategic Plan:**

Key Focus Area: Leadership and Governance  
Objective 1.2: To engage proactively with the community.

**Legislation – Statutory Provisions:**

Relevant legislation includes:

- City of Joondalup Local Government and Public Property Local Law 1999
- Local Government Act 1995
- Litter Act 1979

**Risk Management considerations:**

There is a significant risk that if Council chooses to adopt the Amendment Local Law in its current form that City relations with major retailers and retailer associations will be negatively impacted. This is most evidenced by the type of responses received during the consultation period. Many responses were drafted by central offices in the Eastern States, legal teams, major associations and trolley management executives. This demonstrates the level of concern that retailers have regarding the introduction of this proposed Amendment. Previous consultations on this matter have produced responses predominantly from individual retail outlets, rather than from central offices or associations. As such, it is likely that if pursued significant opposition will be received by the City.

There is also an added risk that if Council proceeds with the Amendment Local Law, in its current form, it may be disallowed by the Joint Standing Committee on Delegated Legislation. Legal advice obtained by the City highlighted this as a potential outcome, as well as the likelihood of a challenge to the law's validity in the courts should the City pursue a prosecution.

**Financial/Budget Implications:**

There will be no major financial impacts should any of the options be pursued.

**Policy Implications:**

The Amendment Local Law relates to Council's broad policy position on abandoned shopping trolleys.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Consultation results are discussed in the Details section of the report.

**COMMENT**

It is the City's position that the option ultimately pursued by Council should be likely to achieve its intended purpose. Therefore, any option which proposes removing the requirement to notify shopping trolley owners should be avoided, as all available information and advice indicates that it is unlikely to be successful.

However, there is merit in considering an increased penalty as evidence suggests that little legal opposition would arise from this option. It also aligns with the strong approach to the abandoned shopping trolley issue that Council has continuously advocated.

Should Council choose to adopt an option which is not recommended, a new report to Council will be required in order for a new Amendment to be drafted to align with Council's position.

**ATTACHMENTS**

Attachment 1	Local Government and Public Property Amendment Local Law (No.2) 2008: Version 1
Attachment 2	Local Government and Public Property Amendment Local Law (No.2) 2008: Version 2

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cr Jacob, SECONDED Cr John that Council ENDORSES OPTION 3 BY adopting the *Local Government and Public Property Amendment Local Law (No. 2) 2008* in the form presented in Attachment 2 to Report CJ262-12/08, which:**

- 1 removes the requirement for a contact phone number to be provided on trolleys;**
- 2 reinstates the requirement for the City to provide notification before impounding a shopping trolley left unattended in a public place.**

Discussion ensued

**AMENDMENT MOVED Cr Corr, SECONDED Cr Norman** that the matter relating to the Local Government and Public Property Amendment Local Law (No2) 2008 be referred back to the Policy Committee for further consideration.

Discussion ensued

**The Amendment was Put and**

**LOST (5/7)**

**In favour of the Amendment** Crs Corr, Hart, Jacob, Macdonald and Norman **Against the Amendment:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, John, McLean

**AMENDMENT MOVED Cr Corr that:**

- (a) 4-4 Clause 53 be amended to read 12 hours instead of 3 hours;
- (b) 4-2 Clause 59 be amended to read 12 hours instead of 3 hours.

**Mayor Pickard ruled the Amendment OUT OF ORDER.**

**The Motion as Moved by Cr Jacob and Seconded by Cr John was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (9/3)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, Jacob, John, McLean and Norman **Against the Motion:** Crs Corr, Hart and Macdonald.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf091208.pdf](#)*

## **C85-12/08                    CONSULTATION RESULTS: PENISTONE OVAL SHARED USE AGREEMENT - [02184]**

**WARD:**                                South-East

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

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### **PURPOSE/EXECUTIVE SUMMARY**

To provide Council with the results of the community consultation recently undertaken in relation to a potential shared use agreement at Penistone Reserve between the City of Joondalup and Greenwood Primary School.

The results of the consultation indicate that a majority of the respondents agree to a shared-use arrangement at the Penistone site, with 54.8% saying yes to an agreement and 45.2% saying no.

It is recommended that Council agrees to enter into a shared use agreement with the Department of Education and Training at the Penistone Reserve site.

### **BACKGROUND**

At the Meeting of 25 November 2008, Council resolved the following (*CJ256-11/08 refers*):

*That Council in regard to the proposed shared use of Penistone Reserve:*

- 1        *UNDERTAKES public consultation with both the local and school communities to seek their opinion regarding the shared use of Penistone Reserve with Greenwood Primary School with a report back to Council for a decision;*
- 2        *ADVISES the Department of Education and Training, and the Department of Planning and Infrastructure of its determination.*
- 3        *REQUESTS from the Department of Education and Training a long term proposed use for the vacant portion of the site of the development approval currently being considered by the Western Australian Planning Commission.*

The public consultation referred to in the first resolution has since been undertaken and this report outlines the results of this process.

### **DETAILS**

#### Public Consultation Process

Immediately following Council's decision on the 25 November 2008, the following documents were drafted for distribution throughout the public consultation process:

- Letters to targeted residents; all sporting clubs who use the reserve; resident and ratepayer groups; and East Greenwood Primary School (for distribution to teachers and parents), inviting them to participate in the public consultation process (approximately 2000).
- FAQs providing questions and answers in relation to shared-use agreements.
- A map indicating the area in which the shared use agreement would apply.

- Hardcopy surveys for participants to fill out and submit to the City with their vote and comments.
- An online survey on the City's website for electronic submissions to be made.

The consultation commenced on 1 December and closed on 15 December.

### Consultation Results

The City received 468 submissions. Of these, 14 were omitted as they represented a second or third submission from the same individual. From the 14 omitted, 12 were no votes and 2 were yes votes.

The results of the 454 accepted submissions were as follows:

**54.8% said yes** to a shared use agreement

**45.2% said no** to a shared use agreement

As outlined in the table below, the greatest response came from residents in the Greenwood and Warwick areas.

<b><u>STAKEHOLDER GROUP</u></b>	<b><u>% SUBMISSIONS</u></b>
Residents	68.2%
School (teachers and parents)	15.6%
Sporting Groups	4.9%
Resident and Ratepayer Groups	0.6%
Unknown/Outside of targeted residential area	8.3%

The majority of residents (54.8%) voted yes, as shown in the table below. The school stakeholder group submitted a strong yes vote, while sporting groups submitted a convincing majority of no votes. Participants in the consultation process who did not identify themselves with a particular stakeholder group produced an overwhelming no vote. These results are expressed in the table below.

<b><u>STAKEHOLDER GROUP</u></b>	<b><u>% YES VOTES</u></b>	<b><u>% NO VOTES</u></b>
Residents	57.4%	42.6%
School (teachers and parents)	72.6%	27.4%
Sporting Groups	39.1%	60.9%
Resident and Ratepayer Groups	100%	0%
Unknown/Unspecified	10.3%	89.7%

From the 454 results received and accepted by the City, 29 were submitted anonymously. Of these 29 submissions, 13 were no votes and 16 were yes votes. Should Council choose not to accept anonymous submissions, the affect on the overall results of the consultation will be so insignificant that the yes and no vote percentages will remain the same.

### Reasons for voting no

The table below lists the major reasons why people chose to vote no (where such reasons were identified):

<b>REASON</b>	<b>% NO SUBMISSIONS</b>
Safety and security of children from predators	61%
There is enough room on the current school site for an oval	19%
Increased wear and tear of the oval which will require greater maintenance	19%
Against DET selling unused land for residential housing	17%
Schools should have their own ovals – based on principle	16%
People walking dogs will conflict with children on oval	15%
The public will be restricted from using the park during the day	15%
It will conflict with and impact upon sporting clubs currently using the location	10%
It will see a reduction in public open space	8%
Teachers will not be able to provide adequate supervision for children using the park during school hours	5%
School children should be provided with more open space to encourage physical activity and reduce the risk of childhood obesity	5%

The greatest reason cited for voting no was the perception that children will be exposed to predators if they are required to use Penistone Reserve for participating in physical activity. Another strong sentiment cited was the potential for increased wear and tear of the park which will reduce the quality of the area and impact negatively on sporting clubs that currently utilise the location.

Residents also voiced concerns about the impact a shared use agreement would have on dog walkers during the day which are exercised off-lead in the area. Many believe that reducing this capacity would reduce the amenity of Penistone Reserve.

A misconception that came through quite strongly in the consultation process was the belief that the school could fence the area to restrict public access. This right would not form part of any shared use agreement pursued by the City. Access would still be provided around the perimeter of the site for the public to use as a thoroughfare during school hours.

Many participants in the consultation process also voiced strong opposition to the thought that the Department of Education and Training (DET) may sell any unused land on the school site for the development of residential housing. This opposition was based both on principle and the future inability for the school to be expanded should this land no longer be available.

**Issues and options considered:**

Based on the results of the consultation, the following options are provided for Council to consider:

Option 1: *Agree to the development of a shared-use agreement with the DET at Penistone Reserve*

This option is supported based on the results of the consultation process given that the majority of participants voted yes to a shared-use agreement. It is also supported on the basis that there are no technical or operational problems with shared use from a City perspective (in terms of degradation of the playing surface and the like).

Agreeing to pursue a shared-use agreement would also ensure that construction of the new school will not be delayed any further, as the DET will not be required to submit amended plans to the Western Australian Planning Commission for approval.

Option 2: *Do not agree to the development of a shared-use agreement with the DET at Penistone Reserve*

Pursuing this option would alleviate the concerns of those who oppose the proposed arrangement, (being 45.2% of those who responded during the consultation process).

Disagreeing to a shared-use arrangement will also delay the new school's construction.

Option 3: *Defer consideration of the matter to another Council Meeting*

This option is not recommended as it will further delay the DET's plans to commence construction of the new school.

**Link to Strategic Plan:**

Objective 1.2: To engage proactively with the community.

**Legislation – Statutory Provisions:**

Not applicable.

**Risk Management considerations:**

There is a risk that pursuing option 1 may foster ongoing opposition from those within the community opposed to a shared use agreement.

However, the alternative scenario (pursuing option 2), also poses a risk of ongoing opposition from both residents and school stakeholders.

**Financial/Budget Implications:**

Pursuing a shared use agreement will have financial benefits for the City as it will receive payments for the use of the oval. There will also be costs associated with the increased use of the oval.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

From a sustainability perspective, pursuing a shared use arrangement reduces water usage on ovals within the community, which is a principle the City has adopted as a part of its Landscape Master Plan.

**Consultation:**

The results of the consultation are outlined in the details section of the report.

**COMMENT**

It is the City's perspective that a shared use agreement would be a beneficial arrangement for the City to pursue, given that the majority of the responses from the community support shared use and it is a technically feasible option which will also reduce the need to water ovals.

**ATTACHMENTS**

Not applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION:** That Council AGREES to pursue a shared use agreement with the Department Of Education And Training and requests the Chief Executive Officer to notify the Western Australian Planning Commission of its intention to enter into such an arrangement.

**MOVED Cr Corr, SECONDED Cr Norman that Council DEFERS the matter relating to Penistone Oval Shared Use Agreement to the ordinary meeting of Council to be held on 17 February 2009 in order to allow further consideration of the petition presented to the Council at its ordinary meeting held on 16 December 2008.**

**The Motion was Put and**

**CARRIED (9/3)**

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

*Cr Sue Hart left the Chamber at this point, the time being 2038 hrs.*

## **CJ258-12/08 EXECUTION OF DOCUMENTS - [15876]**

**WARD:** All

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

### **PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal by the Mayor and Chief Executive Officer for the period 5 November 2008 to 25 November 2008.

### **EXECUTIVE SUMMARY**

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

### **BACKGROUND**

Not Applicable.

### **DETAILS**

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

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	City of Joondalup and SB & RE Westacott
<b>Description:</b>	Section 70A Notification to restrict occupation of the ancillary accommodation at Lot 172 (63) Carr Street, Warwick to dependent member(s) of the family of the occupier(s) of the main dwelling on the Land.
<b>Date:</b>	05.11.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Withdrawal of Caveat
<b>Parties:</b>	City of Joondalup and Zangel Pty Ltd
<b>Description:</b>	Temporary Withdrawal of Caveat #93026 to enable the registration of an extension of lease over Lot 2 (269) Eddystone Avenue, Beldon
<b>Date:</b>	25.11.08
<b>Signed/Sealed:</b>	Sealed

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

Not Applicable.

**Link to Strategic Plan:**

Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

**Legislation – Statutory Provisions:**

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Some of the documents executed by the City may have financial and budget implications.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council NOTES the schedule of documents covering the period 5 November 2008 to 25 November 2008 executed by means of affixing the common seal.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

## **CJ259-12/08      LANDSCAPE MASTER PLAN – [24592]**

**WARD:** All

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

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### **PURPOSE/ EXECUTIVE SUMMARY**

To seek Council endorsement of the Landscape Master Plan 2009-2019 (LMP) shown as Attachment 1 to Report CJ259-12/08.

### **BACKGROUND**

In February 2007, a desktop review of landscape planning and management within the City of Joondalup was undertaken. The purpose of this study was to assess the City's current approach to landscape master planning and to develop new principles and concepts to underpin a future LMP. These principles and concepts were developed in alignment with community expectation and sustainable environmental management.

Council at its meeting on 18 March 2008 (CJ034-03/08 refers) resolved inter alia to

*“REQUEST the development of a Strategic Landscape Master Plan to specifically guide the implementation of landscape planning within the City.”*

### **DETAILS**

Council at its meeting on 18 March 2008 endorsed the aim and principles for the City's landscape master planning program to guide the development of landscape planning concepts, and the development of a strategic LMP.

#### ***Aim and Key Principles***

*The aim of landscape master planning is to clarify and develop City policy and planning for landscaping within the City's jurisdiction.*

*The adopted principles will:*

- 1 Provide an image for the City in its CBD and entry points of high visibility that demonstrates the use of colour and indigenous species that exemplify the biodiversity of Joondalup;*

- 2 *Provide more opportunities for passive recreational pursuits in 'natural' bushland ecosystems;*
- 3 *Increase active and passive recreational opportunities within attractive and functional created landscapes incorporating expanses of irrigated turf, maintained native garden beds and rehabilitating more natural bushland areas;*
- 4 *Provide attractive and functional streetscapes i.e. verges and medians;*
- 5 *Provide attractive created landscapes and maintained native garden beds around key community facilities;*
- 6 *Provide a wide range of purpose built sporting grounds based mostly on areas of irrigated turf where community utilisation can be maximised;*
- 7 *Provide an effective response to the issue of climate change through reducing overall water consumption patterns across the City where appropriate;*
- 8 *Ensure that the City's Town Planning Scheme and development plans for commercial and residential development reflect the principles of landscape master planning;*
- 9 *Ensure community awareness and engagement occurs during planning and implementation processes.*

The City has completed extensive research and has developed the key focus areas and relevant actions to support the ongoing implementation of landscaping projects within the City.

The LMP comprises the following Key Focus Areas:

- A City-Wide Landscaping Image
- Management and Development
- Joondalup CBD
- Parks
- Verges and Medians
- Community Building Surrounds

Each Key Focus Area has specific objectives and associated actions. The LMP is a 10 year plan given the long term nature of the extensive works detailed in the Plan.

The City has already embarked on the implementation of Iconic Verge and Median Projects namely Burns Beach Road and Hodges Drives and an Individual Landscaping Plan is being developed for the first pilot park project which will be Emerald Park in Edgewater. Budget allocations have been allowed in the 2008/09 budget for these projects to commence.

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

Council may decide to:

Option 1: Adopt the Landscape Master Plan

It is recommended that Option 1 is supported.

Option 2: Request changes or re-writing of the LMP

Given that Council has already adopted the aim and principles for LMP, it is only the key focus areas and associated actions that should be changed, if required. It should be noted that the actions have been determined to support operational imperatives and major changes to actions may not deliver the desired outcomes for landscape master planning.

Option 3: Not adopt the LMP

Not adopting the LMP would result in the City not being able to achieve its desired outcomes for landscaping.

Option 4: Advertise the LMP to seek community comment on the proposed Plan.

The Council has already adopted the framework, aim and principles for the LMP. It should be noted that if the LMP in its current form were to be put to community consultation the aims and the principles cannot be changed given Council's previous decision. Therefore, only the actions could be subject to community consultation, however given they are relatively high level and quite specific to the needs of the City, opportunities for community consultation will be provided during the planning and implementation of specific projects.

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

This report links with two of the key focus areas – Caring for the Environment and City Development.

The City's recently adopted Environment Plan has three key actions relating to landscape master planning.

- Action 1.1.1 Develop a comprehensive Landscape Master Plan that incorporates environmental aspects;
- Action 1.1.2 Develop a generic Parks Management Plan for the City (i.e. template and user guide);
- Action 1.1.3 Develop individual Parks Management Plans in accordance with the generic Parks Management Plan. (Note Individual Management Plans will also be developed for verge/medians and building surrounds).

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

There are currently no legislative requirements for the City to adopt landscape master planning. However, recent State Government legislation now requires local governments to assess and reduce water usage within prescribed limits which can be largely achieved through the implementation of actions contained in the LMP.

#### **Risk Management considerations:**

A key operational and financial risk for landscape master planning will be the costs associated with the implementation and ongoing maintenance of landscaping works. It is therefore important that pilot and iconic projects are the subject of a cost benefit analysis.

Another risk may be the reaction of the community to changing the profile of parks. The community will need to be engaged and advised through effective consultation during the planning and implementation of individual landscaping projects.

**Financial/Budget Implications:**

The Landscape Master Plan is not a funded Plan. Individual on ground projects will be determined on an annual basis and funding will be allocated through the annual budget process.

**Policy Implications:**

The landscape master planning proposal has a link to the City's Sustainability Policy. It will also link in with the City's commitment to designing out crime and the detailed planning stages of individual open space areas will take this aspect into account.

**Regional Significance:**

The City may consider partnerships with other local governments in undertaking projects, particularly those that share common boundaries. It is understood that the City of Stirling has commenced piloting similar water-saving concepts to those contained in the LMP. This may provide partnership opportunities going forward.

**Sustainability Implications:**

Effective landscape master planning has the potential to produce long-term sustainability for the City's public open spaces.

**Consultation:**

A key component of landscape master planning will be the need for community consultation, engagement and education. The LMP sets out a series of actions that will engage and educate the community about the City's landscaping objectives. This will occur as key on ground projects are planned and implemented. A specific process for community engagement will be developed and implemented for all relevant individual landscaping projects as detailed within the actions of this Plan.

**COMMENT**

The City of Joondalup has a significant opportunity to become a leader in climate change response whilst retaining public amenity within public open spaces. Developing and maintaining public open spaces, verges/medians and building surrounds are critical aspects of the core business of local government. This is particularly true in the current environment, when much pressure is placed upon local government to explore better ways of managing public spaces in response to climate change challenges.

The LMP will directly support the objectives of other key plans the City has developed, or is in the process of developing, including the ICLEI Water Action Plan and the Department of Water's Water Conservation Plan. Furthermore, the approach being taken by the City has been acknowledged by the Department of Water, who awarded the City a high commendation at its recent Water Awards.

As part of the LMP processes, all of the City's public open space, verges/medians and building surrounds are currently being assessed on the basis of pre-formulated criteria to determine their priority for landscape master planning.

This priority listing will lead to a schedule of works to enable Individual Landscaping Plans for parks, verges/medians and building surrounds to be developed over time, as priority dictates. An initial priority listing will be developed as an action of the LMP.

It should be noted that the LMP will provide a program of works that will likely span a 10-20 year rolling program, depending on the results of the prioritising of works and the resources required. It is envisaged that the program of works to be developed would replace the Dry Parks Program of the Capital Works Program and that the Landscape Master Planning Program will be implemented once pilot and iconic projects have been completed and evaluated.

## ATTACHMENTS

Attachment 1          Landscape Master Plan 2009-2019

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council ADOPTS the Landscape Master Plan 2009-2019 shown as Attachment 1 to Report CJ259-12/08.

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

- 1          **ADOPTS the Landscape Master Plan 2009-2019 shown as Attachment 1 to Report CJ259-12/08;**
- 2          **AGREES to add Action Number 1.6, being; "Measure and report on total water usage in accordance with the City's Water Conservation Plan and the City's commitment to the ICLEI water campaign.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf091208.pdf](#)

## Disclosure of interest affecting impartiality

<b>Name/Position</b>	<b>Cr Mike Norman</b>
<b>Item No/Subject</b>	CJ260-12/08 – ICLEI Local Action for Biodiversity – Biodiversity Action Plan
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is Chairman of Joondalup Community Coast Care Forum which has commented on this proposal.

**CJ260-12/08 ICLEI LOCAL ACTION FOR BIODIVERSITY –  
BIODIVERSITY ACTION PLAN – [24592]**

**WARD:** All

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

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**PURPOSE/ EXECUTIVE SUMMARY**

To seek Council endorsement of the City of Joondalup Biodiversity Action Plan (BAP) in order to complete Step 3 and Step 4 of the International Council for Local Environmental Initiatives (ICLEI) Local Action for Biodiversity (LAB) project.

**BACKGROUND**

The LAB Project is an ICLEI partnership project, involving 21 cities from around the world, to enhance the profile, planning and management of biodiversity at a local level. The aim of the three year project is to develop a Local Government Network for biodiversity action, broadly representative of ICLEI's regions and continents, to promote a greater understanding of local government biodiversity issues leading to the implementation of appropriate measures within the participating local governments.

The City of Joondalup has been actively progressing the ICLEI LAB project five step process which is outlined as follows:

*Step 1:*

*Development of a biodiversity report that documents the current state of biodiversity and its management within each City.*

The City of Joondalup has completed Step 1 with the production of its Local Action for Biodiversity Report which was showcased at the Local Action for Biodiversity Mayor's Conference held in May 2008 in Bonn, Germany.

*Step 2:*

*Ensuring long-term commitment by City leadership to sustainable biodiversity management through LAB cities formally endorsing a local government biodiversity declaration.*

Step 2 was completed on 19 February 2008 with Council endorsing the signing of the Durban Commitment: Local Government for Biodiversity Statement and the Countdown 2010 – Save Biodiversity Declaration, with the subsequent signing of both documents in September 2008 at the international LAB Workshop in Durban, South Africa.

*Step 3:*

*Development of a 10-year Biodiversity Action Plan for the City that includes commitment to biodiversity preservation within broader City plans.*

*Step 4:*

*Formal acceptance by Council of the City's BAP.*

*Step 5:*

*Implementation of five new on-the-ground biodiversity projects by the end of the three year project. All of these are currently in progress.*

This report and the attached BAP serve to complete Steps 3 and 4.

## **DETAILS**

A BAP will assist the City to:

- Improve knowledge of local biodiversity;
- Develop necessary resources for biodiversity management;
- Prioritise operational activities in natural areas;
- Protect key bushland areas;
- Establish institutional partnerships to enhance the scientific knowledge base; and
- Provide information on the current extent and condition of local biodiversity.

Council at its meeting on 15th July 2008 (CJ118-07/08 refers) committed itself to the development of a BAP and adopted the following Definition, Principles, Aim, Key Focus Areas and Objectives for inclusion in the Local Biodiversity Action Plan.

### DEFINITION OF BIODIVERSITY

Biodiversity is the complex adaptive ecosystem forming the natural environment and its relationships and interfaces with the local community of Joondalup.

### PRINCIPLES

#### Publicise and Promote Biodiversity

- To regularly publicise and promote the work the City is doing in managing its biodiversity.

#### Effective Implementation

- To ensure that City plans, strategies and actions relating to biodiversity are being achieved and include the ongoing restoration and rehabilitation of degraded areas and control of invasive species.

#### Raising Awareness

- To increase the community's understanding and awareness of biodiversity issues that affect the City and can impact on the lifestyles of residents.

#### Community Participation

- To encourage the community to actively engage in biodiversity projects.

#### Partnerships and Collaboration

- To build partnerships, where appropriate, that will assist in achieving effective resource utilisation and share information and ideas.

## AIM

For the City of Joondalup's rich biological diversity to be understood, maintained and protected.

## KEY FOCUS AREAS

Key Focus Area 1 - Planning and Development

*Objective: To ensure major land approval and planning processes protect and enhance the City's biodiversity assets.*

Key Focus Area 2 - Catchment Management

*Objective: To undertake appropriate management at a catchment scale in order to reduce negative impacts on the City's natural areas.*

Key Focus Area 3 - Reserve Management

*Objective: To undertake effective ongoing management practices in the City's reserves to protect and enhance the biodiversity of those reserves.*

Key Focus Area 4 - Corridors and Connectivity

*Objective: To provide and protect biodiversity corridors and linkages to improve the viability and facilitate movement of local flora and fauna.*

Key Focus Area 5 - Community Education and Awareness

*Objective: To improve awareness and understanding in the local community about biodiversity and its importance.*

Key Focus Area 6 - Community Engagement and Partnerships

*Objective: To improve outcomes by undertaking meaningful engagement and working in partnership with the community, key stakeholders and relevant agencies.*

## **Issues and options considered:**

The Council may decide to:

Option 1: Adopt the Biodiversity Action Plan

It is recommended that Option 1 is supported.

Option 2: Request changes or re-writing of the Biodiversity Action Plan

Given that Council has already adopted the framework for the BAP, it is only the actions that should be changed, if required. It should be noted that the actions have been determined to support operational imperatives and major changes to the actions may not deliver the desired outcomes for local biodiversity management.

Option 3: Not adopt the Biodiversity Action Plan

By not adopting the BAP, the City would not be able to complete the ICLEI LAB Project and would also send a negative message to the community about the Council's commitment to local biodiversity.

Option 4: Advertise the BAP for community comment

The Council has already adopted the framework for the BAP including the definition, aim, principles and key focus areas. Opportunities will be provided for community consultation during the planning and implementation phases for specific on ground projects as detailed in the BAP.

**Link to Strategic Plan:**

This item has a general connection to Strategic Plan. The Strategic Plan of 2008 – 2011 encapsulates the City's position of protecting local biodiversity through effective planning of natural areas (Strategy 2.1.7). The Plan also states the objective of ensuring that the City's natural environmental assets are preserved, rehabilitated and maintained (Objective 2.1).

Biodiversity is also identified as a key focus area in the City's Environment Plan 2007 – 2011 with the objective "To ensure the effective protection and maintenance of the City's biodiversity". The Plan also recognises the City's participation in the International Council for Local Environmental Initiatives (ICLEI) Local Action for Biodiversity (LAB) project with Action 3.1.3 "Achieve formal endorsement of the City's 10 Year Biodiversity Action Plan and Framework – ICLEI".

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The BAP is not a funded plan. Individual on ground projects will be determined on an annual basis and funding will be allocated through the annual budget process.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Actions outlined within the BAP give rise to a number of projects that will require regional cooperation as well as the support of the State Government. Topics such as the Yellagonga Regional Park, biodiversity corridors and ocean water management are areas that will require a regional approach.

**Sustainability Implications:**

Protecting biodiversity ensures healthy ecosystems which purify the air and water. Maintaining healthy ecosystems improves the chances of plants, animals and landscapes recovering from unpredictable natural occurrences such as fire, flood, cyclones and the potential effects of climate change. The aesthetic value of natural open space areas also contributes to the well-being of the community.

**Consultation:**

The Biodiversity Action Plan is an operational plan that will guide the work of the City over the next 10 years in managing its biodiversity and natural areas. Given the nature of the Plan it is therefore considered not necessary to seek public comment in this instance. However, it should be noted that the implementation of many of the actions contained with the BAP will give rise to community consultation and engagement as specific projects are planned and implemented.

**COMMENT**

The City's involvement in the ICLEI LAB Project has placed the City as a leader in this field including on the international stage. The City's LAB project was listed as finalist in the State's Environment Awards for 2008, which has drawn state wide attention to the work being undertaken through this project. The production and adoption of a long term action plan will provide the City with a framework to progress biodiversity conservation.

**ATTACHMENTS**

Attachment 1 Biodiversity Action Plan 2009-2019

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council adopts the Biodiversity Action Plan 2009-2019 shown at Attachment 1 to Report CJ260-12/08.

**MOVED Cr Norman, SECONDED Cr Corr that Council adopts the Biodiversity Action Plan 2009-2019 shown at Attachment 1 to Report CJ260-12/08, with the following changes:**

- (a) **LAB On-the Ground Project 4 "Weed Control Trial" be REPLACED with "Biodiversity Multimedia Resource" as adopted by Council as Item CJ163-08/08 at the Council meeting of 5 August 2008;**
- (b) **That a new action item be ADDED in clause 6.0 of the BAP to read: That the City will assist community groups who wish to rehabilitate degraded natural areas that are not currently on the priority list.**

**AMENDMENT MOVED Cr Amphlett, SECONDED Cr John that the word "will" be replaced with the word "may" in part (b) of the recommendation.**

**The Amendment was Put and**

**CARRIED (10/1)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, McLean and Norman **Against the Amendment:** Cr Macdonald

Discussion ensued.

It was requested that each Point of the Motion be voted upon separately.

**The Original Motion as amended being:**

That Council adopts the Biodiversity Action Plan 2009-2019 shown at Attachment 1 to Report CJ260-12/08, with the following change:

- (a) LAB On-the Ground Project 4 “Weed Control Trial” be REPLACED with “Biodiversity Multimedia Resource” as adopted by Council as Item CJ163-08/08 at the Council meeting of 5 August 2008;

**was Put and**

**LOST (0/11)**

**Against the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

**The Original Motion as amended being:**

**That Council adopts the Biodiversity Action Plan 2009-2019 shown at Attachment 1 to Report CJ260-12/08, with the following change:**

- (b) That a new action item be ADDED in clause 6.0 of the BAP to read: That the City may assist community groups who wish to rehabilitate degraded natural areas that are not currently on the priority list.

**was Put and**

**CARRIED (8/3)**

**In favour of the Motion:** Crs Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman  
**Against the Motion:** Mayor Pickard, Crs Amphlett and Jacob.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf091208.pdf](#)

## **CJ261-12/08 STATUS OF PETITIONS TO COUNCIL – [05386]**

**WARD:** All

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

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### **PURPOSE/ EXECUTIVE SUMMARY**

To advise Council of the status of petitions received during the 12-month period from February 2007 to October 2008.

### **BACKGROUND**

Over the past twelve (12) months there have been a number of petitions presented to Council. These petitions were referred to the Chief Executive Officer for action and a subsequent report to Council. This report presents a detailed list of those petitions presented to Council and the current status.

## **DETAILS**

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

Attachment 1 provides a list of all petitions received during the past twelve (12) month period, with a comment on the status of each petition.

Quarterly reports on the status of petitions will be presented to Council in the future.

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

Objective: 1.2 To engage proactively with the community.

Strategy: 1.2.4 The City maintains its commitment to public engagement, allowing Deputations and Public Statement Times, in addition to the Legislative requirements to public participation.

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

Clause 22 of the City's Standing Orders Local Law 2005 states:

“22. Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.
- (2) Any petition to the Council is:
  - (a) as far as practicable to be prepared in the form prescribed in the Schedule;
  - (b) to be addressed to the Council and forwarded to a member or the CEO; and
  - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

### **Risk Management considerations:**

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction by the community.

### **Financial/Budget Implications:**

Individual requests made by the way of petitions may have financial implications.

### **Policy Implications:**

Individual petitions may impact on the policy position of the City.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The petitions are presented to Council for information on the actions taken, along with those outstanding.

**ATTACHMENTS**

Attachment 1            Status of Petitions – February 2007 to October 2008.

**VOTING REQUIREMENTS**

Simple Majority

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

**1        NOTES:**

- (a)    the status of petitions submitted to Council during the period February 2007 to October 2008, forming Attachment 1 to Report CJ261-12/08;
- (b)    that:
  - (i)    the request for reticulation on Bracken Park, Duncraig will be reviewed as part of the Landscape Master Plan;
  - (ii)   replacement of the slab path from Bracken Park to Halgania Way is to be listed for consideration in the 2009/10 Capital Works Program;
- (c)    the action in response taken for the petition in relation to proposed changes to light towers – rear car park, Woodvale Boulevard Shopping Centre;
- (d)    that Stonehaven Park, Kinross has been included in the 2008/09 Playground Replacement Program;
- (e)    that the approval for a tavern development on Lot 5003 Hobsons Gate Cnr Chesapeake Way, Currambine was resolved at Council Meeting held on 25 November 2008 (Item CJ252-11/08 refers);
- (f)    that the application for a proposed tavern at 94 Delamere Avenue, Currambine was withdrawn by the applicant;

- 2 (a) immediately INITIATES a letter drop of residents whose properties abut Burns Beach Road, Iluka advising them that it is an offence to cut vegetation within the coastal reserve;
- (b) DEVELOPS a policy or protocol to respond to the vandalism which results in the destruction of vegetation in public open space and road reserves;
- 3 in relation to Points 1 and 2 above, ADVISES the petitioners accordingly.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C88-12/08, Page 176 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3agn161208.pdf](#)

## **CJ262-12/08 LOCAL LAW AMENDMENT - SHOPPING TROLLEYS – [22513]**

This Item was considered earlier in the meeting following Item C84-12/08.

## **CJ263-12/08 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2008 – [07882]**

**WARD:** All

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

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### **PURPOSE**

The September 2008 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The September 2008 year to date report shows an overall increase in budgeted surplus from operations and capital of \$5,352K when compared to the 2008-2009 adopted budget (JSC3-07/08) on a year to date (YTD) basis.

This variance can be summarised as follows:

- The **Operating** surplus at the end of September 2008 is \$2,713K above budget, comprising lower Revenue of \$(169)K and lower operating expenditure of \$2,882K.

Revenue was below budget on Fees & Charges by \$(563)K and Profit on Disposal by \$(150)K. There was additional revenue of \$346k for Rates and \$213K for Interest.

Expenditure variances arose principally from underspending on Materials and Contracts \$1,673K, Employee Costs \$833K, Utility Charges \$137K and Other Expenses \$239K.

- **Capital Revenue and Expenditure** is \$2,424K below the budget of \$3,756K. The variance is mainly due to higher Capital Grants and Subsidies \$840K, higher than expected expenditure on Corporate Projects of \$(248)K, lower expenditure on Capital Works of \$774K and \$1,058K on Vehicle and Plant replacements.

The variances are detailed in the attached notes.

*It is recommended that Council NOTES the financial activity statement for the period ended 30 September 2008 forming Attachment A to Report CJ263-12/08.*

## **BACKGROUND**

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

## **DETAILS**

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

The Financial Activity Statement for the period ended 30 September 2008 is appended as Attachment A.

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

Objective 1.3 – To lead and manage the City effectively.

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

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

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

### **Risk Management considerations:**

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

### **Financial/Budget Implications:**

Refer Attachment A.

### **Policy Implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

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

**Consultation:**

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

**COMMENT**

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

**ATTACHMENTS**

Attachment A      Financial Activity Statement for the period ended 30 September 2008.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council notes the Financial Activity Statement for the period ended 30 September 2008 forming Attachment A to Report CJ263-12/08.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf091208.pdf](#)*

## **CJ264-12/08 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2008 – [09882]**

**WARD:** All

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

### **PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of October 2008 to note.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of October 2008 totalling \$8,845,954.63.

*It is recommended that Council NOTES the CEO's list of accounts for October 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ264-12/08, totalling \$8,845,954.63.*

### **BACKGROUND**

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of October 2008. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	<b>Cheques</b> 82498 - 82733 and EF 2508 - 2557 Net of cancelled payments	\$6,098,278.01
	<b>Vouchers</b> 453A - 459A & 461A - 471A	\$2,693,237.62
Trust Account	<b>Cheques</b> 202318 - 202427 Net of cancelled payments	\$54,439.00
<b>Total</b>		<b>\$8,845,954.63</b>

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

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

All expenditure from the Municipal Fund was included in the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or approved in advance by Council.

**Policy Implications:**

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

**Sustainability Implications:**

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

**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Attachment A	CEO's Delegated Municipal Payment List for the month of October 2008
Attachment B	CEO's Delegated Trust Payment List for the month of October 2008
Attachment C	Municipal and Trust Fund Vouchers for the month of October 2008

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council notes the CEO's list of accounts for October 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ264-12/08, totalling \$8,845,954.63.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf091208.pdf](#)*

## **CJ265-12/08      PETITION IN RELATION TO CONTROL OF ANTISOCIAL BEHAVIOUR, MULLALOO AREA – [37150]**

**WARD:** North-Central

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

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### **PURPOSE**

To consider a petition in relation to control of antisocial behaviour in the Mullaloo area.

### **EXECUTIVE SUMMARY**

The City has received a 135-signature petition from Tony O’Gorman MLA on behalf of residents in the Mullaloo area and residents living nearby.

*It is recommended that Council:*

- 1      *DOES NOT proceed with the petitioners request for the after hours closure of beach car parks between Mullaloo Drive and West View Boulevard;*
- 2      *NOTES the report in relation to the current position with CCTV and the Police and City security arrangements for Tom Simpson Park;*
- 2      *ADVISES the principal petitioners of Council’s decision.*

### **BACKGROUND**

The 135-signature petition was received on 16 July 2008 and requested:

- “the after hours closure of beach car parks between Mullaloo Drive and West View Boulevard;
- security surveillance cameras located near the Mullaloo Tavern, Tom Simpson Park and other identified “hotspots”; and

- increased presence of Police and Council security patrols in the Mullaloo area, particularly near the Mullaloo Tavern and Tom Simpson Park over weekend periods.”

The petition was presented to Council on 5 August 2008.

## **DETAILS**

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

#### After hours Closure of Beach Car Parks

The proposal to secure the beach carparks after hours may well prove problematic. The most immediate response is likely to simply be that people will look to park in alternative locations particularly the neighbouring streets. From a practical point of view there would be issues in relation to closing the carparks while there were still vehicles parked whose owners refuse to move them or who are not present. Significant barriers would have to be constructed not only at the entrances but also at the sides to prevent them being damaged, destroyed or simply driven around. There would also be a cost to having arrangements in place for staff or contractors to open and close gates as well as the ongoing maintenance. It is likely that many genuine users of the beach facilities will be significantly inconvenienced eg early morning swimmers, fisherman etc.

After hours closure of beach carparks is not recommended.

#### Security Surveillance Cameras

The City has already investigated options for CCTV surveillance in the area, and the current Government has committed to funding for CCTV at Tom Simpson Park which the City is pursuing.

#### Increased Police and Council Security Patrols

The WA Police, and the City have already identified the area as a “hotspot” and regular patrols are conducted to curb antisocial behaviour. The City works closely with the Police in this respect and there is a co-ordinated approach to this issue. The City encourages residents or users of Tom Simpson Park who see or hear anything to call the Police or City Watch so that prompt action can be taken.

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

Objective 5.4 – To work collaboratively with stakeholders to increase community safety and respond to emergencies effectively.

Strategy 5.4.2 - The City maintains an effective visual presence in local residential areas and business districts.

Strategy 5.4.3 - The City works in collaboration with other local governments and the State Government to enhance community safety.

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

The City’s Local Government and Public Property Local Law 1999 (as amended) applies, as well as various provisions of the Local Government Act 1995.

**Risk Management considerations:**

There are issues of public safety with regards to anti-social behaviour when it occurs at Tom Simpson Park. It is felt that the arrangements the City has for managing those issues within its jurisdiction and the collaboration with Police mitigate these risks. CCTV will be an added tool to assist this.

**Financial/Budget Implications:**

The current arrangements the City has in place are covered by normal operational budgets. The funding that the current State Government has committed for CCTV is \$250,000. Assuming the City secures the funds this will be unbudgeted grant money.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

There has been consultation with the key stakeholders in relation to managing the issues at Tom Simpson Park. These include the City, Police, Mullaloo Tavern and the Mullaloo Surf Life Saving Club.

**COMMENT**

Antisocial behaviour in Tom Simpson Park has strong links to the consumption of alcohol. The Council has taken a zero tolerance approach to this in the Park. City Watch and Rangers regularly patrol the area to ensure visitors are complying with this, and call upon the Police for enforcement where necessary.

The City is a recent signatory to the Office of Crime Prevention's Community Safety and Crime Prevention Partnership and the problem areas in Mullaloo will be included in any strategies developed under that Partnership.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 **DOES NOT** proceed with the petitioners request for the after hours closure of beach car parks between Mullaloo Drive and West View Boulevard;
- 2 **NOTES** the report in relation to the current position with CCTV and the Police and City security arrangements for Tom Simpson Park;
- 3 **ADVISES** the principal petitioners of Council's decision.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

## **CJ266-12/08      PETITION FROM SOME RESIDENTS OF MADDISON APARTMENTS FOR PARKING PERMITS – [57618]**

**WARD:** North

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

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### **PURPOSE**

To consider a petition regarding parking permits for residents of Maddison Apartments, Joondalup.

### **EXECUTIVE SUMMARY**

The City has received a 19 signature letter and associated correspondence which seek to have parking permits made available to residents of Maddison Apartments, the apartment block on the corner of Boas Avenue and Grand Boulevard, Joondalup. The Resident/Visitor Parking Permit Policy was adopted by the Council with amendments on 15 July 2008 (CJ126-07/08 refers). The Policy states "Resident / Visitor Parking Permits will not apply in areas covered by paid parking or where retail premises and time limited parking applies".

*It is recommended that Council:*

- 1 *DOES NOT SUPPORT* the petition to provide free and close to home parking permits for residents of Maddison Apartments, Grand Boulevard, Joondalup;
- 2 *ADVISES* the principal petitioners of Council's decision.

### **BACKGROUND**

The Resident/Visitor Parking Permit Policy was developed to "encourage those people with on-site parking to use that parking and leave the public parking facilities available for those who have no alternative" and to "provide some support for residents and visitor parking in areas not subject to parking fees". Maddison Apartments form the upper levels of a mixed use development which has banking, retail and food outlets on the ground floor. Parking permits are not available under the policy to these residents.

The petition with 19 signatures was received on 13 October 2008 and requested:

“We, the residents at Maddison Apartments, are currently unhappy with the latest instalment of paid parking in the Joondalup precinct, particularly Central Walk, where many of us have been parking our cars due to the limited number of car parking spaces provided to each unit. The problems that have arisen as a result of this move include resorting to parking at the Lakeside Shopping Centre, paying for paid parking which is costly or receiving a fine for parking in an authorised personnel parking area. We are currently against the introduction of paid parking and would like to see other arrangements made to cater for our needs: free and close to home car parking spaces.”

The applicants in their petition outline the difficulties experienced when there are more residents in a unit each with a car, than the provided car parking that comes with the unit. In the applicant’s case there are 3 students each with a car, but only 1 space provided in the complex. These excess cars have traditionally parked for free in the public car park to the south of Central Walk adjacent to TAFE. The applicants are students attending Edith Cowan University. They have advised that they previously used Central Walk carpark but now move their vehicles around Lakeside Shopping Centre car park to avoid having to pay. This is to avoid “the loss of fifteen dollars a week, seventy-five dollars a month and seven hundred and eighty dollars annually.” The applicants further note that the cost implications may be a hardship for “pensioners, single income families and low income earners...” The applicants seek “free and close to home parking spaces.”

## **DETAILS**

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

The City has spoken to a number of residents in Maddison Apartments and elsewhere in the City Centre where mixed use developments exist. The advice given to those callers has been that there is free parking provided by the City on Collier Pass which has traditionally been used by commuters making use of the train station. The applicants have identified that they do not use their vehicles during the day, and Collier Pass is less than a 1 minute walk from the Central Walk car park previously used.

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

Objective	1.3	Lead and manage the City effectively
Strategy	1.3.1	The City develops and implements comprehensive and clear policies which are reviewed regularly.

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

The Resident/Visitor Parking Permit Policy is supported by the provisions of the City of Joondalup Parking Local Law 1998; specifically Part 5 – Stopping and Parking Generally and Part 6 Residential Parking. If the Policy is amended to allow parking permits to be issued to residences in mixed use developments such as Maddison Apartments then the Local Law (S 53 (a)) would need to be suitably amended to allow parking permits to be issued for residents for use in time restricted areas adjacent to retail premises.

### **Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The issuing of parking permits as petitioned (to be provided for free and close to home) would, using the applicant's own figures for 19 signatories, be worth \$14,820 per annum in free parking.

**Policy Implications:**

The Council has already resolved to defer the introduction of the Resident/Visitor Parking Permit Policy pending a review to be brought before the Council in February 2009. That review will not at this stage include evaluation of the provision of parking permits to residents in areas covered by paid parking.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The current policy is under review. That review is looking only at the provisions of the permit scheme for those currently eligible to make use of it. There is no proposal at this time to extend eligibility to those residential types previously excluded. The basis of the exclusion is that where residences share frontage with retail premises the street parking should be available for the use of those retail premises during the day to encourage business activity and that then also encourages the optimum use of available parking within the development complex.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 DOES NOT SUPPORT the petition to provide free and close to home parking permits for residents of Maddison Apartments, Grand Boulevard, Joondalup;**
- 2 ADVISES the principal petitioners of Council's decision.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

## **CJ267-12/08 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2008 – [07882]**

**WARD:** All

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

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### **PURPOSE**

The October 2008 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The October 2008 year to date report shows an overall increase in budgeted surplus from operations and capital of \$5,167K when compared to the 2008-2009 adopted budget (JSC3-07/08 refers).

This variance can be summarised as follows:

- The **Operating** surplus at the end of October 2008 is \$1,393K above budget made up of lower Revenue of \$(81)K offset by lower operating expenditure of \$1,474K.

Revenue was below budget on Fees & Charges by \$(622)K and Profit on Disposal by \$(149)K. There was additional revenue of \$353k for Rates and \$396K for Investment Earnings.

Expenditure variances arose principally from underspending on Employee Costs \$1,094K, Materials and Contracts \$390K and Other Expenses \$239K. Overspends to budget occurred on Insurance \$(143)K and Depreciation \$(126)K.

- The **Capital Revenue and Expenditure** deficit is \$3,774K below the budget of \$6,183K. The variance is mainly due to higher Capital Grants and Subsidies \$2,049K and lower than expected expenditure on Corporate Projects of \$237K and \$1,398K on Vehicle and Plant replacements.

The variances are detailed in the attached notes.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2008 forming Attachment A to Report CJ267-12/08.*

### **BACKGROUND**

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

### **DETAILS**

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

The Financial Activity Statement for the period ended 31 October 2008 is appended as Attachment A.

**Link to Strategic Plan:**

Objective 1.3 – To lead and manage the City effectively.

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Refer Attachment A.

**Policy Implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

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

**Consultation:**

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

**COMMENT**

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

**ATTACHMENTS**

Attachment A      Financial Activity Statement for the period ended 31 October 2008.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council NOTES the Financial Activity Statement for the period ended 31 October 2008 forming Attachment A to Report CJ267-12/08.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf091208.pdf](#)*

## **CJ268-12/08 TENDER 038/08 PROVISION OF PROJECT MANAGEMENT AND CONSULTANCY SERVICES – [60619]**

**WARD:** All

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

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## PURPOSE

This report is to seek the approval of Council to accept the Tenders submitted by Coffey Projects Pty Ltd, Davis Langdon Pty Ltd, NS Projects Pty Ltd, GHD Pty Ltd, Connell Wagner Pty Ltd and RPS Koltasz for the provision of Project Management and Consultancy Services (Tender 038/08).

## EXECUTIVE SUMMARY

Tenders were advertised on Saturday 30 August 2008 through state wide public notice for the provision of Project Management and Consultancy Services. Tenders closed on Tuesday 16 September 2008. Eighteen (18) submissions were received from:

- Norman Disney and Young (Late Tender)
- National Corporate Imaging (Late Tender)
- Blue Visions Management Pty Ltd (Late Tender)
- Point Project Management Pty Ltd
- GHD Pty Ltd
- RPS Koltasz Smith
- KSA Projects Pty Ltd
- Colliers International (WA) Pty Ltd
- Pegasus Performing Arts Consulting Pty Ltd
- DTH Construction Pty Ltd (Non Compliant)
- Coffey Projects (Australia) Pty Ltd
- Heggies Pty Ltd

- Sage Consulting Engineers Pty Ltd
- Connell Wagner Pty Ltd
- Davis Langdon Australia Pty Ltd
- Parsons Brinkerhoff Australia Pty Ltd
- NS Projects Pty Ltd
- Incoll Management Pty Ltd

The submissions from Norman Disney and Young, National Corporate Imaging and Blue Visions Management Pty Ltd, being late tenders, and DTH Construction Pty Ltd being non compliant were rejected and not included for further consideration in accordance with Local Government (Functions and General) Regulations 1996 Part 4 Division 2 10 (1) and (2) – Choice of Tender.

The Offers representing best value to the City and able to provide the necessary range of specialist services to meet the requirements of the City, were as submitted by Coffey Projects Pty Ltd, Davis Langdon Pty Ltd, NS Projects Pty Ltd, GHD Pty Ltd, Connell Wagner Pty Ltd and RPS Koltasz Smith on a schedule of rates basis. These nominated organisations achieved the six (6) highest qualitative scores and have demonstrated experience in working with similar projects as required by the City.

*It is recommended that Council ACCEPTS the Tenders submitted by Coffey Projects Pty Ltd, Davis Langdon Pty Ltd, NS Projects Pty Ltd, GHD Pty Ltd, Connell Wagner Pty Ltd and RPS Koltasz Smith for the provision of Project Management and Consultancy Services for a three (3) year period in accordance with the statement of requirements in Tender 038/08 at the submitted schedule of rates (GST exclusive).*

## **BACKGROUND**

The City has a requirement to call for a panel contract for project management and other services to facilitate the development, planning and construction of major civil projects in accordance with the City's Strategic Plan and Corporate Plans.

Previously the City had a contract with a single contractor providing consultancy and project management services which has now expired. Under the previous contract the major focus was on the Ocean Reef Marina. It is considered given the wide variety of new projects in the Council's Strategic Plan 2008 to 2011 that the City's interest would be best served by the provision of a panel contract that consists of experienced organisations able to provide the broad spectrum of specialist services. This would also address issues of availability and competitive pricing.

## **DETAILS**

Tenders were advertised on Saturday 30 August 2008 through state wide public notice for the provision of Project Management and Consultancy Services. Tenders closed on Tuesday 16 September 2008. Eighteen (18) submissions were received from:

- Norman Disney and Young (Late Tender)
- National Corporate Imaging (Late Tender)
- Blue Visions Management Pty Ltd (Late Tender)
- Point Project Management Pty Ltd
- GHD Pty Ltd
- RPS Koltasz Smith
- KSA Projects Pty Ltd
- Colliers International (WA) Pty Ltd
- Pegasus Performing Arts Consulting Pty Ltd
- DTH Construction Pty Ltd (Non Compliant)

- Coffey Projects (Australia) Pty Ltd
- Heggies Pty Ltd
- Sage Consulting Engineers Pty Ltd
- Connell Wagner Pty Ltd
- Davis Langdon Australia Pty Ltd
- Parsons Brinkerhoff Australia Pty Ltd
- NS Projects Pty Ltd
- Incoll Management Pty Ltd

### Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated understanding of the required tasks	30%
3	Demonstrated experience in completing similar services	30%
4	Social and economic effects on the local community	5%

### Evaluation Panel

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

### Tender Submissions

The summary of Tender submissions is provided in Attachment 1.

The Contract is for a three (3) year period with the schedule of rates held firm for the first twelve (12) months. Each year thereafter the schedule of rates will be subject to an increase in accordance with the All Groups CPI, Perth WA.

### Evaluation Summary

The organisations listed in the table below have achieved the six (6) highest qualitative scores and have been recommended by the evaluation panel. Details of the remaining tenderers are contained in Attachment 1.

Tenderers	Evaluation Score	Qualitative Rank
Coffey Projects Pty Ltd	87.75%	1
Davis Langdon Pty Ltd	83.34%	2
NS Projects Pty Ltd	79.10%	3
GHD Pty Ltd	78.25%	4
Connell Wagner Pty Ltd	71.35%	5
RPS Koltasz Smith	65.17%	6

It is not possible to identify detailed expenditure over the Contract period as this is dependent on the number of projects approved. Expenditure will be in accordance with the City's Strategic and Major Projects Capital Works Programme as authorised by Council annually and reviewed periodically.

**Issues and options considered:**

The panel of consultants selected will provide the services on an “as and when required” basis for various project requirements or part thereof as required by the City.

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 having the appropriate competencies and the ability to provide the services in a timely and cost effective manner 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.

**Link to Strategic Plan:**

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

Key Focus Area	4	Built Environment
Objective	4.2	To progress a range of innovative and high quality urban development projects within the City.
Strategy	4.2.1	Develop a concept for, and commit to, the development of land at the Ocean Reef Marina site.
Strategy	4.2.2	Develop a concept for a Cultural Centre at Lot 1001 Kendrew Crescent, Joondalup.
Strategy	4.2.3	Facilitate the development of landmark buildings within the Joondalup City centre.

**Legislation – Statutory Provisions:**

A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

**Risk Management considerations:**

It is considered that the Contract will represent a low risk to the City as the recommended respondent/s are experienced and well resourced organisations with significant industry experience and the capacity to provide the broad range of services required by the City.

**Financial/Budget Implications:**

Ongoing expenditure will be in accordance with the City's Strategic and Major Projects 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, specifically for Ocean Reef Marina (F657) and the Regional Cultural Facility (F662), which are currently accommodated within the City's approved budget as well as some capacity for other unspecified projects as determined and approved by Council. The Ocean Reef Marina (F657) and the Regional Cultural Facility (F662) projects are forecast to require such consultancy services for the ensuing period of two to three years.

<b>Current Year Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Services to 30 June 2009</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$450,000	\$450,000	\$620,000	\$2,000,000

Determination of projected expenditure on project management consultancy services is formulated on the basis of:

1. Receiving positive outcomes from feasibility studies and due diligence for major projects as defined in the City of Joondalup Annual Plan 2008 – 2009.
2. Financial Capacity of the City to undertake the projects.
3. The obtaining of approvals and securing of grants from State and Federal Government, if required.
4. Continued commitment to the City of Joondalup Annual Plan 2008 – 2009.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable

**Consultation:**

Not Applicable

## COMMENT

The offers representing the most suitable outcome and best value to the City and able to provide the necessary range of specialist services to meet the requirements of the City, were those as submitted by Coffey Projects Pty Ltd, Davis Langdon Pty Ltd, NS Projects Pty Ltd, GHD Pty Ltd, Connell Wagner Pty Ltd and RPS Koltasz Smith. These nominated organisations achieved the six (6) highest qualitative scores and have demonstrated experience in working with similar projects as required by the City. The evaluation panel recommends that these respondents be established as service providers on a Panel Contract to be used for the provision of Project Management and Consultancy Services on an 'as and when required' basis.

Attachment 1 summarises the assessment of each submission.

The protocols that apply to the operation of the panel will be that the City will ensure that the service provider with the lowest rates and availability of qualified and acceptable candidates necessary to meet the timeframe required to complete each project, will be contracted to provide its services. If that service provider is not able to meet the required service timeframes, the City will seek those required services from the next appropriate, available and competitively priced service provider.

This protocol will enable the City to obtain flexibility from its approved service providers while obtaining the most competitive price for each project at the time to meet the required outcomes for the City.

## ATTACHMENTS

Attachment 1          Summary of Tender Submissions

## VOTING REQUIREMENTS

Not Applicable.

**MOVED Cr McLean, SECONDED Cr John that Council ACCEPTS the Tenders submitted by Coffey Projects Pty Ltd, Davis Langdon Pty Ltd, NS Projects Pty Ltd, GHD Pty Ltd, Connell Wagner Pty Ltd and RPS Koltasz Smith for the provision of Project Management and Consultancy Services for a three (3) year period in accordance with the statement of requirements in Tender 038/08 at the submitted schedule of rates (GST exclusive).**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf091208.pdf](#)*

## **CJ269-12/08 CITY WATCH COMMUNITY PATROL SERVICE – [23565] [89558]**

**WARD:** All

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

### **PURPOSE**

To consider the extension of the contract for the City Watch Community Patrol Service for the final twelve (12) months under the current five (5) year contract with Wilson Security.

### **EXECUTIVE SUMMARY**

Wilson Security Services are the current providers of City Watch services to the City of Joondalup. The current contract extension expires on 17 December 2008 and there is a final possible contract extension to 17 December 2009.

City Watch continues to provide a valuable service to the community in being the safety and security “eyes and ears” for the City and its safety and security partners particularly the WA Police. It also provides an important security and monitoring service to the City in regard to its infrastructure assets and other City property.

*It is recommended that Council APPROVES the extension of the contract with Wilson Security Pty Ltd to provide the City Watch service for the final twelve (12) month period to 17 December 2009 under the existing contract conditions.*

### **BACKGROUND**

The City operates the City Watch service under contract with Wilson Security Pty Ltd. The current contract was awarded in December 2004 for a nominal term, subject to contract extensions, of five (5) years. The current contract extension expires on 17 December 2008 and there is a final possible contract extension to 17 December 2009.

As part of the last contract extension approved in December 2007 (CJ281-12/07 refers) there was an extensive revision of the service deliverables with revised patrol hours, zone structure, patrol vehicle numbers and a far greater emphasis on hot spots as opposed to simply being seen. Subsequently the City Watch service has also undergone a complete re-branding.

### **Table of Changes Agreed**

The following summarises the details of the current City Watch Service that has operated for the last twelve months and the service that was in place prior to that.

<b>Previous – up to December 2007</b>	<b>Current Service</b>
44,460 Patrol Hours	Reduction in hours to 27,612
8 Vehicles required	6 Vehicles required
Zone Structure - 6 x 3 CBD Vehicle x 1	New Zone Structure. 4 x 2 CBD vehicle x 1.
Every street, every day	Greater focus on hot spots to reduce anti social behaviour.
Response Time - Under 10 minutes	Response Time - 10 minutes – no change.
Minimum 200km per 12 hour shift	Min 100 km per 12-hour shift.

<b>Previous – up to December 2007</b>	<b>Current Service</b>
City Watch Officers must at all times be patrolling within the designated zone during their shift	Option to cross zones if the need arises to assist other City Watch Officers in other zones.
No surveillance equipment in vehicles	Video Cameras provided to each vehicle.
No Marketing Plan in place,	Marketing Plan put in place.

## **DETAILS**

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

There are three options open to Council in relation to the City Watch.

- Option 1 - Agree to the final contract extension of twelve months to December 2009 with the contract in its current form and unchanged. The service is currently performing well under the changes made at the last contract extension notwithstanding the struggle to meet the KPI in relation to response times. This is the recommended option.
- Option 2 - Agree to a final contract extension of twelve months to December 2009 but amend the contract. There was a substantial review of the contract as part of the last contract extension process and there are no current proposals for further change.
- Option 3 - Do not agree to a final contract extension and either discontinue the service or implement some other form of safety and security service delivery. To discontinue the service completely or more likely to replace it with some other form of service delivery model would be a significant undertaking. There was a major review in 2007 as part of the consideration of the last contract extension. There seems little value in considering not extending the contract at this point. The revised service model has been operating for barely twelve months. The final contract extension is for only a further twelve months during which time the City will have ample opportunity to determine whether it wishes to continue to deliver this service or in what form. Option 3 is not recommended.

The following issues relate to the performance of City Watch during 2008.

### Changes to City Watch Service

The focus of the changes was to make the City Watch service more flexible, more responsive and to be more demand/need driven. The previous focus was on a visual presence in as many locations as possible. While total patrol hours and the number of patrol vehicles were reduced, the reduction in the number of zones, the ability for patrols to cross zones and the greater use of additional ad-hoc patrols has addressed the flexibility and responsiveness issues.

The cost saving on the base rates for the full year of operation was calculated at \$394,136, of which \$50,000 was made available to meet the additional ad-hoc patrols of hot spot areas.

### Implementation of Changes

The majority of changes were completed by early January 2008. A proposal to place CCTV in the patrol vehicles was not progressed. Further investigation of this proposal identified a number of limitations of fixed in-vehicle CCTV. A more flexible option was hand held video

cameras and these were supplied to City Watch Officers early in February 2008. There has been some success with images passed to Police for follow up.

### City Watch Marketing

Marketing of the revised City Watch service commenced with the City Watch re-launch at the Craigie Leisure Centre in August 2008. City Watch staff have since the re-launch, participated in radio interviews, shopping centre promotions with the Police and at the City's recent Art of the Ageing Expo.

There has been a noticeable increase in the number of holiday alerts registered with City Watch since the promotions began. As the holiday season and Christmas approach it is expected that holiday and party alerts will increase significantly.

### Building Security Service

The City Watch Officers carry out a physical check every evening of all City owned and occupied buildings as well as the majority of those leased out by the City. This security service is similar to the building security services that other local governments contract to security firms to perform. The City has 130 facilities that are checked each night and City Watch responds to, clearing and resetting alarms. This component of the service to the City represents an estimated 29% of the current annual cost of the City Watch contract.

### KPI Assessment

The City Watch contract contains a number of KPIs to measure and gauge the performance of the contractor. In December 2007 when the last contract extension was approved it was considered that the performance of the contractual requirements had been met.

Up until that time there had been eight (8) KPIs but with the renegotiation of the service levels an additional KPI was added. The current KPIs are as follows:

- KPI 1 - Number of kilometres travelled per day. Average per patrol vehicle per 12 hour shift to be 100km or higher.
- KPI 2 - Respond to 75% of incident calls within 10 minutes.
- KPI 3 - Reporting requirements and timelines as set by the City to be met on time and to the standard established in the tender documentation and templates provided.
- KPI 4 - Independent market research survey conducted. Minimum levels of 80% awareness and 70% satisfaction of the service, to be achieved and maintained.
- KPI 5 - To attend all target patrols and visits to special areas of interest and identified hot spots in consultation with the City and other agencies. Target to be 50 per month under standard hours and to rise proportionately with increased patrols, determined and measured as an output of service provision.
- KPI 6 - To attend all additional patrols over and above those outlined at "Standard Hours of service provision per year" and requested by the city.
- KPI 7 - Achieve a 75% satisfaction and acceptance rating from service recipients responding to follow up survey by City Staff.

- KPI 8 - Facility Checks. A minimum of one check to be conducted during the hours of 2000 hours to 0600 hours (subject to review). Random check of four per month to be conducted by the City of Joondalup.
- KPI 9 - Alarm Response. Respond to 75% of alarm calls within 12 minutes. Alarm calls will need to be reported separately to incident calls.

The results of the performance of the contractor against the KPIs for the 2008 contract year up to and including October 2008 are summarised in Attachment 1. The results show that on twelve (12) occasions the KPIs were not met. Most significantly though, ten (10) of those occasions relate to KPI 2 which has not been met in any month since the contract changes at the time of the last extension.

KPI 2 requires both a response to incident calls of less than ten (10) minutes and for this to be achieved in 75% of the cases. Further analysis of the 2008 figures indicates that while the overall average response time for incident calls for the period January 2008 to October 2008 is 9.06 minutes a time of less than ten (10) minutes was only achieved on average in 68% of the incident calls. This compares to the previous service arrangements in 2007 where the overall average response time was 6.2 minutes and a time of less than ten (10) minutes was achieved 84% of the time.

These results could be interpreted as directly relating to the reduction, at the time of the last contract extension, of the number of vehicles on patrol at any one time (reduced by 2). With the previous patrol regime KPI 2 was able to be met easily. KPI 2 has remained unchanged despite the reduction to the number of vehicles on patrol.

The City will seek further information and analysis of the response times from the City Watch contractor to better understand the spread of patrol resources and the correlation between those times that slow responses are recorded for incidents and other incidents experienced at those same times.

Despite the inability to meet KPI 2 in the first ten (10) months of the changed contract, in recommending the extension of the contract for the final twelve (12) months it is not proposed to change the KPI but to continue to monitor it.

#### City Watch Incidents Attended & Maintenance Reports

The following provides some comparison on the number of incidents attended and maintenance reports provided by City Watch, January to December for the last five (5) years. The 2008 figures are only to the end of October. October to December are, traditionally busier times of the year than winter for incidents. Even with the reductions in total patrol hours since the beginning of the year, these figures indicate the service is still operating at a level comparable to previous years.

<b>Year</b>	<b>Incidents Attended</b>	<b>Maintenance Reports</b>
2004	5,976	8,236
2005	5,751	6,893
2006	5,674	4,901
2007	6,089	7,744
2008 *	4,349	4,533

\* Figures are to 31 October 2008

### Working with WA Police Service

The City Watch Service is acknowledged as providing considerable assistance to Police in the overall allocation of their resources within the Police District. The City Watch role of 'Observe and Report' assists with the provision of reliable information following investigation of service requests. Where there is a strong likelihood that an incident will escalate or require Police attendance, the Police are advised accordingly. City Watch therefore can have a direct bearing on outcomes and the quality of life of the Joondalup community.

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

5.4 OBJECTIVE: To work collaboratively with stakeholders to increase community safety and to respond to emergencies effectively.

Strategies:

5.4.2 The City maintains an effective visual presence in local residential areas and business districts.

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

There are no statutory obligations requiring the City to undertake this activity.

#### **Risk Management considerations:**

If the City did not extend the contract it could discontinue the service completely or replace it with a service delivered in some other manner.

In the case of discontinuing the service there would be a strong community perception that the City was not meeting community expectations in respect to community safety and security. There would also need to be alternative arrangements made for the security of City owned buildings which is an important part of the current arrangements.

In the case of replacing the existing service it would take quite a few months to put an alternative in place.

#### **Financial/Budget Implications:**

There are no financial implications for approving the final contract extension. The service has been budgeted for the full 2008/09 financial year.

#### **Policy Implications:**

Not Applicable.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

The Community Patrol Service assists with the maintenance of a safe and secure social environment that contributes to building communities where residents' quality of life is enhanced or preserved.

**Consultation:**

The City conducts an annual independent survey of City services including the City Watch Service.

The survey results indicate that the City Watch Service retains high awareness and satisfaction levels from the Joondalup community as demonstrated by the following results:

	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Awareness	87%	84%	92%	87%	84%
Satisfaction	79%	65%	72%	71%	62%

The lower satisfaction rating in 2008 may be attributed to decreased visibility with 38% fewer patrol hours, longer response times and the need for continued promotion and clarification of what the service does as opposed to the Police.

KPI 7 is to achieve a 75% satisfaction and acceptance rating from service recipients. This assessment is undertaken by City Administration staff based on random selection of action requests completed. This KPI has been easily met each month with average ratings of 79%.

**COMMENT**

The change to the service delivery model of the City Watch Service for 2008 has been significant. Patrol hours have reduced by 38% and the emphasis is now on allowing demand and need to drive the service with a larger focus on hot spot locations, being flexible with patrols and invoking security alerts at locations where anti social behaviour occurs.

The reduction in patrol vehicles has lengthened response times in relation to KPI 2. This KPI was not changed following the change in service delivery model at the time of the last contract extension. Ten months of experience with the new level of resources would appear to suggest that an average response time to 75% of incident calls of within 10 minutes is not realistically attainable.

Annual awareness and satisfaction levels are down on previous years and lack of promotion of the service is felt to be a main contributor. This has been addressed with a re-launch of the service in August 2008 and a marketing campaign currently in progress through to March 2009.

It is expected that demand for City Watch Services will increase along with increased activity during the warmer months ahead.

**ATTACHMENTS**

Attachment 1          Performance of City Watch Contractor Against KPIs for 2008

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 **APPROVES** the extension of the contract with Wilson Security Pty Ltd to provide the City Watch service for the final twelve (12) month period to 17 December 2009 under the existing contract conditions;
- 2 **REQUESTS** the CEO to submit by August 2009 a report on options for Security Patrols into the future to provide the Council with sufficient time to consider this matter prior to the conclusion of this contract and the calling of tenders for any new contract.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf091208.pdf](#)*

*Chief Executive Officer left the Chamber at this point, the time being 2052 hrs.*

**Disclosure of Financial Interests**

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ270-12/08 - Application for Urgent Payment of Legal Expenses relating to Third Party Claim in the Magistrates Court of Western Australia - Chief Executive Officer
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Mr Hunt has made an urgent application for payment of legal representation costs in respect of these legal proceedings

**CJ270-12/08      APPLICATION FOR URGENT PAYMENT OF LEGAL EXPENSES RELATING TO THIRD PARTY CLAIM IN THE MAGISTRATES COURT OF WESTERN AUSTRALIA - CHIEF EXECUTIVE OFFICER - [73609]**

**WARD:** All

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

**PURPOSE**

For the Council to consider an application from the Chief Executive Officer for payment of legal costs pursuant to *Policy 8-7 Legal Representation for Elected Members and Employees*. The Director Corporate Services has approved the urgent application for payment of legal representation costs made by Mr Garry Hunt, Chief Executive Officer. In accordance with clauses 3.4 and 6.3 of the Policy, this report has been prepared for Council's consideration.

## EXECUTIVE SUMMARY

An urgent application for payment of legal representation costs was received from Mr Garry Hunt, Chief Executive Officer, on 5 December 2008. This was approved by the Director Corporate Services on 9 December 2008.

The recommendation is for Council to endorse the Director Corporate Services' approval of the urgent application for payment of legal costs.

## BACKGROUND

The City of Joondalup is the claimant in the following Minor Case proceedings in the Magistrates Court of Western Australia:

- 2078/2008
- 2079/2008
- 2084/2008
- 2065/2008
- 2085/2008
- 2063/2008
- 2086/2008
- 2064/2008
- 2080/2008
- 2081/2008
- 2092/2008
- 2082/2008

The defendant is Royalglow Nominees Pty Ltd. The above case numbers refer to claims that the City lodged with the Court in relation to unpaid rates for units 1-12 at 52 Davidson Terrace, Joondalup WA 6027. A Third Party Claim was subsequently lodged against Mr Hunt on 3 November 2008 for the above Minor Case proceedings.

The City received an urgent application for payment of legal representation costs from Mr Hunt on 5 December 2008. He has appointed McLeods Barristers and Solicitors as his legal representatives, as McLeods Barristers and Solicitors are also the City's legal representatives in this matter. The Director Corporate Services approved Mr Hunt's urgent application for payment of legal representation costs on 9 December 2008.

## DETAILS

### Legislation – Statutory Provisions:

Under section 3.1 of the *Local Government Act 1995*, the general function of a local government is to provide for the good governance of persons in the district.

The City should only pay the legal expenses of elected members and employees if the payment can be justified as being for the good government of persons in the City's district.

The Policy relating to legal representation for elected members and employees allows, in appropriate circumstances, for the City to pay for the legal representation costs of an individual elected member or employee.

In terms of payment criteria, legal representation costs must relate to a matter that arises from:

- the performance of the employee's functions;
- legal proceedings that have been or may be commenced; and
- in performing the functions to which the legal representation relates, the employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.

*Application by Mr Garry Hunt*

The urgent application for legal representation costs conforms to the requirements of subclauses 3.2 and 3.3(a), (b) and (c) of *Policy 8-7 Legal Representation for Elected Members and Employees*.

In assessing the application, the first payment criterion was met, namely that the legal representation costs relate to a matter that has arisen from the performance of Mr Hunt's position as Chief Executive Officer.

The second criterion requires that the costs be in respect of legal proceedings. As mentioned, the Third Party Claims lodged with the Magistrates Court come within the application of *Policy 8-7 Legal Representation for Elected Members and Employees*.

The third requirement states that an employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. For the purposes of assessing this criterion, Mr Hunt has given an undertaking that he acted in good faith at all times. Mr Hunt has also acknowledged that, should an adverse finding be made against him by a court, tribunal or Inquiry, clause 7 of the Policy allows the City to reclaim the costs made to him.

*Approval by Director Corporate Services*

Under subclause 6.2 of the *Policy*, the Director Corporate Services may exercise on behalf of the Council, any of the powers of the Council under clauses 5.1 and 5.2. This includes granting an urgent application from the Chief Executive Officer for payment of legal representation costs to a limit of \$6,000. The Director Corporate Services may approve an urgent application for payment of legal representation costs from the Chief Executive Officer only if a delay in approving an application would be detrimental to the legal rights of the Chief Executive Officer.

The application for legal representation costs was dealt with urgently by the Director Corporate Services as Third Party Claims had already been filed and served upon Mr Hunt. In order to comply with the court's timeframes, Mr Hunt required the immediate engagement of legal advisors as to how best to defend those claims.

The approval of the urgent application for legal representation costs conforms with the requirements of subclause 6.1 and 6.2 of the *Policy*. A delay in approving the urgent application for legal representation costs would have been detrimental to Mr Hunt's legal rights, as the matter required the immediate engagement of legal advisors.

**Policy Implications:**

*Policy 8-7 Legal Representation for Elected Members and Employees*

## COMMENT

When employees carry out their duties in good faith but their actions are subject to scrutiny by the courts as the result of allegations by members of the public, the City has an obligation to ensure that any legal expenses that those employees incur in defending themselves are reimbursed.

## ATTACHMENTS

Attachment 1	Clause 6.1 of <i>Policy 8-7 Legal Representation for Elected Members and Employees</i>
Attachment 2	Application for Legal Representation Costs by Mr Garry Hunt
Attachment 3	Written Acknowledgement of Mr Garry Hunt

## VOTING REQUIREMENTS

Simple majority

**MOVED Cr Corr, SECONDED Cr Fishwick that Council ENDORSES the Director Corporate Services' approval of the application submitted by Garry Hunt, Chief Executive Officer, for payment of legal representation costs in the amount of \$6000 in relation to Third Party Claims lodged in the Magistrates Court of Western Australia, being cases 2078/2008, 2079,2008, 2084/2008, 2065/2008, 2085/2008, 2063/2008, 2086/2008, 2064/2008, 2080/2008, 2081/2008, 2092/2008, 2082/2008.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 26 refers*

To access this attachment on electronic document, click here: [Attach26agn161208.pdf](#)

**Disclosure of Financial Interest**

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ271-12/08 - Application for Urgent Payment of Legal Expenses relating to Third Party Claim in the Magistrates Court of Western Australia – Team Leader, Rating Services
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Mr Hunt has also made an urgent application for payment of legal representation costs in respect of the same legal proceedings

**CJ271-12/08      APPLICATION FOR URGENT PAYMENT OF LEGAL EXPENSES RELATING TO THIRD PARTY CLAIM IN THE MAGISTRATES COURT OF WESTERN AUSTRALIA – TEAM LEADER, RATING SERVICES - [73609]**

**WARD:** All

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

**PURPOSE**

For the Council to consider an application from an employee for payment of legal costs pursuant to *Policy 8-7 Legal Representation for Elected Members and Employees*. The Director Corporate Services has approved the urgent application for payment of legal representation costs made by Miss Challys Thorburn, Team Leader Rating Services. In accordance with clauses 3.4 and 6.3 of the Policy, this report has been prepared for Council's consideration.

**EXECUTIVE SUMMARY**

The report discusses the application of clause 6.1 of *Policy 8-7 Legal Representation for Elected Members and Employees*. The Chief Executive Officer has declared an interest in this matter, due to the fact that he has also made an urgent application for payment of legal representation costs in relation to the same legal proceedings. Due to the Chief Executive Officer's interest, the Director Corporate Services exercised the powers under clause 6 of the Policy and approved an urgent application for payment of legal representation costs from an employee.

An urgent application for payment of legal representation costs was received from Miss Challys Thorburn, Team Leader Rating Services, on 8 December 2008. This was approved by the Director Corporate Services on 9 December 2008.

The recommendation is for Council to endorse the Director Corporate Services' approval of the urgent application for payment of legal costs.

**BACKGROUND**

The City of Joondalup is the claimant in the following Minor Case proceedings in the Magistrates Court of Western Australia:

- 2078/2008
- 2079/2008
- 2084/2008
- 2065/2008
- 2085/2008
- 2063/2008
- 2086/2008
- 2064/2008
- 2080/2008
- 2081/2008
- 2092/2008
- 2082/2008

The defendant is Royalglow Nominees Pty Ltd. The above case numbers refer to claims that the City lodged with the Court in relation to unpaid rates for units 1-12 at 52 Davidson Terrace, Joondalup WA 6027. A Third Party Claim was subsequently lodged against Miss Thorburn and the CEO on 3 November 2008 for the above Minor Case proceedings.

The City received an urgent application for payment of legal representation costs from Miss Thorburn on 8 December 2008. She has appointed McLeods Barristers and Solicitors as her legal representatives, as McLeods Barristers and Solicitors are also the City's legal representatives in this matter. The Director Corporate Services approved Miss Thorburn's urgent application for payment of legal representation costs on 9 December 2008.

## **DETAILS**

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

Under section 3.1 of the *Local Government Act 1995*, the general function of a local government is to provide for the good governance of persons in the district.

The City should only pay the legal expenses of elected members and employees if the payment can be justified as being for the good government of persons in the City's district.

The Policy relating to legal representation for elected members and employees allows, in appropriate circumstances, for the City to pay for the legal representation costs of an individual elected member or employee.

In terms of payment criteria, legal representation costs must relate to a matter that arises from:

- the performance of the employee's functions;
- legal proceedings that have been or may be commenced; and
- in performing the functions to which the legal representation relates, the employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct.

### *Application by Miss Challys Thorburn*

The urgent application for legal representation costs conforms to the requirements of subclauses 3.2 and 3.3(a), (b) and (c) of *Policy 8-7 Legal Representation for Elected Members and Employees*.

In assessing the application, the first payment criterion was met, namely that the legal representation costs relate to a matter that has arisen from the performance of Miss Thorburn's position as Team Leader Rating Services.

The second criterion requires that the costs be in respect of legal proceedings. As mentioned, the Third Party Claims lodged with the Magistrates Court come within the application of *Policy 8-7 Legal Representation for Elected Members and Employees*.

The third requirement states that a former employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct. For the purposes of assessing this criterion, Miss Thorburn has given an undertaking that she acted in good faith at all times. Miss Thorburn has also acknowledged that, should an adverse finding be made against her by a court, tribunal or Inquiry, clause 7 of the Policy allows the City to reclaim the costs made to her.

#### *Approval by Director Corporate Services*

Under subclause 6.1 of the *Policy*, the Chief Executive Officer may exercise on behalf of the Council, any of the powers of the Council under clauses 5.1 and 5.2. This includes granting an urgent application for payment of legal representation costs to a limit of \$6,000. The CEO may approve an application for payment of legal representation costs only if a delay in approving an application would be detrimental to the legal rights of an Elected Member or Employee.

The Chief Executive Officer has declared an interest in this matter, due to the fact that he has also made an urgent application for payment of legal representation costs in respect of the same legal proceedings. The Director Corporate Services was the most appropriate person to deal with Miss Thorburn's application, as he is nominated to deal with applications from the Chief Executive Officer in clause 6.2.

The application for legal representation costs was dealt with urgently by the Director Corporate Services as Third Party Claims had already been filed and served upon Miss Thorburn. In order to comply with the court's timeframes, Miss Thorburn required the immediate engagement of legal advisors as to how best to defend those claims.

The approval of the urgent application for legal representation costs conforms with the requirements of subclause 6.1 of the *Policy*. A delay in approving the urgent application for legal representation costs would have been detrimental to Miss Thorburn's legal rights, as the matter required the immediate engagement of legal advisors.

#### **Policy implications:**

*Policy 8-7 Legal Representation for Elected Members and Employees*

#### **COMMENT**

When employees carry out their duties in good faith but their actions are subject to scrutiny by the courts as the result of allegations by members of the public, the City has an obligation to ensure that any legal expenses that those employees incur in defending themselves are reimbursed.

## ATTACHMENTS

Attachment 1	Clause 6.1 of <i>Policy 8-7 Legal Representation for Elected Members and Employees</i>
Attachment 2	Application for Legal Representation Costs by Miss Challys Thorburn
Attachment 3	Written Acknowledgement of Miss Challys Thorburn

## VOTING REQUIREMENTS

Simple Majority

**MOVED Mayor Pickard, SECONDED Cr Fishwick that Council ENDORSES the Director Corporate Services' APPROVAL of the application submitted by Challys Thorburn, Team Leader Rating Services, for payment of legal representation costs in the amount of \$6000 in relation to Third Party Claims lodged in the Magistrates Court of Western Australia, being cases 2078/2008, 2079/2008, 2084/2008, 2065/2008, 2085/2008, 2063/2008, 2086/2008, 2064/2008, 2080/2008, 2081/2008, 2092/2008, 2082/2008.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 27 refers*

To access this attachment on electronic document, click here: [Attach27agn161208.pdf](#)

*The Chief Executive Officer entered the Chamber at this point, the time being 2059 hrs.*

## **CJ272-12/08 TENDER 041/08 PROVISION OF PLUMBING MAINTENANCE SERVICES – [20620]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Martyn Glover  
Infrastructure Services

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## PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Joondalup Plumbing Services for the provision of Plumbing Maintenance Services (Tender 041/08).

## EXECUTIVE SUMMARY

Tenders were advertised on 11 October 2008 through state wide public notice for the provision of Plumbing Maintenance Services. Tenders closed on 28 October 2008. Six (6) Submissions were received from:

- Alinta Assist;
- CPD Group Pty Ltd;
- Joondalup Plumbing Services;
- Lakeside Plumbing & Gas;

- Pride Plumbing and Gas Pty Ltd; and
- Zambezi Plumbing and Gas Pty Ltd.

The submission from Joondalup Plumbing Services represents best value to the City. It submitted the lowest priced offer and demonstrated capacity and experience in successfully completing similar projects in the past and currently is involved in ongoing plumbing projects for local governments and private organisations. It is the City's current contracted service provider for plumbing maintenance services.

*It is recommended that Council ACCEPTS the Tender submitted by Joondalup Plumbing Services for the provision of Plumbing Maintenance Services for a three (3) year period in accordance with the statement of requirements as specified in Tender 041/08 at the submitted schedule of rates.*

## **BACKGROUND**

The City has a requirement for the provision of Plumbing Maintenance Services to the City's buildings within the City of Joondalup on an as and when required basis and the Contractor shall provide the services as directed by the City in one or more areas specified in Appendix 1 of the Request.

The City currently has a single Contract for the provision of Plumbing Maintenance Services with Joondalup Plumbing Services which is due to expire on 13 January 2009.

## **DETAILS**

Tenders were advertised on 11 October 2008 through state wide public notice for the provision of Plumbing Maintenance Services. Tenders closed on 28 October 2008. Six (6) Submissions were received from:

- Alinta Assist;
- CPD Group Pty Ltd;
- Joondalup Plumbing Services;
- Lakeside Plumbing & Gas;
- Pride Plumbing and Gas Pty Ltd; and
- Zambezi Plumbing and Gas Pty Ltd.

## **Evaluation Criteria**

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

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

## **Evaluation Panel**

The evaluation panel comprised of three (3) members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process.

## Tender Submissions

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

To provide an estimated expenditure over a twelve (12) month period, the projected total number of hours of services required for Items 1 and 2 (Normal Time and After Hours, respectively), based on historical data equating to approximately 7,585 hours, and the hourly rates offered have been used. The table below provides a comparison of the total annual estimated expenditure over the 3 year period calculated with escalation based on current 5% CPI increase (All Groups in Perth).

Respondent	Estimated Cost			
	Year 1	Year 2	Year 3	Total (Year 1+2+3)
Joondalup Plumbing Services	\$367,557.50	\$385,935.38	\$405,232.14	<b>\$1,158,725.02</b>
CPD Group Pty Ltd	\$559,000.00	\$586,950.00	\$616,297.50	<b>\$1,762,247.50</b>
Pride Plumbing and Gas Pty Ltd	\$564,610.00	\$592,840.50	\$622,482.53	<b>\$1,779,933.03</b>
Lakeside Plumbing & Gas	\$610,950.00	\$641,497.50	\$673,572.38	<b>\$1,926,019.88</b>
Zambezi Plumbing and Gas Pty Ltd	\$613,238.25	\$643,900.16	\$676,095.17	<b>\$1,933,233.58</b>
Alinta Assist	\$977,520.00	\$1,026,396.00	\$1,077,715.80	<b>\$3,081,631.80</b>

During the last financial year 2007/08, the City incurred \$350,426.61 for the provision of Plumbing Maintenance Services.

## Evaluation Summary

Respondent	Evaluation Score	Price	Qualitative Rank
Joondalup Plumbing Services	85%	\$1,158,725.02	1
CPD Group Pty Ltd	62%	\$1,762,247.50	6
Pride Plumbing and Gas Pty Ltd	73%	\$1,779,933.03	3
Lakeside Plumbing & Gas	76%	\$1,926,019.88	2
Zambezi Plumbing and Gas Pty Ltd	66%	\$1,933,233.58	5
Alinta Assist	71%	\$3,081,631.80	4

Refer to Attachment 1 for a summary of tendered submissions.

## Issues and options considered:

The City is responsible for the maintenance of its buildings and parks across 22 suburbs and requires a suitably qualified and experienced plumbing contractor to undertake the maintenance of this essential infrastructure. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

**Link to Strategic Plan:****5.** Community Wellbeing.

Objective 5.1 To ensure the City's facilities and services are of a high quality and accessible to everyone.

Strategy 5.1.1 The City develops and implements a Strategic Asset Management Framework to improve the standard and management of its community infrastructure, including the consolidation and rationalisation of current building facilities.

**Legislation – Statutory Provisions:**

A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

**Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be moderate as the City requires a contracted plumber to undertake the large amount of maintenance work for its infrastructure.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well-established company with significant industry experience and the capacity and specialised equipment to provide the services to the City.

**Financial/Budget Implications:**

<b>Current Year Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Services to 30 June 2009</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$400,000.00 (Estimate only as no specific budget allocated. This requirement covered by the Building Maintenance Budget)	\$164,949.26 (current Contract to date)  \$183,778.75 (new Contract)	\$367,557.50	\$1,158,725.02

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$1,158,725.02.

Funds for these services will be covered by the Building Maintenance Budget.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The Tender from Joondalup Plumbing Services represents best value to the City as it achieved the highest qualitative assessment score and also submitted the lowest priced offer. Joondalup Plumbing Services is a well established service provider that has, since 1980, been providing plumbing maintenance services to various local businesses and private residents including the City of Joondalup. It submitted the lowest priced offer and demonstrated capacity and experience in successfully completing similar projects in the past and currently is involved in ongoing plumbing projects for the City of Wanneroo, Mindarie Regional Council, Georgiou Group and Wanneroo Golf Club. It is also the City's current contracted service provider for plumbing maintenance services.

The attached summary of Tender submissions includes the location of each of the Tenderers.

**ATTACHMENTS**

Attachment 1      Summary of Tender Submissions

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council accepts the Tender submitted by Joondalup Plumbing Services for the provision of Plumbing Maintenance Services for a three (3) year period in accordance with the statement of requirements as specified in Tender 041/08 at the submitted schedule of rates.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf091208.pdf](#)*

## **CJ273-12/08 TENDER 046/08 PROVISION OF CLEANING SERVICES FOR MAJOR SITES – [82620]**

**WARD:** All

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

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### **PURPOSE**

This report is to seek the approval of Council to accept the Tender submitted by Charles Service Company for the Provision of Cleaning Services for Major Sites (Tender 046/08).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 18 October 2008 through state wide public notice for the Provision of Cleaning Services for Major Sites. Tenders closed on 11 November 2008. Six conforming Submissions were received from:

- Academy Services Pty Ltd (WA);
- Du Clene Pty Ltd;
- Cleandustrial Services Pty Ltd;
- Jani-King Pty Ltd;
- DMP (WA) Pty Ltd; and
- Charles Service Company.

The submission from Charles Service Company represents best value to the City and is the lowest priced compliant Tender. The evaluation panel has confidence in their ability to undertake the services to the required standards and they demonstrated a good understanding of the requirements, sufficient resources and considerable experience in completing similar services.

*It is recommended that Council ACCEPTS the Tender submitted by Charles Service Company for the Provision of Cleaning Services for Major Sites for a period of three (3) years in accordance with the statement of requirements as specified in Tender 046/08 for the estimated contract price of \$1,124,620.08 (GST Exclusive).*

### **BACKGROUND**

The City has a requirement for professional cleaning services to be provided to the following buildings:

- Joondalup Administration Centre;
- Joondalup Library;
- Joondalup Civic Chambers – Computer Room;
- Joondalup Civic Undercroft, Carpark and Podium Level Paving;
- Blend(er) Gallery & Workshop;
- Woodvale Library;
- Whitfords Library;
- Whitfords Senior Citizen Centre;
- Whitfords Customer Service Centre;
- Sorrento/Duncraig Library;
- Mildenhall;
- Duncraig Community Hall; and

- Percy Doyle Football/Tee Ball Clubrooms.

The City had a single Contract for the provision of cleaning services for all of the City's buildings however the Contractor withdrew its services for leisure centres in December 2007 and the remainder of the contract expired on 30 June 2008, with the Contractor unwilling to continue on an interim basis.

The tender was originally advertised in April 2008 with the offers received significantly greater than the City's expectations and allocated budget. Council resolved to decline all offers for the cleaning of major sites and community centres and review its options on 5 August (CJ168-08/08 refers). An alternative interim provider has been supplying the City's cleaning requirements until a formal Contract can be established from Tender 046/08.

A review was undertaken of the City's requirements, specifications and alternative options for the delivery of these services. As a result, the levels of service were adjusted and the scope of works of the Major Sites tender was amended to include Mildenhall, Duncraig Community Hall, Percy Doyle Football/Tee Ball Clubrooms and Whitfords Customer Service Centre. It was also concluded that it would be preferable for staff resources to undertake the cleaning of the remaining community facilities.

## DETAILS

Tenders were advertised on 18 October 2008 through state wide public notice for the Provision of Cleaning Services for Major Sites. Tenders closed on 11 November 2008. Seven (7) Submissions were received from:

- Academy Services Pty Ltd (WA);
- Du Clene Pty Ltd;
- Cleandustrial Services Pty Ltd;
- Jani-King Pty Ltd;
- DMP (WA) Pty Ltd;
- Charles Service Company;
- Charles Service Company (Alternative Offer).

## Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated understanding of the required tasks	30%
3	Demonstrated experience in completing similar services	25%
4	Social and economic effects on the local community	5%

## Evaluation Panel

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

## Tender Submissions

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

The Contract is for a fixed lump sum for a period of three (3) years. The Offers submitted were fixed for the first twelve (12) months of the Contract only. Each year thereafter will be subject to an increase to a maximum of the average All groups CPI for the preceding twelve months. For the purposes of evaluation a 5% increase was applied to the lump sum price for years two and three.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total Estimated Cost (ex GST)</b>
Charles Service Company	\$356,739.12	\$374,576.08	\$393,304.88	\$1,124,620.08
Jani-King Pty Ltd	\$366,125.40	\$384,431.67	\$403,653.25	\$1,154,210.32
Cleandustrial Services Pty Ltd	\$474,996.00	\$498,745.80	\$523,683.09	\$1,497,424.89
Academy Services Pty Ltd (WA)	\$515,828.40	\$541,619.82	\$568,700.81	\$1,626,149.03
Du Clene Pty Ltd	\$530,346.00	\$556,863.30	\$584,706.47	\$1,671,915.77
DMP (WA) Pty Ltd	\$787,920.12	\$827,316.13	\$868,681.93	\$2,483,918.18

## Evaluation Summary

<b>Respondent</b>	<b>Evaluation Score</b>	<b>Estimated Price Over 3 Years Assuming 5% Compound Increases in Years 2 &amp; 3</b>	<b>Qualitative Rank</b>
Cleandustrial Services Pty Ltd	76.3%	\$1,497,424.89	1
Academy Services Pty Ltd (WA)	74.9%	\$1,626,149.03	2
Charles Service Company	72.8%	\$1,124,620.08	3
Du Clene Pty Ltd	68.9%	\$1,671,915.77	4
DMP (WA) Pty Ltd	66.2%	\$2,483,918.18	5
Jani-King Pty Ltd	44.2%	\$1,154,210.32	6
Charles Service Company (Alternative Offer)	Non-compliant, not considered further		

Charles Service Company submitted a conforming and an Alternative Offer. The Alternative Offer was non compliant and not considered for evaluation. Refer to Attachment 1 for a summary of tendered submissions.

**Issues and options considered:**

Cleaning services are required to maintain the cleanliness and presentation of the City's buildings. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

**Link to Strategic Plan:**

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

## 5. Community Wellbeing

Objective 5.1 To ensure the City's facilities and services are of a high quality and accessible to everyone.

**Legislation – Statutory Provisions:**

A state wide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

**Risk Management considerations:**

Should the contract not proceed, the risk to the City will be high as the City will not be able to maintain the cleanliness of the facilities which may result in an increased public health and safety risk.

It is considered that awarding the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to provide the services to the City.

**Financial/Budget Implications:**

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2009	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$422,000	\$136,046 (1-Jul-08 to date) \$163,505.43 (new Contract)	\$356,739.12	\$1,124,620.08

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$1,125,000.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The two tenderers who achieved the highest qualitative scores were Cleandustrial Services Pty Ltd and Academy Services Pty Ltd (WA) but their prices were comparatively higher and could not be justified.

Charles Service Company achieved the third highest qualitative score and ranked first in price. They are a large WA based company with the capacity to meet the City's requirements and have demonstrated considerable industry experience and a good understanding of the required tasks. While they were ranked third in qualitative scoring, their price was lower than all other Tenderers and represented best value to the City. The panel has confidence in their ability to complete the services to the required standards.

The attached summary of Tender submissions includes the location of each of the Tenderers.

**ATTACHMENTS**

Attachment 1          Summary of Tender Submissions.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council ACCEPTS the Tender submitted by Charles Service Company for the Provision of Cleaning Services for Major Sites for a period of three (3) years in accordance with the statement of requirements as specified in Tender 046/08 for the estimated contract price of \$1,124,620.08 (GST Exclusive).**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf091208.pdf](#)*

## **CJ274-12/08 LEASING A PORTION OF CITY OWNED LAND TO THE JOINT OWNERS OF THE LAKESIDE SHOPPING CITY – [76472]**

**WARD:** North

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
A/Director Planning & Community Development

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### **PURPOSE/EXECUTIVE SUMMARY**

Lakeside Joondalup Shopping City's car park encroaches onto the City's car park at Lot 6 Lawley Court as shown at Attachment 1. This encroachment is the subject of this report.

A number of options for dealing with the encroachment are presented. The most favourable option is considered to be the lease of the encroaching land to the shopping centre in return for the construction of a path way by the shopping centre owners, at no cost to the City. This will assist people parking at the Lot 6 car park to access the shopping centre.

### **BACKGROUND**

The City purchased Lot 6 Lawley Court from Landcorp on 16 November 2006 for \$1,944,250 (GST inclusive). The land came with a condition which restricted the use of the site to car parking for a period of 5 years from the date of settlement. After this, the City can change the use of the land at no additional cost to the City.

### **DETAILS**

There are 4 distinct options for dealing with the shopping centre's encroachment.

#### Option 1 – Stop Shopping Centre from Encroaching

The Lot 6 car park has already been constructed and the configuration of the car park means that there will be little, if any, benefit to the City from taking back this land. Indeed, this action would reduce overall car parking as some bays which are able to be provided by the shopping centre as a result of the encroachment would be lost. Some costs will also be incurred by the City in stopping the shopping centre's use of the subject land. Consequently, this option is not recommended.

#### Option 2 – Annual Lease Fee for the Encroachment

The most recent valuation for the 295.31sqm of land which represents the encroachment was \$161,800 as at August 2008. An annual lease of 6% of this value (\$9708) per annum could possibly be sought under this option.

The shopping centre owners have indicated that they are not supportive of such a scenario. Further, there is limited pressure that the City can place on the shopping centre owners to achieve such a lease as the centre meets its required number of parking bays in accordance with the development approval. Consequently, the owners are not under pressure to retain bays. As a result, this option is not recommended.

### Option 3 – Sell the Encroachment

Sale of the subject encroachment site is not recommended as this will limit opportunities to develop the Lot 6 site in the future and could materially devalue the land's potential.

### Option 4 – Enter into Peppercorn Lease with the Shopping Centre Owners for the Encroachment in Exchange for a New Path Way

This option provides a long term communal benefit by addressing the current conflict between pedestrians leaving or entering Lot 6 and vehicle traffic. This conflict occurs because pedestrians are currently forced into the roadway as shown on Attachment 1, in order to gain access to the shopping centre or the adjacent businesses on Darglish Way. This conflict also occurs as pedestrians return to their cars at Lot 6.

Under this option, the shopping centre owners would construct a new path way as identified in Attachment 2, from the Lot 6 car park through to the existing path way to the shopping centre. The City will not incur any costs for the construction of this brick path link which will benefit the users of the City's car park. In return, the City will receive a peppercorn rental for the encroachment for a fixed term of 5 years, with a further option of 5 years. The lease will include a break clause to allow the City to terminate the lease at anytime during the 5 year option period, on 3 months written notice to the lessee.

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

The proposal is consistent with the City's Strategic Plan 2008-2011 Item 3.1 '*To encourage the development of the Joondalup CBD*'

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

Under Section 3.58 of the Local Government Act 1995, a disposition of property is described as, "*to sell, lease, or otherwise dispose of, whether absolutely or not.*" Unless a disposition is an exempt disposition, which this proposed disposition is not, a local government can only dispose of property by public auction, or public tender, unless it invites public submissions on the proposal. Public advertising must be for a period of not less than two weeks and submissions must be considered before a final decision is made.

#### **Risk Management considerations:**

The recommended option addresses the risk of conflict between pedestrian and vehicle traffic at the intersection of Lawley Court and Darglish Way.

#### **Financial/Budget Implications:**

While there is no financial benefit to the City for a peppercorn lease, there is no cost to the City in delivering a communal benefit that reduces the risk for pedestrians.

#### **Policy Implications:**

There are no policy implications.

#### **Regional Significance:**

There is no regional significance.

**Sustainability Implications:**

Long term communal benefit at no cost to the City.

**Consultation:**

Public advertising of the proposed lease occurred for a period of 28 days from 27 March 2008 to 24 April 2008. A public notice was included in both the Wanneroo and Joondalup Times and there was also a sign on site for the duration of the advertising period.

One emailed submission was received. This supported the opportunity to provide comment on-line but suggested that the on-line information needed to include a site plan of the encroachment. On receipt of this submission, a location plan was emailed to the resident and a site plan was added to the on-line information regarding the proposal. No other submissions were received.

**COMMENT**

Option 4 is recommended. While there is no financial benefit to the City having the proposed lease agreement in place, this option does provide a satisfactory long term solution for dealing with the encroachment that will benefit the community.

**ATTACHMENTS**

Attachment 1            Location plan of the proposed leased area.  
Attachment 2            Plan of proposed pathway.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr Hollywood that Council APPROVES entering into a lease at a peppercorn rent with the owners of Lakeside Joondalup Shopping City for an area of 295.31 square metres which encroaches on Lot 6 Lawley Court, Joondalup car parking subject to:**

- 1        The lease is for a fixed term of 5 years with an option period of 5 years;**
- 2        The option period of 5 years is subject to a break clause exercisable at the sole discretion of the City by 3 months written notice to the lessee;**
- 3        The owners of Lakeside Joondalup Shopping City construct and meet all associated costs of a brick path in accordance with Attachment 2 to Report CJ274-12/08 - Plan of Proposed Pathway.**

**AMENDMENT MOVED Cr Jacob, SECONDED Cr John that the fixed term of “5 years” be changed to “3 years” in point 1 of the recommendation.**

**The Amendment was Put and**

**CARRIED (11/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

**The Original Motion as amended being:**

That Council **APPROVES** entering into a lease at a peppercorn rent with the owners of Lakeside Joondalup Shopping City for an area of 295.31 square metres which encroaches on Lot 6 Lawley Court, Joondalup car parking subject to:

- 1 The lease is for a fixed term of 3 years with an option period of 5 years;
- 2 The option period of 5 years is subject to a break clause exercisable at the sole discretion of the City by 3 months written notice to the lessee;
- 3 The owners of Lakeside Joondalup Shopping City construct and meet all associated costs of a brick path in accordance with Attachment 2 to Report CJ274-12/08 - Plan of Proposed Pathway.

was Put and

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf091208.pdf](#)

**CJ275-12/08 CARRIAGEWAY DUPLICATION CONNOLLY DRIVE  
MACNAUGHTON CRESCENT TO BURNS BEACH  
ROAD – [011301]**

**WARD:** North

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

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**PURPOSE**

To seek Council endorsement for the final design of the Carriageway Duplication for Connolly Drive in Kinross, from MacNaughton Crescent to Burns Beach Road, and for Council's agreement to proceed through the tendering stage of this project.

**EXECUTIVE SUMMARY**

The 2008/2009 Capital Works programme includes provision for the City to undertake final design works and commence construction for the Carriageway Duplication for Connolly Drive in Kinross, from MacNaughton Crescent to Burns Beach Road.

Council endorsement is required for the final design and agreement to proceed to the public tender stage for this project.

*It is recommended that Council:*

- 1 *SUPPORTS the final design for the Carriageway Duplication for Connolly Drive Kinross between Burns Beach Road and MacNaughton Crescent as detailed in Report CJ275-12/08.*
- 2 *AGREES to proceed to the public tender stage for the Carriageway Duplication for the Connolly Drive Kinross Project.*

## **BACKGROUND**

Traffic projection analysis undertaken by Main Roads Western Australia (MRWA) has identified the need to duplicate Connolly Drive from Burns Beach Road northwards through to MacNaughton Crescent, Kinross. This is to cater for the increased traffic volume due to the northern extension of the Mitchell Freeway through to Burns Beach Road completed in October 2008, and the recent construction of Connolly Drive from Neerabup Road in Clarkson through to MacNaughton Crescent in Kinross. This extension has been constructed to a four-lane dual carriageway standard.

Following the completion of the Connolly Drive link through to Clarkson by the City of Wanneroo, the traffic volume increased to approximately 23,000 vehicles per day (vpd) at its peak location adjacent to the Kinross Drive roundabout.

At this level of traffic the existing single carriageway standard does not function effectively causing substantial congestion at peak times. In accordance with Austroads Urban Road Design Manual, when traffic volumes exceed 18,000 vpd then the single carriageway should be duplicated to cater for the increased volumes. It is also noted that the MRWA guidelines recommend a lower traffic volume threshold for duplication purposes of between 15,000 to 16,000vpd.

In consideration of the problem created in Connolly Drive by the duplication of the carriageway to the north, the State Government committed special funding of \$3.75M outside of the normal Metropolitan Regional Road Grants (MRRG) to construct the new carriageway.

## **DETAILS**

After receiving this grant the City proceeded through the preliminary design stage, community consultation and on to the final design. The resulting proposal for the construction of the second carriageway as detailed in Attachment 1, includes roundabouts at MacNaughton Crescent and Geoff Russell Avenue and a signalised intersection (traffic lights) at the Selkirk Drive intersection.

Due to the delay in allocation of the State Government funds the project delivery timeframe tabled in the December 2007 Council report has been revised. This revised timeframe is tabled below:

<b>Activity</b>	<b>Period</b>	<b>Expenditure</b>
Consultation, Design and Prepare Tender Documentation	February 2008-December 2008	\$ 200,000
Tender and Award	February 2009 to March 2009	\$3,550,000
Construct	April 2009 to September 2009	
<b>Total Project</b>	<b>May 2008-September 2009</b>	<b>\$3,750,000</b>

**Issues and options considered:**

The major issues considered in the design phase were the treatments at each intersection and pedestrian safety in terms of road crossings.

The City's consultants, Worley Parsons, have conducted traffic analysis at each intersection and the preferred treatments to minimise crash risks were as follows:

MacNaughton Crescent – Roundabout  
Geoff Russell Avenue – Roundabout  
Selkirk Avenue – Traffic Signals  
Ardross Drive – Retain Roundabout

There is already a pedestrian tunnel to the north of Selkirk Avenue which has been augmented by a pedestrian phase in the traffic signals across Selkirk Avenue. There are also pedestrian facilities at Ardross Drive, Geoff Russell Avenue and MacNaughton Crescent. These facilities are pedestrian havens in the median islands and connecting footpaths. The pedestrian safety is improved because the traffic is only ever in one direction either side of the median and the traffic signals will provide breaks in the traffic. The Geoff Russell Avenue crossing may require support from a school crossing attendant as this is the main crossing for students from Kinross Primary School.

**Link to Strategic Plan:**

The project aligns with the City's strategic directions for improving infrastructure that leads to an enhanced integrated transport system and improved lifestyle.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Further delays to the duplication of Connolly Drive, Kinross following the opening of Mitchell Freeway through to Burns Beach Road will result in this section of road continuing to function beyond its recommended threshold capacity.

**Financial/Budget Implications:**

The City was successful in obtaining a State Government grant through MR WA for \$3.75M for the dualling of the Connolly Drive Carriageway from Burns Beach Road to MacNaughton Crescent. This grant will not affect the City's existing MRRG grants but will be recouped in the same manner, forty percent upfront, forty percent at commencement of construction and twenty percent at completion of the project.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

This section of road is an integral link within the City's major road network, providing a transport link to northern localities within the City of Wanneroo.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The concept design including the intersection treatments was presented to the community working group including representations from the Kinross Residents' Association and the Kinross Primary School P & C, as well as the Mayor and the Ward Councillors. The response to the proposal was resounding support with a condition that the project be constructed as soon as possible. The timetable for completion in September 2009 was recognised by the group as an acceptable timeframe.

It is therefore recommended that Council endorse the final design and agree to proceed with the project to public tender.

**ATTACHMENTS**

Attachment 1          Final Design Drawings – Connolly Drive, Kinross duplication project.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1          SUPPORTS the final design for the Carriageway Duplication for Connolly Drive Kinross between Burns Beach Road and MacNaughton Crescent and as detailed in Report CJ275-12/08;
- 2          AGREES to proceed to the public tender stage for the Carriageway Duplication for the Connolly Drive Kinross Project.

**MOVED Cr McLean, SECONDED Cr Hollywood that Council:**

- 1          **SUPPORTS the final design for the Carriageway Duplication for Connolly Drive Kinross between Burns Beach Road and MacNaughton Crescent and as detailed in Report CJ275-12/08;**
- 2          **AGREES to proceed to the public tender stage for the Carriageway Duplication for the Connolly Drive Kinross Project;**
- 3          **REQUESTS the CEO submit a report to the Council in relation to the Traffic Management options that may be introduced, as an interim measure to alleviate the traffic congestion in Connolly Drive Kinross, that has occurred as a result of the opening of the Mitchell Freeway to Burns Beach Road;**

- 4 NOTES the construction of a second dual carriageway in Connolly Drive from Burns Beach Road Northwards to McNaughton Drive is scheduled to be constructed between the period April 2009 and anticipated to be completed by September 2009.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hart, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf091208.pdf](#)*

## **CJ276-12/08 WHALE REMOVAL – RECOVERY OF COSTS – [45234] [07519]**

**WARD:** South-West

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

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### **PURPOSE**

To seek Council endorsement for the proposal to request the Department of Environment and Conservation (DEC) to contribute 50 percent of the cost of removal of the whale from Sorrento Beach.

### **EXECUTIVE SUMMARY**

On 18 September 2008 the City of Joondalup removed a whale carcass from Sorrento Beach. The operation was very high profile and high risk however it was carried out by the City in a professional and efficient manner. Whilst the DEC had officers on site and provided advice, the responsibility for logistics and cost of the project fell to the City of Joondalup. During the project the City contacted DEC who committed to contribute to the removal. Furthermore, the Mayor conducted a media interview where he indicated that DEC should contribute to the costs of the project. The City has since contacted DEC seeking a 50 percent contribution of the project costs, which were \$33,937.24 exclusive of GST. The DEC has responded advising that it will only contribute \$7,273 exclusive of GST. It is recommended that Council declines the offer and seeks 50 percent of costs from DEC.

### **BACKGROUND**

The whale, a 24.9 tonne female humpback, was spotted drifting in the ocean on 17 September 2008. The City was contacted by DEC that afternoon and advised that the whale would likely be beached on one of the City's beaches the next day. On the following day officers were on site early in the morning to arrange for the removal process.

### **DETAILS**

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

The issue is the financial responsibility for the removal of the whale and the options are:

- Option 1 Accept the DEC's offer of \$7,273 exclusive of GST.  
 Option 2 Not accept the offer and request that a more appropriate contribution (50 percent) be made.  
 Option 3 Not accept the offer and request an alternative contribution.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

- Wildlife Conservation Act 1950
- Health Act 1911

**Risk Management considerations:**

There are a significant number of risks associated with the removal and disposal of a dead whale carcass including:

- Public Health and Safety
- Occupational Safety and Health
- Financial
- Political

**Financial/Budget Implications:**

The following costs were involved in the whale removal exercise:

City of Joondalup Labour	887.44
Cargo Net for Whale	850.00
Traffic Control	735.00
Mindarie Regional Council - Whale Burial	2,845.46
Dalco Earthmoving - 30 tonne Excavator	2,090.00
Tip Truck Semi-Triaxle	805.00
Removal of Whale (Crane / Cartage)	24,794.00
City of Joondalup Plant	430.67
Overhead Charge	499.67
<b>Total Cost (ex GST)</b>	<b><u>\$33,937.24</u></b>

**Policy Implications:**

Nil.

**Regional Significance:**

Nil.

**Sustainability Implications:**

Nil.

**Consultation:**

Discussions have been held between the City and DEC.

**COMMENT**

The removal of the whale carcass was undertaken from land under the care and control of the City of Joondalup; however the whale died while within the ocean which is not under the City's control and the carcass was sighted by the DEC while still at sea. In light of this, it is the City's view that DEC should take responsibility for half of the removal cost.

Discussions with DEC have resulted in an offer to provide a "good faith" contribution of \$7273.00 exclusive of GST or 21.4% of the cost. Prior to the written offer, verbal discussions around an offer of \$12,000 had taken place.

The DEC considered that the offered contribution should be viewed as a one-off contribution. The DEC also advised that this action does not constitute and should not be considered to form the basis for similar contributions in the future.

The DEC advised that consistent with its previous position on sharing the cost of removal of wildlife carcasses on other occasions, the DEC considers that this cost falls with the responsible land manager. The DEC provided the following two examples where the full cost of removal was met by the land manager:

- 2 August 2007 - The full cost of removal of the whale carcass from within Hillarys Boat Harbour was met by the Department of Planning and Infrastructure as the facility manager.
- 31 October 2007 -The full cost of removal of the whale carcass from Tern Island Nature Reserve (Shoalwater Marine Park) was met by DEC as the reserve is managed by DEC.

It is noted however that in both of the above situations, the removal of the whale was undertaken by State Government and not Local Governments.

Due to the significant cost that is imposed on the City for this project and the fact that it could have been averted had the DEC taken action while the carcass was still floating within open waters, it is recommended that the DEC cover half of the removal costs. The Council may feel that 50 percent is not sufficient contribution and may wish to nominate an alternative contribution in accordance with option 3. It is however, recommended that Council seeks 50 percent of the costs from DEC.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Norman that Council SUPPORTS the recovery of \$16,968.62 exclusive of GST from the Department of Environment and Conservation, being half of the total cost to remove the whale carcass from Sorrento Beach.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

## **CJ277-12/08      PETITION TO UPGRADE CLERMONT PARK CURRAMBINE – [04370]**

**WARD:** All

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

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### **PURPOSE**

To consider the options in response to the petition seeking the upgrade of Clermont Park Currambine.

### **EXECUTIVE SUMMARY**

A petition has been received from residents living in close proximity to Clermont Park Currambine. The petitioners are concerned about anti-social behaviour occurring in the park in the vicinity of the play equipment. The petition requests that the City prunes back the bushland in the park to allow a clear vista from adjacent roads to the play equipment that is currently obscured by the bushland. The petition also expressed concern regarding the maintenance standard in the park being below standard.

The City recently inspected the park and it has been confirmed that security and maintenance issues do exist. The following recommendations would assist in alleviating the residents' security and maintenance concerns.

*It is recommended that Council:*

- 1      *CONSULTS with the surrounding residents with respect to the options and specifically the preferred Option 2, that the existing equipment in Clermont Park be removed and new equipment be installed in an area closer to Moore Drive;*
- 2      *SUBJECT to the outcome of the consultation with the surrounding residents supporting Option 2, the upgrade to the play equipment in Clermont Park be included in the Draft 2009/2010 Capital Work Budget;*
- 3      *ADVISES the petitioners of Council's decision regarding the requested Clermont Park Upgrade.*

## BACKGROUND

A petition of 20-signatures was received by the City on 23 October 2008. The petitioners all live within close proximity of Clermont Park Currambine. The petition requested that the City undertake the following work in Clermont Park:

*“Improve the park at the corner of Caledonia Avenue and Moore Drive so that there is a clear line of sight between the road and the play area. The play area is currently hidden from the road and as a result there is a lot of anti-social behaviour that goes on in the park. The state of the park is below acceptable standards and not suitable for use by the local community. We urge Council to trim back the surrounding bush so that the play area can be seen from the road and the park is made more family friendly and the play equipment is restored.”*

## DETAILS

Clermont Park is a 2 hectare park situated on the corner of Moore Drive and Caledonia Ave Currambine. It is comprised of 75% native bushland and 25% reticulated grassed areas (Attachment 1 refers). There is park bench seating and play equipment situated within the grassed area at the centre of the reserve.

The play equipment by virtue of its position is out of view from the roads surrounding the park, as are most of the grassed areas. A large floodlight is positioned adjacent to the play equipment and substantially lights the area in the hours of darkness. The floodlight was placed in the reserve to counter anti-social incidents approximately seven years ago.

The play equipment within the park is in sound condition, but the finish is faded due to weather exposure and wear due to repeated graffiti attacks and graffiti removal.

In late 2007 the Clermont Park bushland was given protection under Schedule 5 of the City's District Planning Scheme 2. The purpose of this was to protect the native vegetation within the reserve which contains a large number of West Australian Christmas Trees as well as a range of other native plant species.

A recent inspection of the Clermont Park did reveal some maintenance issues that require rectification namely the removal of a number of tree stumps and an overgrown garden bed near the playground that needs removal and replacement with grass.

### Issues and options considered:

The following options were considered:

- 1 Prune back native vegetation to allow play equipment in its current location to be observed from adjacent streets and houses;
- 2 Remove existing play equipment and replace it with new equipment in an area closer to Moore Drive;
- 3 Remove the existing play equipment;
- 4 Leave play equipment in its present location and do not clear the native vegetation;
- 5 Leave play equipment in its present location and clear non-indigenous native vegetation to improve visibility.

Because of the amount of bushland and the location of the play equipment, the clearing of the vegetation would need to be extensive before there was any improvement in the visibility of the play equipment. In consideration that the bushland has been listed in Schedule 5 of the City's District Planning Scheme 2 then this would be unacceptable. If the play equipment were to be relocated then a location closer to Moore Drive would be more suitable because it has improved visibility and accessibility.

The complete removal of the play equipment would mean that the children in Currambine would have one less option for play equipment which is also unacceptable because there are currently only five sets of equipment in Currambine which is already less than most suburbs.

The play equipment could be left where it currently is, without any clearing of the vegetation, however in consideration of the petitioners' concerns, confirmed by the City's officers' observations, this is also unacceptable.

**Link to Strategic Plan:**

- 1.2 OBJECTIVE To engage proactively with the Community and other relevant organisations in the preservation of the City's natural environmental assets.
- 5.2 OBJECTIVE To facilitate healthy lifestyles within the community.
- 5.2.1 The City provides high quality recreation facilities and programs.

**Legislation – Statutory Provisions:**

Clermont Park, Reserve No. 43666 is included in Schedule 5 of the City's District Planning Scheme 2.

**Risk Management considerations:**

The current location of the play equipment does not meet accepted standards of security in terms of visibility of children who may use it, consequently there is a public liability risk at the site.

**Financial/Budget Implications:**

The cost to remove existing play equipment and replace with new equipment including soft fall is \$20,000. It is recommended that if this option were to be chosen it should be included in the 2009/2010 Draft Capital Works programme as part of the budget deliberations.

**Policy Implications:**

Nil.

**Regional Significance:**

Nil.

**Sustainability Implications:**

If Option 1 were chosen, this would entail the removal of a considerable amount of native vegetation, due to the pruning of the bushland. This would have a serious detrimental effect on the ecology of the bushland.

**Consultation:**

It would be considered appropriate to consult with the residents in the area prior to confirming the inclusion of new play equipment in the 2009/2010 capital works programme.

**COMMENT**

A recent inspection of the park by officers revealed evidence of minor vandalism, in the form of graffiti and fires within the vicinity of the play equipment in the park. The play area is currently surrounded by thick bushland. If this bushland was removed or pruned back it would result in serious damage to the bushland ecology. Due to the age of the existing play equipment and its general condition, it is recommended that option 2 is chosen. This option would protect the bushland and give enhanced passive observation of the play equipment.

This option would also offer an enhanced sense of security for parents minding children on the play equipment, as they can be readily seen by passing traffic and pedestrians on Moore Drive.

**ATTACHMENTS**

Attachment 1            Location of existing play equipment and proposed new site in Clermont Park.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1        CONSULTS with the surrounding residents with respect to the options and specifically the preferred Option 2, that the existing equipment in Clermont Park be removed and new equipment be installed in an area closer to Moore Drive;**
- 2        SUBJECT to the outcome of the consultation with the surrounding residents supporting Option 2, the upgrade to the play equipment in Clermont Park be included in the Draft 2009/2010 Capital Work Budget;**
- 3        ADVISES the petitioners of Council's decision regarding the requested Clermont Park Upgrade.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf091208.pdf](#)*

*Cr John left the Chamber at this point, the time being 2106 hrs.*

**Disclosure of Financial Interest**

<b>Name/Position</b>	<b>Cr Michele John</b>
<b>Item No/Subject</b>	CJ278-12/08 – West Coast Drive Dual Use Path Upgrade
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Cr John lives in the locality

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Mike Norman</b>
<b>Item No/Subject</b>	CJ278-12/08 – West Coast Drive Dual Use Path Upgrade
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is Chairman of Joondalup Community Coast Care Forum which has commented on this proposal.

## CJ278-12/08 WEST COAST DRIVE DUAL USE PATH UPGRADE – [01302]

**WARD:** South & South West

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

**PURPOSE**

To seek Council endorsement for the final design of the Upgrade of West Coast Drive Dual Use Path project, as shown in Attachment 1 and Council agreement to proceed to the tendering stage for this project.

**EXECUTIVE SUMMARY**

The 2008/2009 Capital Works programme included provision for the City to undertake final design works and commence construction for the upgrade of the dual use path along West Coast Drive in Marmion and Sorrento. Following extensive discussion with City staff, the consultant, Cardno BSD outlined the preferred preliminary design to elected members at a presentation on Tuesday 10 June 2008. In consideration of all of the Council's resolutions of 20 November 2007 and 15 July 2008 the consultants have developed a final design which provides an enhanced environment for all the users of this section of the coastal pathway and which reflects the issues raised previously by Elected Members.

The refurbishment or reconstruction of the existing Marmion Beach toilet block south of the Marmion Angling and Aquatic Club (MAAC) was originally to be replaced as part of this project. However, it was dropped due to community response will be addressed in a future report as a separate project. The City now requires Council endorsement of the final design to proceed to the public tender stage for this project.

*It is recommended that Council:*

- 1 *ENDORSES the final design for the West Coast Drive Dual Use Path Project as included in Report CJ278-12/08;*
- 2 *AGREES to proceed to the public tender stage for the West Coast Drive Dual Use Path Project;*

- 3 *AGREES to consider the Marmion Beach toilet block refurbishment/rebuild as a separate project which will be addressed in a future report to Council.*

## **BACKGROUND**

The West Coast Drive Dual Use Path runs parallel with the Indian Ocean along West Coast Drive (also known as the Sunset Coast Tourist Drive) for 1.8km. The path is in high demand for public recreation activities such as walking, running and cycling. Upgrading the path as a project was identified as a priority for the 2006/2007 Capital Works Program and funds were allocated to undertake a feasibility study of the proposed project.

In September 2006, Cardno BSD Engineers were commissioned as consultants for the project. The first draft of a Concept Plan was considered at a workshop in November 2006. The Revised Concept Design incorporating additional environmental assessments and mapping by the consultant team was presented to Council on 22 May 2007. The consultant's report was endorsed and Council approved progress with the project to the community consultation stage, which began with an Open Night held at the Sorrento Surf Life Saving Club on 9 August 2007.

At the Ordinary Meeting of 20 November 2007 Council considered the feedback from the community consultation process for this project and resolved to progress to detailed design with a number of key elements to be considered as part of the design as follows:

- "2 *in keeping with the community consultation feedback, AGREES to progress to detailed final design with the following elements to be included:*
- (a) *As a priority maximise the width of the dual use path (DUP), predominately to the east, including but not limited to encroachment and reconfiguration of existing roadway, median strips and eastern verge areas;*
  - (b) *Upgrade all beach access steps, paths and ramps within the project area;*
  - (c) *All external construction materials; including but not limited to handrails, brackets and signage; must be specified to last at least 15 years in a corrosive coastal environment;*
  - (d) *All plantings and shrubbery within the project area to be local indigenous species;*
  - (e) *Removal of the Vertical Sculptural Markers (to be considered at a later stage as a separate project), removal of all small native trees and removal of all integrated Jarrah post lighting within the project area;*
  - (f) *Reconfigure the sunken DUP located between Troy Avenue and Bettles Street to include footpath lighting (the option of solar lighting to be considered), widening and retaining the DUP to the east and enhance the lookouts to incorporate appropriate predominately north-south aligned seating;*
  - (g) *That all Jarrah posts are appropriately treated to retain the natural colour of the wood and prolong their aesthetic appearance;*

- (h) *Reconfigure the Plaza Mixed Use Precinct site to align the DUP along its current route, construct an elevated boardwalk access to the beach, create a ballooned predominately east-west aligned seating area to the west of the DUP, close the access path situated to the north and remove the fixed shade structure component;*
  - (i) *Relocate the Ross Avenue Lookout site to the north of the existing stairs, construct the viewing platform at grade with the DUP and erect a fixed shade structure (as at Sorrento Beach);*
  - (j) *Not relocate the ablution block to the MAAC North site but rather reconfigure the MAAC South site to incorporate an upgraded ablution block under the viewing platform, extend the viewing platform area with predominately north-south aligned seating and erect a fixed shade structure (as at Sorrento Beach);*
- 3 *LISTS for consideration in the draft 2008/2009 budget and the draft five year capital works budget sufficient funds to commence a six-year project to weed, rehabilitate and revegetate the coastal foreshore reserve adjacent to the project area with the objective to restore its condition from “poor” to “very good to excellent” in accordance with the City of Joondalup Coastal Management Plan;*
- 4 *REQUESTS the CEO ensure that coastal foreshore reserve disturbance is kept to a minimum, the extent of which will be determined in the final design;*
- 5 *REQUESTS a report be presented to Council on the potential construction of a roundabout at the intersection of West Coast Drive and The Plaza; to be executed as part of the project works.*

Due to the number of elements raised, the City considered that a presentation of a preliminary level of design to elected members would be appropriate. This presentation was held on Tuesday 10 June 2008 by the City's Consultants Cardno BSD who highlighted how the resolutions of Council had been considered during the design phase of the project and provided options for treatments at specific locations along the route. At the Ordinary Meeting of 10 July 2008 Council resolved the following:

- “1 *SUPPORTS the preliminary design for the West Coast Drive Dual Use Path Project;*
- 2 *SUPPORTS Option B for the relocation of the bus bay adjacent to Ross Avenue to the south of its existing location;*
- 3 *SUPPORTS Option A for the channelised intersection treatment at The Plaza;*
- 4 *AGREES to proceed to final detailed design, documentation and public tender for the West Coast Drive Dual Use Path Project;*
- 5 *REQUESTS that a report be prepared to initiate consideration of a ratepayer funded underground power project in West Coast Drive between Beach Road, Marmion and The Plaza, Sorrento;*
- 6 *REQUESTS that a report be prepared for the passive development of the area behind Marmion beach on either side of the toilet blocks on completion of the proposed sewer works, such works to be listed for consideration in the 2009/2010 budget.”*

## DETAILS

The Council's decision of 20 November 2007 and the design response now are as follows:

- 2(a) As a priority maximise the width of the dual use path (DUP), predominately to the east, including but not limited to encroachment and reconfiguration of existing roadway, median strips and eastern verge areas.

*Response: The path is a standard 3.5m wide and where possible this has been achieved within the pavement area.*

- (b) Upgrade all beach access steps, paths and ramps within the project area.

*Response: All beach accesses have been reviewed and upgrades are detailed in the final design.*

- (c) All external construction materials; including but not limited to handrails, brackets and signage; must be specified to last at least 15 years in a corrosive coastal environment.

*Response: This is included in the specifications.*

- (d) All plantings and shrubbery within the project area to be local indigenous species.

*Response: This is included in the final design and specification.*

- (e) Removal of the Vertical Sculptural Markers (to be considered at a later stage as a separate project), removal of all small native trees and removal of all integrated Jarrah post lighting within the project area.

*Response: These have been removed.*

- (f) Reconfigure the sunken DUP located between Troy Avenue and Bettles Street to include footpath lighting (the option of solar lighting to be considered), widening and retaining the DUP to the east and enhance the lookouts to incorporate appropriate predominately north-south aligned seating.

*Response: The final design includes the lighting which is connected to the streetlight network, using low energy lighting of compact fluorescent globes.*

- (g) That all Jarrah posts are appropriately treated to retain the natural colour of the wood and prolong their aesthetic appearance.

*Response: This is included in the specification.*

- (h) Reconfigure the Plaza Mixed Use Precinct site to align the DUP along its current route, construct an elevated boardwalk access to the beach, create a ballooned predominately east-west aligned seating area to the west of the DUP, close the access path situated to the north and remove the fixed shade structure component.

*Response: This is included in the design.*

- (i) Relocate the Ross Avenue Lookout site to the north of the existing stairs, construct the viewing platform at grade with the DUP and erect a fixed shade structure (as at Sorrento Beach).

*Response: This is included in the design.*

- (j) Not relocate the ablution block to the MAAC North site but rather reconfigure the MAAC South site to incorporate an upgraded ablution block under the viewing platform, extend the viewing platform area with predominately north-south aligned seating and erect a fixed shade structure (as at Sorrento Beach).

*Response: The ablution block has not been relocated as part of this project. The north-south treatment between the ablution block and the MAAC will be subject to future design following the connection of the deep sewer.*

- 3 LISTS for consideration in the draft 2008/2009 budget and the draft five year capital works budget sufficient funds to commence a six-year project to weed, rehabilitate and revegetate the coastal foreshore reserve adjacent to the project area with the objective to restore its condition from “poor” to “very good to excellent” in accordance with the City of Joondalup Coastal Management Plan.

*Response: Provision has been made in the 2008/2009 and future budgets for rehabilitation of the dune vegetation.*

- 4 REQUESTS the Chief Executive Officer ensure that coastal foreshore reserve disturbance is kept to a minimum, the extent of which will be determined in the final design.

*Response: This is included in the specification.*

- 5 REQUESTS a report be presented to Council on the potential construction of a roundabout at the intersection of West Coast Drive and The Plaza; to be executed as part of the project works.

*Response: The option of the roundabout at the intersection of the Plaza is excessively expensive, will result in a significant intrusion into the dunes, is less suitable for pedestrians and is no more effective than the modified “T” intersection.*

### **Issues and Options:**

The presentation also included options for alternative treatments at two specific locations on West Coast Drive.

#### **Ross Avenue Bus Stop relocation:**

The existing bus bay opposite Ross Avenue is under the required standard in terms of size and is dangerously located opposite a “T” intersection. The treatment options are as follows:

##### **Option A**

Utilised the existing car park with the loss of 5 bays for the bus stop

### Option B

Provided a bus bay further to the south of its current location which would require a higher retaining wall.

### Conclusion

Option B was supported due to: no loss of parking bays and the option which would not impact on ocean views from cars parked within the car park.

### **The Plaza**

The intersection of West Coast Drive and The Plaza is an extremely wide expanse of pavement with no delineation of traffic. This results in the right hand movement from the Plaza being particularly hazardous. The options for improved treatments are:

#### Option A: Channelised T Junction

This option resulted in very minor intrusion into the dunes, improved traffic delineation with right turn pockets and improved left turn lane.

#### Option B: Roundabout

This option impacted into the dunes opposite the Plaza by 3.5 to 4.0 metres and would result in significant costs associated with the construction of the roundabout and relocation of services.

#### Conclusion:

Whilst Option A was generally supported, there was a request to provide an estimate for the cost of a roundabout at this location.

The Cost estimate to construct a roundabout in this location while still under traffic and with the anticipated changes required for services (electricity, water, gas, telecommunications) would be in the order of \$250,000.

The 2003/2004 traffic volume was 14,670 vehicles per day in West Coast Drive north of Clontarf Street (Main Roads Western Australia data). The improved "T" junction is an appropriate response to these traffic conditions.

Responses to relevant Council resolutions of 10 July 2008 are as follows:

- 4 *AGREES to proceed to final detailed design, documentation and public tender for the West Coast Drive Dual Use Path Project.*

*Response: The City has proceeded to final detailed design from the supported preliminary design including option B (the relocation of the bus bay adjacent to Ross Avenue) and Option A (the channelised intersection treatment at The Plaza).*

- 5 *REQUESTS that a report be prepared to initiate consideration of a ratepayer funded underground power project in West Coast Drive between Beach Road, Marmion and The Plaza, Sorrento;*

*Response: The City presented this report at the Council Meeting of the 28 October 2008.*

- 6 *REQUESTS that a report be prepared for the passive development of the area behind Marmion beach on either side of the toilet blocks on completion of the proposed sewer works, such works to be listed for consideration in the 2009/2010 budget.*

*Response: This report will be submitted in the February Council Meeting.*

**Link to Strategic Plan:**

The proposal has links to the strategic plan as follows:

**Key focus area: leadership and governance**

OBJECTIVE: To engage proactively with the community.

STRATEGIES

1.2.1 The City implements and, if necessary, further refines its Public Participation Policy.

**Key focus areas: the built environment**

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

STRATEGIES

4.2.6 The City implements, and if necessary, refines its Capital Works Program.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Protection of the adjacent coastal dunal system is required to be considered throughout the final design stages and as part of the specifications set down to the successful contractor for the project.

Construction is not to clash with peak summer activity along the coastal foreshore.

**Budget/Financial Implications:**

The 2007/2008 budget include \$400,000 for the design of the dual use path. The 2008/2009 budget includes \$1,850,000 for the first stage of the project with the balance, anticipated to be \$2,000,000 to be listed in the 2009/2010 budget. The project is anticipated to take approximately six months commencing in April 2009 and cover two consecutive budgets.

**Policy Implications:**

Not Applicable.

**Sustainability Implications:**

Consideration of preserving the dunes and dunal vegetation has received consideration in the consultation process with particular input from representatives of the Joondalup Community Coast Care Forum. This is reflected in the detailed design and specification implementation.

**Consultation:**

The City has consulted with residents during public consultation process.

**COMMENT**

The final design for West Coast Drive Dual Use Path Upgrade has considered all of the Council resolutions of 20 November 2007 and 15 July 2008 and presents a design which provides an enhanced environment for all the users of this section of the coastal pathway.

There has been significant discussion with respect to the construction methodology as well as the lighting required where the path plunges below the road level.

To ensure that the damage to the dunes and construction costs are minimised, it is proposed that all access stairs (Attachment 2 refers), retaining walls and observation areas are built first and the dual use path is the second stage of the construction.

The City has utilised the Phillips PFL240 streetlight in the Sorrento Foreshore development (Attachment 3 refers) and it is recommended that the same streetlight be used through the path section below the road. The preferred light fitting is a compact fluorescent which provides a white light and the design is in excess of P3 of the Australian Standard AS1158, that is it provides for medium to high pedestrian and cycle activity and there is low to medium risk of crime.

It is therefore recommended that Council supports the final design in accordance with the presentation and requests the City to proceed to the public tender stage for the works.

**ATTACHMENTS**

Attachment 1	Drawings of West Coast Drive: Dual Use Path Upgrade Final Design.
Attachment 2	Typical detail of access stairs
Attachment 3	Standard light pole

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 ENDORSES the final design for the West Coast Drive Dual Use Path Project as included in Report CJ278-12/08;**
- 2 AGREES to proceed to the public tender stage for the West Coast Drive Dual Use Path project;**
- 3 AGREES to consider the Marmion Beach toilet block refurbishment/rebuild as a separate project which will be addressed in a future report to Council.**

**AMENDMENT MOVED Cr Norman, SECONDED Cr Macdonald** that additional Points 4 and 5 be added to the Motion to read:

“4 AGREES that the look-out at Ross Avenue be built as a platform on pylons and that the design be altered to maximize views to the north and north west;

5 NOTES that the northern set of stairs at the Marmion beach be replaced by a ramp.”

Discussion ensued

**The Amendment was Put and**

**LOST (3/7)**

**In favour of the Amendment:** Crs Corr, Macdonald and Norman **Against the Amendment:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, Jacob and McLean.

**The Motion as Moved by Cr Fishwick and Seconded by Cr Norman was Put and**

**CARRIED (10/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, Macdonald, McLean, and Norman

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15agn161208.pdf](#)*

*Cr John entered the Chamber at this point, the time being 2124 hrs.*

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

<b>Name/Position</b>	<b>Cr Russ Fishwick</b>
<b>Item No/Subject</b>	CJ279-12/08 – Tender 039/08 – provision of Beach Lifeguard Patrol Services
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Fishwick is a Senior State Examiner for Surf Life Saving Western Australia

### **CJ279-12/08 TENDER 039/08 - PROVISION OF BEACH LIFEGUARD PATROL SERVICES – [61619]**

**WARD:** South-West and North-Central

**RESPONSIBLE A/DIRECTOR:** Mr Ian Cowie  
Planning and Community Development

#### **PURPOSE**

To seek the approval of Council to accept the Tender submitted by Surf Life Saving Western Australia Inc. for the provision of Beach Lifeguard Patrol Services (Tender 039/08).

## EXECUTIVE SUMMARY

Tenders were advertised on 6 September 2008 through state wide public notice for the provision of Beach Lifeguard Patrol Services for three (3) years. Tenders closed on 23 September 2008. Two (2) submissions were received from:

- Surf Life Saving Western Australia Inc.; and
- Surf Life Saving Western Australia Inc. (Alternative Tender)

The submission from Surf Life Saving Western Australia Inc. (SLSWA) represents value to the City. It demonstrated capacity and experience to provide the services as it has successfully completed similar projects for the City over the past 6 years and managed the delivery of lifeguards services for 8 other Local Governments and at 13 beach locations over the past summer season.

It is noted that SLSWA submitted an alternative tender offering a greater number of lifeguards and patrol hours. As such, it was not fully compliant with the scope of works as it exceeded the City's agreed level of service and current budget.

SLSWA operates with a third party accredited Quality Management System to ISO9001 and also third party accredited OH&S and Environmental Management Systems.

*It is recommended that Council ACCEPTS the Tender submitted by Surf Life Saving Western Australia Inc. for the provision of Beach Lifeguard Patrol Services for a three (3) year period in accordance with the statement of requirements as specified in Tender 039/08 at the estimated Lump Sum of \$340,634.87 (GST exclusive) for programmed patrol services.*

## BACKGROUND

The City has provided a midweek beach lifeguard service at its popular beach locations since 1990/91. Over this time the level of service has increased to cover three (3) separate beach areas from early December to mid March each summer. In 2005, the City awarded a 3-year contract to SLSWA to provide 1 lifeguard at Sorrento Beach, Mullaloo Beach and Hillarys Boat Harbour Beach for a maximum of 2,343 patrol hours per season. This level of service has been satisfactory, with lifeguard patrols providing adequate beach safety for the community. In 2007/08, the cost of the service was \$82,975.

Typically, SLSWA is the only external provider capable of delivering this service. Other organisations that have previously registered an interest in the contract are Royal Life Saving and City of Stirling. Whilst the City could choose to deliver the service in house, it is not adequately resourced to do so and the costs to set up the service would be significant. As a result, Surf Life Saving WA has a strong market position in the delivery of this service.

The contract's scope of services includes identification and demarcation of designated swimming areas, the patrol of those areas on a daily, weekly and monthly basis, provision of advice to interested parties, dealing with emergency situations and reporting offences.

The Contractor shall provide the beach lifeguard patrol services, covering Sorrento, Hillarys Boat Harbour and Mullaloo beaches, and include the following tasks in the patrol duty procedures:

- Identify a designated swimming area.
- Display flags to indicate the designated swimming area.
- Use judgement as when to close the patrol area - based on the prevailing beach conditions and the number of patrons utilising the beach.

- Make a physical inspection of the beach paying special attention to check for - needles, evidence of fires, rubbish, snakes, glass and any other such objects.
- Provide advice on the Council's local laws.
- Provide community education and preventative information.
- Perform emergency first aid treatments as required.
- Provide an emergency/rescue service.
- Report necessary offences to the City's Ranger Service or to the appropriate Police service and provide details to the City's Recreation Services.

The City currently has a Contract for the provision of Beach Lifeguard Patrol Services with Surf Life Saving Western Australia Inc. which is due to expire on 4 December 2008.

## DETAILS

Tenders were advertised on 6 September 2008 through state wide public notice for the provision of Beach Lifeguard Patrol Services for three (3) years. Tenders closed on 23 September 2008. Two (2) submissions were received from:

- Surf Life Saving Western Australia Inc.; and
- Surf Life Saving Western Australia Inc. (Alternative Tender).

## Evaluation Criteria

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

Qualitative Criteria	Weighting
Capacity	50%
Demonstrated understanding of the required tasks	25%
Demonstrated Experience in Completing Similar Projects	20%
Social and economic effects on the local community	5%

## Evaluation Panel

The evaluation panel comprised of three (3) members: one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process.

## Tender Submissions

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

The table below provides the total annual estimated expenditure over the 3 year period with a lump sum for Year 1 as submitted by the Respondents and Years 2 and 3 calculated with an escalation based on the current 4.5% CPI (All Groups in Perth).

**Table A – Estimated Cost**

Estimated Cost	Surf Life Saving Western Australia Inc.	
	(Conforming Tender)	(Alternative Tender)
Year 1	\$108,585.32	\$165,975.62
Year 2	\$113,471.66	\$173,444.52
Year 3	\$118,577.89	\$181,249.52
<b>Total Estimated Cost</b>	<b>\$340,634.87</b>	<b>\$520,669.66</b>

The level of service currently being provided by the City includes 1 Lifeguard per shift for each of the 3 beaches. During the last financial year 2007/08, the City incurred \$82,975.05 for the provision of Beach Lifeguard Patrol Services.

**Evaluation Summary**

Respondent	Evaluation Score	Estimated Price Over 3 Years Assuming 4.5% Compound Increases in Years 2 to 3.	Qualitative Rank
Surf Life Saving Western Australia (Conforming Tender)	85%	\$340,634.87 (1 Lifeguard Service)	1

**Issues and options considered:**

SLSWA's alternative tender offered the option for a greater number of lifeguards and patrol hours. However, the increased scope of work and costs were not in line with the level of service that the City has currently committed in its budget to provide, which is a maximum of 2,343 hours per year with 1 lifeguard per shift for each of the 3 beaches specified. The alternative tender proposed a maximum of 3,990 hours with 2 lifeguards per shift for 2 of the 3 beaches, with an increased cost of 53% when compared to its conforming offer.

This submission outlines an expected change in Surf Life Saving Australia (SLSA) policy to one of not providing less than 2 lifeguards on patrol at any time. This amended policy is to be adopted by all its regional branches in the interest of public safety. The City will need to consider the impact of this policy change when implemented on the costs of the service when negotiating its next contract in 2011/12.

The City does not have the internal resources to provide the required services and as such requires an appropriate external service provider.

**Link to Strategic Plan:**

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

## 5. Community Wellbeing.

Objective 5.4 To work collaboratively with stakeholders to increase community safety and respond to emergencies effectively.

**Legislation – Statutory Provisions:**

A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

**Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be high as the City requires the provision of Beach Lifeguard Patrol Services as it has been providing a summer midweek lifeguard service at its most popular beach areas since 1990/1991. The community has an expectation that the City will continue to provide this safety service for its residents.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a very well established service provider that has been providing and managing lifeguard service for WA Local Governments for over 19 years and is currently providing similar services to 10 Local Governments including the City of Joondalup.

**Financial / Budget Implications:**

<b>Current Year Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Services to 30 June 2009</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$90,000.00	\$108,585.32 (new Contract)	\$108,585.32	\$340,634.87

It is proposed to address the \$18,585.32 shortfall in the current year budget allocation for this Contract will be made in the midyear budget review.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The City has an established patrol service providing qualified beach lifeguards at the City's most popular beach areas from Monday to Friday throughout the summer months (December to March). This service complements the volunteer patrols provided by the Mullaloo and Sorrento Surf Life Saving Clubs which patrol the beaches on weekends and public holidays.

The offer representing value to the City is that as submitted by SLSWA at the estimated Lump Sum of \$340,634.87 (GST exclusive) for programmed lifeguard patrol services.

Surf Life Saving WA (SLSWA) has achieved a high score of 85% and was the only conforming offer received. SLSWA has demonstrated capacity and experience to provide the services as it has successfully completed similar projects for the City over the past 6 years and managed the delivery of lifeguards services for 8 other Local Governments and at 13 beach locations over the past summer season.

The level of service provided by the City is considered adequate based on the previous number of incidents and customer satisfaction feedback from the patrolled areas.

SLSWA operates with a third party accredited Quality Management System to ISO9001 and also third party accredited OH&S and Environmental Management Systems.

## ATTACHMENTS

Attachment 1          Summary of Tender Submissions

## VOTING REQUIREMENTS

Simple Majority

**MOVED** Cr Fishwick, **SECONDED** Mayor Pickard that Council **ACCEPTS** the Tender submitted by Surf Life Saving Western Australia Inc. for the provision of Beach Lifeguard Patrol Services for a three (3) year period in accordance with the statement of requirements as specified in Tender 039/08 at the estimated Lump Sum of \$340,634.87 (GST exclusive) for programmed patrol services.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf091208.pdf](#)*

## **CJ280-12/08          REQUEST FOR REVIEW OF THE COASTAL HEIGHT POLICY – [24581]**

**WARD:**                      North-Central, North, Central, South-West and South

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

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## **PURPOSE**

To provide background information on the request for a review of the Coastal Building Height Policy.

## EXECUTIVE SUMMARY

Council adopted Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zone) in February 2006. The Policy provides a guideline for the consideration of the appropriate height of buildings along the coast.

Concurrently, Council sought to introduce an amendment to District Planning Scheme No. 2 (DPS2) to reflect the coastal height policy limit. The amendment has not been finalised and is awaiting the approval of the Minister.

Council recently approved a new auditorium for the Sacred Heart College. The auditorium projects above the 10 metre height limit established by the policy. The issue generated significant debate on the application of the policy.

Council has requested a review of the policy.

This report notes that

1. Council policy is established to assist with decision making;
2. Policies do not provide a mandatory control on issues;
3. Policies can be varied depending on merit and circumstance of related decisions; and
4. The making of a decision in variance of a policy does not invalidate the policy.

A high number of submissions were received endorsing the merit and content of Policy 3-4 prior to its adoption. Since that time there has been no indication that community sentiment in favour of the policy has wavered. On this basis, it is concluded that the policy is appropriate in its current form with one minor change. That is that there be consultation on any proposal which exceeds the policy.

## BACKGROUND

At the Council meeting held on 5 August 2008, it was resolved:

*“That a report be presented to Council reviewing Policy 3-4 “Height of buildings within coastal area (non-residential zones)” with appropriate public consultation, to either confirm or amend the current policy to ensure that the policy reflects the ratepayers and residents wishes with regard to the height of buildings within the coastal area.”*

The Coastal Height Policy includes a provision to limit the height of development of non-residential land within 300m of the coastline. The policy height limit is for buildings not to exceed 10m above natural ground level, which is approximately equivalent to a 2 storey commercial building with a pitched roof, or a 3 level commercial building with a flat roof. The sites affected by the policy are shown in Attachment 1.

The policy was adopted following a proposal by some local land owners to develop a 4 and 5 level development on land very near the coast, to accommodate a range of commercial and residential uses. The land was not zoned for the purposes proposed, and the height and density of development were significantly different to anything previously contemplated on the subject land. As a result of the Council’s increased interest in the issue of building bulk along the coast, Council resolved to prepare a policy and DPS2 amendment to introduce guidelines for maximum height along the coast.

The public responded with approximately 270 submissions in support of the proposed policy. Council subsequently adopted the policy and initiated a DPS2 amendment. While the policy was finalised, the amendment requires the final approval of the Minister for Planning. Correspondence has been exchanged with the Minister's office to answer queries and seek finalisation of the amendment, but to date approval has not been forthcoming.

Council recently gave planning approval for a proposed auditorium for Sacred Heart College. The auditorium raised a number of issues, a key matter being the height and bulk of the development. A portion of the proposed building is 14.6 metres in height when evaluated as required by the policy. This aspect was considered in great detail, and Council resolved to vary the policy and give its consent for the development.

### Proposed Scheme amendment

Council has submitted the draft Scheme amendment to the Western Australian planning commission (WAPC) requesting that the amendment be finalised. Correspondence has been exchanged with the WAPC and Minister's office in an effort to have the matter finalised.

The most recent correspondence received (in October 2008) suggests that there is concern about a scheme amendment that potentially limits the height of development below the 5 storey limit espoused in the state's planning policy for development near the coast. The correspondence requests that Council reviews its position on the limits for the few non-residential sites along the coast, having regard to site conditions, view corridors etc. Alternately, more suitable justification is requested for the amendment, although the form for that is not prescribed.

### **DETAILS**

The role of Council policy is to provide parameters to guide decision making. In planning matters, policies assist the evaluation process in circumstances where:

- standards are not prescribed in the DPS2,
- the DPS2 includes provision for the exercise of discretion, or
- the Council adopts criteria for assessment to complement DPS2 controls.

Policy limits are not statutory limits, and can be varied having regard to circumstance and the merit of a proposal. In fact, Council is obliged by DPS2 to consider such factors when making planning decisions.

In regard to the amendment proposal, work will be conducted including site analyses of each non residential affected land holding, to validate and refine the proposed height limits for each of those sites. It should however be borne in mind that the likely optimum development outcome in the near future is not a significantly bulky or high cluster of buildings in any of those sites.

### **COMMENT**

Although Council has varied the Policy in making its decision by approving the Sacred Heart auditorium, that decision does not invalidate the policy, nor does it weaken the general intent of the policy. The Sacred Heart decision was made in recognition of the individual circumstances of that site. It is therefore considered that the intention of the policy remains valid. It may, however, be considered appropriate that the policy be amended to include a statement that outlines, where a proposal exceeds the policy parameters, that proposal will be advertised for public comment in accordance with the provisions of the planning scheme. All other principles and wording within the current policy will remain unchanged.

**ATTACHMENTS**

Attachment 1	Coastal Strip (featuring non-residential sites)
Attachment 2	Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zone)

**OFFICER'S RECOMMENDATION:** That Council:

- 1 In accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES for public comment for a period of twenty one (21) days, the draft amendment to Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zone) to add the following Point 3:  
  
"3 *Where a proposal exceeds the 10 metre height limit outlined in Point 2, that proposal shall be advertised for public comment in accordance with the provisions of Clause 6.7 of District Planning Scheme No 2.*"
- 2 NOTES that the public comments on this draft change will be presented to the Policy Committee in the first instance;
- 3 NOTES that specific site analysis will be undertaken to provide additional detail in relation to the District Planning Scheme No. 2 amendment proposal.

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

- 1 **fully SUPPORTS Policy 3-4 Height of Buildings within the Coastal Area (Non-Residential Zones) and the Planning Scheme Amendment approval by Council in April 2008;**
- 2 **WRITES to the Planning Minister requesting that the Amendment to District Planning Scheme No 2 be finalised and that this matter be treated as urgent.**

Discussion ensued

**PROCEDURAL MOTION – THAT THE MOTION BE DEFERRED**

**Moved Cr Jacob, Seconded Cr John that the motion be DEFERRED to the Council meeting to be held on 17 February 2009.**

**The Procedural Motion was Put and**

**CARRIED (6/5)**

**In favour of the Procedural Motion:** Mayor Pickard, Crs Amphlett, Jacob, John, McLean and Norman **Against the Motion:** Crs Diaz, Fishwick, Corr, Macdonald and Hollywood.

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf091208.pdf](#)*

*Cr Jacob left the Chamber at this point, the time being 2146 hrs.*

**Disclosure of Financial Interest**

<b>Name/Position</b>	<b>Cr Albert Jacob</b>
<b>Item No/Subject</b>	CJ281-12/08 – proposed Showrooms and Shop Development at Lot 5004 (4) Hobson Gate, Currambine
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Cr Jacob has provided architectural services for an adjoining development.

**CJ281-12/08      PROPOSED      SHOWROOMS      AND      SHOP  
DEVELOPMENT AT LOT 5004 (4) HOBSONS GATE,  
CURRAMBINE – [56612]**

**WARD:** North

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

**PURPOSE**

To request Council's determination of an application for three showrooms and a shop on Lot 5004 (4) Hobsons Gate, Currambine.

**EXECUTIVE SUMMARY**

The applicant proposes to construct a single storey development consisting of three showrooms and a shop on the subject site which is within the Currambine District Centre.

The proposal generally meets the requirements of the Currambine District Centre Structure Plan (CDCSP) and the City of Joondalup District Planning Scheme No 2 (DPS2) with the exception of the width of the landscaping strip adjoining the car parking area, and some variations to design criteria of the CDCSP.

The development was not advertised as the variations requested are considered to be minor in nature and the proposed land uses will not have an adverse impact on the surrounding area.

Notwithstanding the variations proposed, the development satisfies the objectives of the CDCSP in relation to design and land use.

It is recommended that the application be approved subject to conditions.

**BACKGROUND**

**Suburb/Location:** Lot 5004 (4) Hobsons Gate, Currambine  
**Applicant:** Eames Architects Pty Ltd  
**Owner:** Nodebits Pty Ltd  
**Zoning:**      **DPS:** Business  
                     **MRS:** Urban  
**Site Area:** 8166m<sup>2</sup>  
**Structure Plan:** Currambine District Centre Structure Plan

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located adjacent to Marmion Avenue immediately to the south of Hobsons Gate and to the west of Chesapeake Way.

The CDCSP guides development within this area. The CDCSP follows main street principles with the aim of creating an integrated retail centre that can serve the local community with its required retail needs as well as form a liveable town centre.

The surrounding land is vacant, however there are several applications that have been submitted to the City and are at various stages of determination. Of relevance to this proposal are the development of:

- Lot 5003 (14) Hobsons Gate (located to the east of the subject site). An application for Tavern, Offices and Shop was determined by Council at its November meeting.
- Lot 1032 (1) Hobsons Gate (located to the north of the subject site). This is proposed to be developed as seven showrooms and seven warehouses.
- Lot 929 (1244) Marmion Ave (located to the south of the subject site). This is proposed to be developed as a liquor store. The application was refused by Council at its June 2008 meeting and is currently the subject of review with the State Administrative Tribunal (SAT).

## DETAILS

The applicant proposes to construct a single storey development which includes:

- Three showrooms with combined floor area of 3223m<sup>2</sup> Net Lettable Area (NLA); and
- A shop with a floor area of 200m<sup>2</sup> NLA.

The development plans are provided in attachment 2.

The following table summarises the compliance of the proposal with the requirements of the CDCSP and DPS2.

Standard	Required	Proposed	Complies
Front Setbacks (Hobsons Gate)	Nil (Urban Edge)	Nil - with recesses up to 2m deep and 4m wide.	No
Side Setback (Chesapeake Way)	Nil (Urban Edge)	Nil - with recesses up to 1m deep and 4m wide.	No
Side Setback (Marmion Ave)	Compliance with BCA (Non Urban Edge)	Nil	Yes
Rear Setback (eastern boundary)	Compliance with BCA (Non Urban Edge)	Nil	Yes
Building Height	Maximum two storeys	Single storey with two storey façade.	Yes
Landscaping	8%	8%	Yes
	3m strip adjoining car parking areas adjacent to the street	2.1m – 5.6m	No

Standard	Required	Proposed	Complies
Building facades	Active frontages with 70% glazing.  Window sills not less than 600mm above ground floor level	Active street frontages with 40% glazing over both street facades.  Window sills 0mm above ground floor level	No  No
Footpaths	A continuous footpath (3m minimum) along the building edge	Street frontage footpaths.  Footpath of between 1.9m and 2.4m wide along rear building edge.	Yes (recommended condition of approval)  No

#### Car Parking:

Proposed Use	Required by DPS2
Showroom (1/30m <sup>2</sup> NLA)	108
Shop (7/100m <sup>2</sup> NLA)	14
Total Required	122
<b>Provided</b>	<b>123</b>

There is a proposed surplus of 1 bay over the site.

The applicant has provided the following justification for the proposal:

- *The mix of showroom and retail will offer a variety of uses to the site;*
- *The development has zero setbacks along the urban edges as identified in the structure plan along Hobsons Gate and Chesapeake Way other than minor recesses;*
- *A continuous awning is provided along the urban edges identified along Hobsons Gate and Chesapeake Way;*
- *All elevations have been designed with variety in the form of material, height, proportions and depth. In particular the elevations fronting onto the urban edges provide a mix of stone, glass, flat metal, profile metal, height and recesses;*
- *Full height glass (equivalent to a single storey) is provided around a large proportion of the elevations facing Hobsons Gate and Chesapeake Way, and the parking area. The continuous ribbon glazing along the urban edges is broken up with feature stone panel that are articulated with large glass openings;*
- *A pedestrian path to link Chesapeake Way with the parking area has been provided as required by the structure plan;*
- *Where the car parking area abuts the street a 3m wide landscaping area is provided within the lot boundary other than a minor 'pinch' point near the signage pylon where the width is reduced to 2.1m. However this only occurs at a single point and generally the width of landscaping is greater than 3m and the average is 4.68m;*
- *All service equipment (e.g. mechanical) will be located on the roof hidden by the parapet;*
- *A lighting scheme for the car park will be provided as part of the building licence submission; and*
- *The parking numbers are in accordance with the scheme.*

**Issues and options considered:**

Council has the discretion to:

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

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

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

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

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

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

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

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

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

The matters listed under Clause 6.8 require consideration:

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposed development was not advertised as the proposed design variations to the CDCSP are considered minor, and the proposed use of the building will not have an adverse impact on the amenity of adjoining properties or the surrounding area.

## COMMENT

### **Status of the Structure Plan (CDCSP)**

A review of the structure plan was requested by Council at its 10 June 2008 meeting. Work on the review is underway. It is understood that Council's primary concern when requesting a review of the CDCSP was in relation to certain land uses that may result in antisocial behaviour or a general loss of amenity for the locality, in particular liquor outlets. The proposal does not involve liquor sales.

### **Location and Use of the Proposed Development**

The site is located within the Business Zone of the Currambine District Centre. The CDCSP guides development within this area and sets out objectives whereby:

- The Currambine District Centre is to be developed to the diversity and robustness of a small town centre;

The objectives for the Business Zone are:

- Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction; and
- To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community.

The proposed development has active street frontages on Chesapeake Way and partly on Hobsons Gate as the main access to the site occurs from this road. A pedestrian link is provided between Chesapeake Way and the proposed parking area which gives pedestrian access through the site priority, which is consistent with the main street location.

The proposed development satisfies the objectives of the Business Zone of DPS2 and the CDCSP and is compatible with the proposed developments for surrounding and adjacent sites.

### **Design Variations to the CDCSP**

The proposed development is subject to the CDCSP. The proposal seeks to vary the following standards of the CDCSP:

- Minor building recesses up to 2m deep and 4m wide.

The CDCSP seeks to have nil setbacks on 'Urban Edges' and minimise any recesses within these urban edges to dimensions no greater than 1.5m deep and 3m wide. The proposed development does not achieve this requirement as a number of recesses are of dimensions up to 2m deep and 4m wide. All recesses contain full length windows and therefore it is considered these variations will not have a detrimental impact on the desired streetscape of Chesapeake Way or Hobsons Gate.

- Building frontages with less than 70% glazing:

The proposed glazing of both street frontages is approximately 40% of the area of the building facade. Whilst this is a large reduction to the 70% required by the CDCSP, it is considered that the glazing does promote surveillance of the street via large ground floor windows.

In addition, the Structure Plan requires all windows to be a minimum of 600mm above ground floor level, with the proposal incorporating a number of windows to both the Hobsons Gate and Chesapeake Way facades that begin at ground level.

This aspect of the proposal satisfies one of the objectives for the Business Zone under the Structure Plan, this being to *“encourage high standards of Main Street built form and an active edge to create an attractive facade to vehicle and pedestrian routes providing visual amenity and interaction”*.

- **Footpaths**

The CDCSP requires all developments to have footpaths with a minimum width of 3 metres surrounding the proposed building. The footpath that abuts the rear of the building varies in width between 2m and 2.2m; however this is considered sufficient given that the car park is approximately 50m wide.

It is recommended that a condition be imposed requiring that a footpath of the width of the verge be provided at the applicant's expense on Chesapeake Way and Hobsons Gate given that it is the main street of the Currambine District Centre, and that pedestrians will be likely to use this footpath from the rear car park to the front of the development.

- **A pedestrian footpath in the car park is not provided every 40m.**

The CDCSP requires that a pedestrian footpath be located within the car park for every 40m width. The main area of the car park is approximately 51m in width which is considered to be only marginally over the 40m threshold required by the structure plan. It is considered that the development does not require a pedestrian footpath through the car park given the ability for pedestrians to walk around the car park along the showroom and shop frontages.

The proposed design variations to the CDCSP are minor in nature and the design of the building is consistent with that encouraged by the CDCSP.

### **Landscaping strip adjacent to Car Parking Area**

The proposal includes a variation to the required 3m wide landscaping strip that is required by DPS2 where a car parking area abuts a street. This variation occurs at the corner of Hobsons Gate and Marmion Avenue as a result of the location of the accessway and truncation. It is considered that this is a minor variation to the requirements of DPS2, as the remainder of the landscaping strip is of a width greater than that required by DPS2.

Furthermore, the proposed development satisfies the DPS2 requirement for 8% of the subject site to be maintained as landscaped areas. As such the variation is considered appropriate.

### **Crime Prevention through Environmental Design (CPTED)**

The WAPC and Office of Crime Prevention have developed guidelines for development to reduce the opportunity for crime through simple design solutions. The following designing out crime measures have been satisfied by the proposed development:

- Surveillance

A substantial number of windows overlook Hobsons Gate and Chesapeake Way which will assist in providing natural surveillance and discourage criminal behaviour not only on the site but also in the surrounding area.

The showrooms and shop not only have surveillance to the street frontages but also internal to the car park areas.

It is recommended that should the proposed development be approved, a condition of approval be that none of the windows in the proposed development are permitted to be obscure glazed.

- Landscaping

Landscaping is proposed throughout the development and it is recommended that a condition of any approval be that a detailed landscaping plan be submitted as part of the building licence where it can be confirmed that landscaping will not obstruct surveillance.

- Predictable Routes and Spaces Safe from Entrapment

The internal layout of the proposed development is open in nature which reduces the potential for anti-social behaviour to occur.

The pedestrian access way to the east of the site between the proposed showrooms and shop is 5m in width and has visual truncations at the Chesapeake Way end in order to encourage easy surveillance from the opposite development and activity on the main street. It is recommended that a condition of any approval be that a detailed lighting plan be submitted as part of the building licence application where proper lighting in and around the development can be addressed.

### **Traffic & Parking**

The proposed development has a car parking surplus of 1 bay to that required by DPS2.

The proposed development has one access way to Hobsons Gate which currently allows a left in and left out access. The applicant is aware of this situation and has confirmed that this meets their requirements. The proposed development also has the potential to be connected through to the adjoining property to the south, as indicated by the indicative concept plan in the CDCSP.

### **Dual Use Pathway on Marmion Ave**

It is recommended that a condition of approval be that a dual use path be constructed by the applicant along the Marmion Avenue verge. This is to maintain a high level of pedestrian access throughout the Currambine District Centre. This path would link with existing pathways on Hobsons Gate and the private access road to the Currambine Marketplace Shopping Centre.

## **Conclusion**

The proposed development complies with the requirements of DPS2 and the CDCSP with the exception of the matters discussed above. It is considered that the design variations should be supported as the proposal meets the objectives for the Currambine District Centre.

The subject site is an appropriate and acceptable location for development of showrooms and a shop given its frontage to Marmion Avenue. The development also provides street activity and frontage to Hobsons Gate and Chesapeake Way which will contribute to the Main Street style of development which the CDCSP aims to achieve.

The proposed showrooms and shop will contribute to the mixture of commercial and retail services that the Currambine District Centre is expected to provide to the surrounding community.

It is therefore recommended that the application be approved, subject to conditions.

## **ATTACHMENTS**

Attachment 1	Site Plan
Attachment 2	Development Plans
Attachment 3	Perspectives

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr McLean that Council:**

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No 2 and determines that:**
  - (a) Recesses up to 2m deep and 4m wide in lieu of 1.5m deep and 3m wide to the northern and eastern boundaries;**
  - (b) Northern and eastern building facade having 40% glazing in lieu of 70%, with windows to the ground level in lieu of 600mm above it;**
  - (c) Internal footpaths of between 2m and 2.2m with around the building in lieu of 3m;**
  - (d) No pedestrian footpath within the car parking area in lieu of one;**
  - (e) Landscaping Strip with minimum width of 2.1m in lieu of 3m on the north-west boundary;**

**are appropriate in this instance;**

- 2 APPROVES the application for planning approval, dated 25 March 2008, submitted by Eames Architects on behalf of the owners, Nodebits Pty Ltd for Showrooms and Shop at Lot 5004 (4) Hobsons Gate, Currambine, subject to the following conditions:**

- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
- (b) 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 Manager Infrastructure Management prior to the commencement of construction;
- (c) The lodging of detailed landscaping plans based on water sensitive urban design and Designing Out Crime principles, to the satisfaction of the Manager Approvals, Planning and Environmental Services, 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, to be shown on the landscaping plan;
- (d) Landscaping and reticulation to be established in accordance with the approved plans and Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services.
- (e) The bin storage areas shall be provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;
- (f) Floor levels of the building are to match the adjacent verge levels in order to permit disabled access;
- (g) 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 ground level;
- (h) No obscure or reflective glazing is permitted at ground floor level;
- (i) Any advertising signage shall be subject to a separate development application;
- (j) The southern wall of the development, as marked in RED on the approved plans shall be treated with non-sacrificial anti-graffiti coating;
- (k) The Chesapeake Way and Hobsons Gate verge marked in RED on the approved plans shall be brick paved at the owners cost to match the existing paving to the satisfaction of the Manager Approvals, Planning & Environmental Services;

- (l) **Boundary walls being of a clean finish and made good to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
- (m) **Retaining walls being of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**
- (n) **All construction works shall be contained within the property boundary;**
- (o) **The parking area and pedestrian areas shall be artificially illuminated at night. A lighting plan detailing all pole and fixture positions, lux levels and light spillage shall be submitted with the Building Licence Application for approval of the Manager Approvals, Planning & Environmental Services;**
- (p) **A dual use path adjacent to Marmion Avenue shall be constructed at the owners cost to the satisfaction of the Manager Approvals, Planning & Environmental Services. This shall be shown on the building application.**

**The Motion was Put and**

**CARRIED (10/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, John, Macdonald, McLean and Norman

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf091208.pdf](#)*

*Cr Jacob entered the Chamber at this point, the time being 2148 hrs.*

## **CJ282-12/08 PROPOSED AMENDMENT NO. 41 TO DISTRICT PLANNING SCHEME NO 2 – RESERVE 29740 (108) HIGH STREET, SORRENTO – [88620]**

**WARD:** South-West

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

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### **PURPOSE**

The purpose of this report is for Council to consider initiating proposed Amendment No. 41 to the District Planning Scheme 2 (DPS2) for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

Reserve 29740 (108) High Street, Sorrento is Crown land that is currently designated as a Local Reserve – Public Use under the City’s District Planning Scheme No. 2 (DPS2). An application has been received to zone this site to ‘Residential’.

The Marmion Pre-School and Sorrento Child Health Centre were located on the site, however, these services have relocated elsewhere. The building is now vacant and is proposed for demolition early in 2009. The land and buildings are therefore surplus to the State Government and City’s requirements.

The proposed zoning is considered to be compatible with the surrounding land uses and density. Should the proposed scheme amendment be considered satisfactory, it is required to be formally advertised for public comment prior to further consideration by Council.

It is recommended that Council consents to initiating the advertising of the proposed scheme amendment for 42 days.

## BACKGROUND

**Suburb/Location:** Reserve 29740 (108) High Street Sorrento  
**Applicant:** Whelans (WA) Pty Ltd on behalf of Landcorp  
**Owner:** Crown Land  
**Zoning:** **DPS:** Local Reserve – Public Use  
**MRS:** Urban  
**Site Area:** 1423m<sup>2</sup> (Lot 3656) and 1423m<sup>2</sup> (Lot 8931)  
**Structure Plan:** Not Applicable

Reserve 29740 is located between West Coast Highway and Marmion Avenue on the southern side of High Street in Sorrento (refer Attachment 1). It is comprised of two lots being Lots 3756 and 8931 (108) High Street Sorrento, with a total area of 2856 m<sup>2</sup> and a 60 metre wide street frontage.

The subject site is currently designated as a Local Reserve – Public Use under DPS2. The land surrounding the subject site is zoned Residential R20 and contains existing residential dwellings. As the land is owned by the Crown, Landcorp, as the State Government's land and property arm, are responsible for the site.

Council at its meeting of 28 August 2007 (Report CJ168-08/07 refers) resolved to:

*"1 In relation to Pre Primary Schools in general:*

*(a) ENDORSE the principle that Pre Primary Schools, as part of the State Education System, are not considered a core service of the City of Joondalup;*

*2 In relation to the Marmion Pre School Site (108 High Street, Sorrento):*

*(a) APPROVE the demolition of the Marmion Pre School building;*

*(b) REQUEST the Minister revoke the City's Management Order over Reserve 29740 at 108 High Street, Sorrento;*

*(c) NOTE that the Child Health Centre at the Marmion Pre School site has been made aware of the Pre School's closure for some time, and that sufficient notification of at least twelve months will be given to the group in advance of any on site demolition works commencing;"*

The subject site is Crown Land with a City of Joondalup management order over the site. However, in accordance with Council's previous resolution, revocation of the management order has been requested and demolition of the building has been listed in the 2008/2009 budget.

The City had developed a building on the site that was then leased to the Department of Education and the Department of Health for a pre-school and child health centre. In accordance with the resolution that pre primary schools are not a core service of the City, these leases have expired and the Marmion Pre-School has moved to Marmion Primary

School, and the Sorrento Child Health Centre has relocated to the Carine Child Health Centre.

Other uses for the existing buildings and land were investigated, however due to the age of the building and current maintenance requirements, none of these other uses were considered viable.

## **DETAILS**

An application has been received to amend the DPS2 designation of Reserve 29740 High St, Sorrento from 'Public Use' to 'Residential'.

### **Issues:**

The issues associated with the proposed amendment include:

- The suitability of the proposed residential land use; and
- The suitability of the future subdivision to integrate with the surrounding residential dwellings.

### **Options:**

The options available to Council in considering the scheme amendment proposal are:

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

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

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

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

Part 5 of the Planning and Development Act enables Local Governments to amend their Town Planning Schemes and sets out the process to be followed.

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

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC) which makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposal is to consider using potentially underutilised land for residential purposes. The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings.

**Consultation:**

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. All adjoining landowners would be notified in writing, a notice placed in the Joondalup Community Newspaper and West Australian newspaper and a sign placed on the site. The proposed amendment would also be displayed on the notice board at the City's administration building and on the City's website.

**COMMENT**

Landcorp has requested that the site be rezoned to 'Residential' to enable the land to be developed for residential purposes. The proposed zoning of Reserve 29740 to 'Residential' is considered to be appropriate as it is compatible with the existing surrounding residential land uses. The rezoning is unlikely to have an impact on the surrounding area as the zone (Residential) and existing density code (R20) are the same as the surrounding residential development.

The two indicative plans of subdivision (Attachment 2 refers) are satisfactory for the purposes of providing an outline of future lot sizes. One plan shows the potential for subdivision into four residential lots of 711m<sup>2</sup> each, and the other plan show the potential for subdivision into five residential lots each of 569m<sup>2</sup>. Both indicative plans show all lots having street frontage, which would complement the existing development of the area. WAPC will consider a detailed application for subdivision as a separate process to the proposed amendment in the event the land is appropriately zoned. However, both indicative subdivision plans are considered suitable.

It is recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

**ATTACHMENTS**

Attachment 1	Location and aerial plans
Attachment 2	Indicative subdivision plans

## VOTING REQUIREMENTS

Simple Majority

**MOVED** Cr John, **SECONDED** Mayor Pickard that Council, pursuant to Part 5 of the Planning and Development Act 2005, **CONSENTS** to initiate Amendment No 41 to the City of Joondalup's District Planning Scheme No 2 to unreserve Reserve 29740 (being Lots 3759 and 8931 (108) High Street), Sorrento from 'Public Use' and zone to 'Residential' for the purposes of public advertising for a period of 42 days.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf091208.pdf](#)*

## **CJ283-12/08      MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETING HELD ON 1 OCTOBER 2008 – [55511]**

**WARD:** All

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

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## **PURPOSE**

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

## **EXECUTIVE SUMMARY**

A meeting of the Seniors Interests Advisory Committee was held on 1 October 2008.

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

- Presentation - New Trends in Seniors Housing Research
- Presentation - University of the Third Age
- Seniors Plan Review Progress
- Art of Ageing Events Update

*It is recommended that Council:*

- 1      *NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 1 October 2008 forming Attachment 1 to Report CJ283-12/08;*
- 2      *REQUESTS that the City investigates the principles of universal building design as part of the District Planning Scheme review.*

## **BACKGROUND**

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

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

## **DETAILS**

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

The Motions moved at the Seniors Interests Advisory Committee meeting 1 October 2008 are shown below, together with officer's comments.

### **1 Presentation - New Trends in Seniors Housing Research**

The following Motion was carried at the meeting on 1 October 2008:

“That the Seniors Interests Advisory Committee:

- 1 NOTES the presentation on New Trends in Seniors Housing Research;
- 2 REQUESTS that the City investigates the principles of universal building design as part of the District Planning Scheme review.”

### Officer's Comment

Housing and community well being for seniors is a complex and multifaceted issue. Despite the very pressing issues of housing affordability and rental stress some consistent and positive ideas for working through the complexity have emerged. Meeting people's deep wish to 'age in place' and utilising what technology and universal design have to offer is integral to future vitality of our ageing community. Investigating the principles of universal building design as part of the District Planning Scheme review will be an important strategy towards effectively responding to the needs of the City's older residents.

The City has recently partnered in a submission to the Australian Research Council Linkage Project to assist with funding for research into older people's preferences for ageing in place and the implications for support and care. The research will be led by the Centre for Research and Ageing Curtin University of Technology; other partners include Melville, Rockingham and Fremantle local governments, aged care providers – Silver Chain and Bethanie Care Group and the seniors' peak body – National Seniors. The project will include the surveying of 30,000 WA residents aged 55+ years and 300 in depth interviews. Between 5% and 10% of the population surveyed will be Joondalup residents. The City will be provided with access to both the aggregate and disaggregate (City specific) data from the project. Findings will enable the City to respond to the needs of an ageing population through effective planning and relevant cross-sector community development strategies for social support and care.

## **2 Presentation - University of the Third Age**

The following Motion was carried at the meeting on 1 October 2008:

“That the Seniors Interests Advisory Committee NOTES the presentation on University of the Third Age.”

### Officer's Comment

The University of the Third Age (U3A) recently established Joondalup regional group provides an opportunity for local residents to learn about a broad range of subjects and develop their public speaking skills within a supportive environment. Involvement in U3A gives individuals the opportunity to meet like minded individuals fostering a sense of community. U3A enacts the principles of life long learning which are important for maintaining positive mental health and fosters intellectual, cultural, creative and critical thinking.

## **3 Seniors Plan Review Progress**

The following Motion was carried at the meeting on 1 October 2008:

“That the Seniors Interests Advisory Committee:

- 1 NOTES progress with the review of the current Seniors Plan;
- 2 CONTINUES to contribute to the review of the Seniors Plan 2004 – 2008.”

### Officer's Comment

The community-wide consultation process designed to review the Seniors Plan 2004-2008 has been well received from all stakeholders. Outcomes of the new plan are being shaped from the key themes of the Seniors Plan review. Key themes include; transport, accessible parking, intergenerational community participation, social isolation, access to and usage of public spaces and facilities. This new plan will provide the City with a working document, aligned with other components of the Community Development Strategy.

## **4 Art of Ageing Events Update**

The following Motion was carried at the meeting on 1 October 2008:

“That the Seniors Interests Advisory Committee NOTES the information provided in the Report.”

### Officer's Comment

Plans are currently underway to increase the Art of Ageing event capacity for 2009 due to an increase in popularity throughout the year and the growing number of older residents in the City of Joondalup. According to the Australian Bureau of Statistics survey in 2006, 28.3% of the City's population were over 50, approximately 42,000 people.

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

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

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

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

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

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

**Regional Significance:**

The Seniors Interests Advisory Committee is a locally focussed group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1      Minutes of the Seniors Interests Advisory Committee meeting held on 1 October 2008

## VOTING REQUIREMENTS

Simple Majority

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

- 1 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on 1 October 2008 forming Attachment 1 to Report CJ283-12/08;**
- 2 REQUESTS that the City investigates the principles of universal building design as part of the District Planning Scheme review.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20brf091208.pdf](#)*

## **CJ284-12/08 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER 2008 – [04032] [05961]**

**WARD:** All

**RESPONSIBLE A/DIRECTOR:** Mr Ian Cowie  
Planning & Community Development

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## **PURPOSE**

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

## **EXECUTIVE SUMMARY**

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

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

The normal monthly report on Town Planning Delegations identifies:

- 1 Major Development Applications
- 2 Residential Design Codes Applications
- 3 Subdivision Applications

This report provides a list of the development and subdivision applications determined by those staff members with Delegated Authority powers during the period of 1 to 24 November 2008. (see Attachments 1, and 2 respectively) for those matters identified in points 1-3 above.

## BACKGROUND

The number of development and subdivision applications determined for the period of 1 to 24 November 2008 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of November 2008</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	67	\$ 9, 179,686
R-Code Variations (Single Houses)	53	\$ 3, 452,090
<b>Total</b>	120	\$12, 631,776

The number of development applications received in November 2008 was 66. (This figure does not include any applications that may become the subject of the R-Code Variation process). The R Code Variation figure provided does not include the Code Variations determined as a Building Licence Application.

<b>Subdivision Approvals Processed Under Delegated Authority Month of November 2008</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	3	3
Strata Subdivision Applications	9	18

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

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

## DETAILS

### Link to Strategic Plan:

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

**Legislation – Statutory Provisions:**

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

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

Of the 67 development applications determined during November 2008, consultation was undertaken for 33 of those applications. Of the 12 subdivision applications determined during November 2008, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

**COMMENT**

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

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

**ATTACHMENTS**

Attachment 1	November 2008 - Decisions - Development Applications
Attachment 2	November 2008 - Subdivision Applications Processed

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 development applications described in Report CJ284-12/08 for 1 to 24 November 2008;**
- 2 subdivision applications described in Report CJ284-12/08 for November 2008.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf091208.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Pickard</b>
<b>Item No/Subject</b>	CJ285-12/08 – 2008/2009 Sports Development Program – Round 1
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is the patron of the Joondalup District Cricket Club

<b>Name/Position</b>	<b>Mr Mike Smith, Manager Governance &amp; Marketing</b>
<b>Item No/Subject</b>	CJ285-12/08 – 2008/09 Sports Development Program – Round 1
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mr Smith is a life member of the Joondalup Districts Cricket Club

**CJ285-12/08 2008/2009 SPORTS DEVELOPMENT PROGRAM – ROUND 1- [58536]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
A/Planning and Community Development

**PURPOSE**

To provide a recommendation for funding as part of the City's 2008/2009 Sports Development Program – Round 1.

## EXECUTIVE SUMMARY

The Sports Development Program aims to assist local not for profit, district level sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents.

A panel consisting of City Officers formally assessed one application in Round 1 of the 2008/2009 Sports Development Program.

The application was received from the Joondalup Districts Cricket Club and has been presented to Council for approval as the funding requested is beyond the limit delegated to the CEO.

*It is recommended that Council APPROVES an \$18,000 grant to the Joondalup Districts Cricket Club for the development of a cricket academy and player development program, subject to the club entering into a formal funding agreement with the City of Joondalup.*

## BACKGROUND

In June 2002, Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to district level clubs in lieu of individual sponsorship support (item CJ136-06/02). In September 2002, Council endorsed the City of Joondalup's Sports Development Program providing an annual budget of \$60,000.

The Sports Development Program aims to assist local not for profit, district level sporting clubs that play at, or are aspiring towards the highest level of competition in their chosen sport. Eligible clubs must be located within the City of Joondalup and be represented at both junior and senior levels. Clubs can apply for support every second year following a successful application.

The Sports Development Program offers support to sporting clubs to enable them to establish sporting and club development initiatives. This funding program is a supplement to important sponsorship funds, which are hard to source for clubs at this level. The program aims to ensure that the City, like any corporate sponsor, receives appropriate recognition for its support.

Round 1 of the 2008/2009 Sports Development Program was promoted directly to all eligible clubs in July 2008. The clubs that were sent information included:

- Arena Swim Club
- Breakers Swim Club
- ECU Joondalup Soccer Club
- Greenwood Tennis Club
- Joondalup Brothers Rugby Union Club
- Joondalup Districts Cricket Club
- Joondalup Lakers Hockey Club
- Joondalup Netball Association
- Kingsley Tennis Club
- Ocean Ridge Tennis Club
- Perth Outlaws Softball Club
- Sorrento Football Club
- Sorrento Tennis Club
- Wanneroo Lacrosse Club

Four clubs, Joondalup Districts Rugby League, North Coast Triathlon Club, Wanneroo Basketball Association and Whitford Hockey Club, were not eligible to apply as they had received grants in the 2007/08 funding round.

The City received one application in Round 1 of the 2008/09 Sports Development Program. The application is for the development of a coaching academy and player development program at the Joondalup Districts Cricket Club.

## **DETAILS**

A formal assessment panel reviewed the Joondalup Districts Cricket Club application. The program involves the establishment of a cricket academy involving up to 25 players, for the purpose of fostering and developing the necessary attributes to meet the criteria for representative cricket (State and National level).

The program will be conducted for a 12 month period from 1 January 2009 – 31 December 2009. The City's grant will be used to engage the professional coaching services of three level 3 coaches. The club has committed to meet the costs of venue hire and equipment purchases (cricket balls).

The costs for the program are:

Venue hire (Revolution Sports)	\$ 6,000
Equipment purchases	\$ 2,630
Professional coaching fees	\$19,370
<u>Total Cost</u>	<u>\$28,000</u>

The club has indicated that it would look to continue the program in future years, illustrating the potential for long term sustainability.

Full details of the assessment panel's evaluation of the project is included in Attachment 1.

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

#### Community Wellbeing

Objective 5.2 To facilitate healthy lifestyles within the community.

Strategy 5.2.1 The City provides high quality recreation facilities and programs.

Outcome The Joondalup community is provided with opportunities to lead a healthy lifestyle.

### **Risk Management Considerations:**

It has been identified through the application process that the Joondalup Districts Cricket Club does not have an up-to-date Strategic or Business Plan. As part of the City's Clubs in-focus Club Development Program, the City is currently undertaking an Annual Survey of all clubs to determine their future training and development needs. The results of this survey will be used to assist the City in determining topics for future workshops and information seminars.

In addition, it is proposed that the City will include a specialised session for local clubs on preparing and developing Strategic Business Plans. This session will assist local sport and recreation clubs to plan for the future, and reduce potential management and operational risks.

**Financial/Budget Implications:**

<b>Account No:</b>	1.443.A4409.3293.4023
<b>Budget Item:</b>	Sponsorships
<b>Budget Amount:</b>	\$60,000
<b>YTD Amount:</b>	\$0
<b>Round 1:</b>	\$18,000
<b>Funds Remaining:</b>	\$42,000

**Policy Implications:**

The Sports Development Program is conducted in line with City Policy 5.2 - Community Funding.

**Sustainability Implications:**

The City has followed a clear and equitable process in the administration of the Sports Development Program. Applicants have been provided the opportunity to meet with City officers to receive feedback on their proposed projects and to help ensure that it meets the program's objectives and priorities.

The Sports Development Program provides for a positive affect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive affect on community access to sport, leisure and recreational services.

**Consultation:**

Applicants are encouraged to discuss funding proposals with the City's Club Development Officer prior to submission to ensure that the application is in line with program objectives and contains the level of detail required for assessment.

Following the submission of the application, the Joondalup Districts Cricket Club was invited to meet with City Officers to discuss their application. A further meeting was also conducted with the applicant at the request of the City. This meeting provided the applicant with the opportunity to supply the City with additional project information as required.

**COMMENT**

The Sports Development Program offers support to sporting clubs in areas that are operational and often prohibitive to club development under normal circumstances. The program aims to ensure that the City receives appropriate recognition for its support. The maximum grant available to an individual club is \$20,000 in any one year and the level of recognition to the City may vary accordingly.

In 2008/2009, the Sports Development Program has provision for \$60,000 to be allocated to successful applicants over the four funding rounds. The assessment panel considered the funding request from the Joondalup Districts Cricket Club against the program guidelines, identified priorities and the level sponsorship exposure offered to the City. The total amount of funding recommended to the Joondalup Districts Cricket Club is \$18,000.

The Chief Executive Officer, under delegated authority, can approve applications for funding up to \$10,000. The funding requested from the Joondalup Districts Cricket Club is greater than \$10,000 and therefore requires the approval of Council.

## ATTACHMENTS

Attachment 1          Application Assessment

## VOTING REQUIREMENTS

Simple Majority

**MOVED Mayor Pickard, SECONDED Cr Jacob that Council APPROVES an \$18,000 grant to the Joondalup Districts Cricket Club for the development of a cricket academy and player development program, subject to the club entering into a formal funding agreement with the City of Joondalup.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Cr Hollywood, Jacob, John, Macdonald, McLean and Norman.

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22brf091208.pdf](#)*

*Director, Infrastructure Services left the Chamber at this point, the time being 2153 hrs.*

## Disclosure of Financial Interest

<b>Name/Position</b>	<b>Mr Martyn Glover - Director, Infrastructure Services</b>
<b>Item No/Subject</b>	CJ286-12/08 – Draft Joondalup City Centre Structure Plan
<b>Nature of interest</b>	Financial Interest
<b>Extent of interest</b>	Mr Glover owns a property within the City Centre Structure Plan

## **CJ286-12/08          DRAFT JOONDALUP CITY CENTRE STRUCTURE PLAN – [00152]**

**WARD:** All

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

## PURPOSE

For Council to consider advertising the draft Joondalup City Centre Structure Plan (Structure Plan) for public comment and initiating the associated amendment to the District Planning Scheme No. 2 (DPS2).

## **EXECUTIVE SUMMARY**

The Joondalup City Centre Development Plan and Manual (JCCDPM), in its current form, is now some 13 years old. While the JCCDPM may be seen to have been moderately successful during the early development of the City Centre, it is now not considered to be the most appropriate framework to move the City Centre forward in its next phase of development.

Throughout 2008, a number of sessions have been undertaken with elected members to collect feedback on the aspirations for the future of the Joondalup City Centre. This resulted in Council adopting Key Principles to be included in the revised Joondalup City Centre Structure Plan.

A new structure plan has been drafted, and the draft document is now at a point where public feedback is appropriate.

A complementary amendment to the City of Joondalup District Planning Scheme No. 2 (DPS2) has also been prepared, and is attached for information. Should the proposed scheme amendment be considered satisfactory, it is required to be formally advertised for public comment prior to further consideration by Council.

## **BACKGROUND**

The current JCCDPM was last updated in 1995. Since then significant development has occurred within the City Centre, however the quality and scale of the urban form is not truly representative of the intentions of the Development Plan.

This review of the 1995 JCCDPM was initiated to adopt a planning framework to stimulate the desired outcome and vision for the future.

## **DETAILS**

The purpose of the Structure Plan is to provide a guiding framework for the growth and evolution of the Joondalup City Centre in a form that enables it to perform and sustain its role as the predominant strategic regional centre of activity in the northern corridor of the Perth Metropolitan area.

The 2009 Structure Plan (Attachment 1 refers) is the product of the review of the 1995 JCCDPM.

The Structure Plan is comprised of:

- the Structure Plan text which contains the objectives and principles that guide development within the Structure Plan area;
- the Structure Plan map which depicts the location of the zones with the Structure Plan area, together with a building height plan and residential density code plan; and
- the Structure Plan report which provides the background and philosophy behind the structure plan.

The Structure Plan divides the City Centre into nine new zones. Each Zone defines an area that is intended to have common characteristics and serve a common function in relation to the City Centre as a whole. The Zones are:

- Central core;
- City fringe;
- Mixed use corridor;
- Business Boulevard;
- Business Support;
- Inner City Residential;
- Central Park;
- Arena; and
- Transit Development.

In addition a Scheme Amendment (Attachment 2 refers) has also been prepared which will insert these new zones into DPS2 and provide objectives and land use standards for these zones.

### Issues and options considered:

Council at its July 2008 meeting adopted a set of Key Principles that have been included in the draft City Centre Structure Plan as follows:

Principle	Draft City Centre Structure Plan
<ul style="list-style-type: none"> <li>• Encourage commercial development with suitable and substantial height and bulk within the CBD precinct through measures such as:               <ul style="list-style-type: none"> <li>- No plot ratio restrictions</li> <li>- Applying minimum heights, but no height limits.</li> <li>- Amalgamation of land to allow for larger development sites</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• There are no plot ratio limits proposed.</li> <li>• Within the Central Core Zone, there are minimum, but no maximum heights proposed. Within the other Zones, there are minimum and maximum heights proposed.</li> <li>• This issue has not been addressed within the Structure Plan, as further investigation into the possible incentives to encourage amalgamation is required (eg rates reduction, car parking variation), which would be appropriately addressed in a Policy.</li> </ul>
<ul style="list-style-type: none"> <li>• Adopt a parking policy which assists in encouraging commercial development in the CBD on the basis of 50% car parking on site and 50% off site.</li> </ul>	<ul style="list-style-type: none"> <li>• Draft Parking Policy has been considered by Council and has been advertised for public comment.</li> </ul>
<ul style="list-style-type: none"> <li>• Incorporate the land between Joondalup Drive, Ocean Reef Road, the Freeway, and Eddystone Avenue within the City Centre Structure Plan, and give preference for employment intensive uses.</li> </ul>	<ul style="list-style-type: none"> <li>• The area has been incorporated in the Structure Plan area, and a wide range of land uses permitted (excluding shops).</li> </ul>
<ul style="list-style-type: none"> <li>• Incorporate the Winton Road Service Industrial area within the City Centre Structure Plan, and plan for office development along the Freeway edge.</li> </ul>	<ul style="list-style-type: none"> <li>• The area has been incorporated in the Structure Plan area, and offices are proposed to be a permitted use in the Zone.</li> </ul>
<ul style="list-style-type: none"> <li>• Incorporate provisions that require quality commercial and mixed use development, by way of:               <ul style="list-style-type: none"> <li>- The use of public art</li> <li>- Materials</li> <li>- Public spaces and forecourts</li> <li>- Architectural features</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Objectives of the Structure Plan refer to the desired quality of commercial buildings; however, it is appropriate to develop a Policy that addresses these issues in detail.</li> </ul>

Principle	Draft City Centre Structure Plan
<ul style="list-style-type: none"> <li>• Ensure active street frontages (ground floor) by prohibiting residential uses on the ground floor in the CBD precinct:               <ul style="list-style-type: none"> <li>- Permitting alfresco areas</li> <li>- Ensuring 'open' facades (use of glass)</li> <li>- Providing awnings and shelter</li> <li>- Public art</li> <li>- Use of appropriate materials</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The Scheme Amendment has provisions that do not permit residential uses on the ground floor within the Central Core Zone, Mixed Use, Business Boulevard, and Transit Development Zone. The Structure Plan requires pedestrian shelter and the use of glass. It is appropriate that issues such as public art and alfresco areas be addressed in policies as these are matters suited to a flexible approach.</li> </ul>
<ul style="list-style-type: none"> <li>• Ensure an appropriate balance of commercial and residential development, with particular emphasis on preventing exclusively residential development in the CBD precinct at the expense of commercial development. This can be achieved by:               <ul style="list-style-type: none"> <li>- Establishing the maximum percentage of residential development within a mixed use development.</li> <li>- Requiring a proportion of office development in mixed use developments.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The Scheme Amendment proposes that a maximum of 50% of the floor space of a building in the Central Core Zone can be utilised for residential development.</li> </ul>
<ul style="list-style-type: none"> <li>• Introduce mandatory provisions to require 'green' quality buildings.</li> </ul>	<ul style="list-style-type: none"> <li>• It is appropriate that this issue be addressed within a policy to respond to developments in standards and the rapidly changing technologies in building construction techniques.</li> </ul>
<ul style="list-style-type: none"> <li>• Provisions to recognise and build on the existing public transport and accessibility network in the City Centre, by:               <ul style="list-style-type: none"> <li>- Eliminating the need for residential density codes</li> <li>- Ensuring a mix of housing</li> <li>- Encouraging tourist accommodation</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• With the exception of the Inner City Residential Zone, there are no residential densities specified within the Structure Plan.</li> <li>• The Structure Plan allows for single houses, grouped dwellings and multiple dwellings within the Inner City Residential Zone, and multiple dwellings within many of the other Zones.</li> <li>• Within the Central Core, City Fringe and Mix Use Corridor Zones, the permitted land uses include hotel and short stay accommodation.</li> </ul>

### Link to Strategic Plan:

Objective 3.1: To encourage the development of the Joondalup CBD.

Objective 3.2: To increase employment opportunities within the City.

Objective 4.1: To ensure high quality urban development within the City.

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

### Legislation – Statutory Provisions:

Part 9 of DPS2 enables Council to consider a structure plan, subject to approval of the WAPC. Should Council determine the draft structure plan is satisfactory, advertising of the proposal is required in accordance with clause 9.5 of DPS2.

Upon the completion of public advertising, Council is required to consider all submissions within 60 days and proceed to either adopt or refuse to adopt the structure plan, with or without modifications.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The consultation costs associated with advertising the Structure Plan are unknown at this point.

**Policy Implications:**

Policies to support the Structure Plan are likely to be necessary. These may include policies on 'green' buildings, bike end of trip facilities and public art. In addition, the Joondalup City Centre Car Parking Policy has been prepared and advertised for public comment.

**Regional Significance:**

The structure plan is important to ensure that the Joondalup City Centre is the major centre of the north-west region, as intended.

**Sustainability Implications:**

The development of a 'green buildings' policy will assist with the implementation of sustainability objectives.

**Consultation:**

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days, however, given the status of the City Centre Structure Plan, a 60 day advertising period is proposed.

Advertising would consist of written notification to all adjoining landowners, signs erected in prominent locations throughout the City Centre, advertisements being placed in the Joondalup community newspaper and a notice being placed on the Council website.

It is proposed that a consultation plan be prepared prior to advertising to outline how consultation will occur and who will be targeted, alongside the general community.

In addition to the advertising of the Structure Plan, the scheme amendment is also required to be advertised. Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Advertising would not occur until late January 2009 in keeping with the City's protocol of not advertising over the Christmas period.

## COMMENT

The general aim of the review of the current JCCDPM was to ensure that provisions of the structure plan do not discourage development and limit the Joondalup City Centre's growth as the major centre for the north-west corridor.

The draft does include provisions that may be considered by some to be onerous, in particular, the minimum height of buildings. However, the development of the Joondalup City Centre is at a stage where it needs to take the next step, and 'more of the same' development will not assist in the progression of the City Centre. In order to ensure this occurs, it is proposed that certain provisions (such as minimum building height) cannot be varied under Clause 4.5.1 of DPS2. This may cause some developments to be delayed until such time as it is economically viable for the developer to build to the minimum height, however, it will guarantee a minimum scale of development.

Some of the principles adopted by Council at the July 2008 meeting have been included in the Scheme Amendment rather than the Structure Plan for legal reasons. For example, the restriction on residential land uses at the ground floor of buildings within the Central Core Zone must be controlled through DPS2 and not the Structure Plan. This is the same for the requirement that only a maximum of 50% of a building may be used for residential land uses.

One of the points to note about the Structure Plan and Scheme Amendment is that the Residential Design Codes only apply to the Inner City Residential Zone. The Codes do not apply to development in any of the other zones within the Structure Plan area. The reason for this is that development in the other zones is controlled through the application of provisions such as setbacks, height and land uses. This should allow development of a site to be maximised.

The land between Joondalup Drive, the Freeway, Ocean Reef Road and Okely Park has been included in the Structure Plan as the Transit Development Zone as this land is adjacent to the Edgewater Train Station. It is intended that in the long term this area will contain a mix of residential, office and commercial land uses focused around the train station. However, the development of this Zone will require an overall master plan to ensure this vision is achieved.

In addition to the inclusion of the above land in the Structure plan, the Winton Road Service Industrial area has also been included, and renamed the 'Business Support' zone. This will allow the area to have a broader focus and permit a 'business park' style of development with the inclusion of office as a permitted land use. It is intended that this area have a high standard of built form and support the City Centre, rather than allowing City Centre uses to locate there in preference. For this reason, shops are still not permitted in this area as it is planned that the Central Core be the retail focus of the City. It is also noted that the current 'Southern Business District' precinct is proposed to be incorporated into the 'Business Support' zone.

As a result of the City Centre being divided into zones, rather than districts, the revised Structure Plan has a different look and feel to the current version. The Structure Plan has been drafted in accordance with requirements of DPS2, and will operate alongside the DPS2, rather than instead of the Scheme. As the zones are inserted into the Scheme, both provisions of the Scheme and the Structure Plan will apply. Therefore, development will need to meet both the objectives of the Scheme and the Structure Plan as well as the specific provisions of the Structure Plan.

DPS2 requires that structure plans use the same zones as those listed within DPS2. It was therefore considered appropriate to create new zones, in order to achieve the desired outcome for the City Centre, as none of the existing zones were conducive to the development of a city centre with the appropriate scale and intensity of development. The scheme amendment has been prepared to insert these new zones into DPS2. It is therefore recommended that Council advertise the scheme amendment concurrently with the Structure Plan.

## ATTACHMENTS

Attachment 1        Draft Joondalup City Centre Structure Plan  
Attachment 2        Draft Scheme Amendment

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION:

That Council, pursuant to Clause 9.5 of the City of Joondalup District Planning Scheme No 2:

- 1        INITIATES public advertising of the draft Joondalup City Centre Structure Plan as outlined in Attachment 1 to Report CJ286-12/08 for a period of 60 days;
- 2        NOTES that a consultation plan will be prepared prior to advertising;
- 3        Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 42 to the City of Joondalup's District Planning Scheme as outlined in Attachment 2 to Report CJ286-12/08 for the purposes of public advertising for a period of 42 days.

**MOVED Mayor Pickard, SECONDED Cr McLean that this matter be DEFERRED to the next Council meeting to be held 17 February 2009, to allow investigation into the impact of the business park on the Structure Plan.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23brf091208.pdf](#)*

*Director Infrastructure Services entered the Chamber at this point, the time being 2155 hrs.*

**REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ287-12/08      FEDERAL      INFRASTRUCTURE      GRANTS:  
PROPOSED PROJECTS – [00571]****WARD:** All**RESPONSIBLE** Mr Garry Hunt  
**DIRECTOR:** Office of CEO

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**PURPOSE/EXECUTIVE SUMMARY**

To provide information to Council on the content of the funding guidelines for the *Regional and Local Community Infrastructure Program 2008-09* and to put forward recommendations for appropriate infrastructure projects that funding may be applied for.

**BACKGROUND**

At the Meeting of Council on 25 November 2008, the following was resolved:

- 1 *Council NOTES the information provided in relation to the Federal Government's Regional and Local Community Infrastructure Program;*
- 2 *a further report be submitted to Council in December 2008, outlining potential infrastructure projects that could be considered as part of this funding program.*

The City has since received the funding guidelines for the Program which has assisted in determining which City infrastructure projects are most eligible. As outlined in the previous report to Council, \$833,000 has been made available to the City providing that its infrastructure projects are compliant with the conditions set in the funding guidelines.

The City also has opportunity to apply for additional funding for strategic infrastructure projects of a larger scale. There is a total of \$50 million available under this Program component which will be assessed on a nationally competitive basis. Projects must be a minimum of \$2 million to be eligible.

**DETAILS****Individual local government funding allocation**

Below is a summary of the funding guidelines for the \$833,000 which is provided in full at Attachment 1:

- Project Eligibility:
  - Social and cultural infrastructure
  - Recreational facilities
  - Tourism infrastructure
  - Children, youth and seniors facilities
  - Access facilities (boat ramps, footbridges, etc.)
  - Environmental initiatives (drain/sewerage upgrades and recycling plants)

- Funding to be used for:
  - Construction or fit-out
  - Preparatory work such as necessary engineering and geo-technical studies
  - Land surveys and site investigations
  - Project management costs
- Funding *not* to be used for:
  - Operational and maintenance costs
  - Transport infrastructure such as roads
- Project Requirements:
  - Details of eligible projects must be provided to the relevant Federal Government Department by **30 January 2009**.
  - If found to be eligible, funding must be expended by **30 September 2009**.
- Progress Reports:
  - Interim progress report must be submitted by **30 May 2009**.
  - Final report on expenditure must be submitted by **30 November 2009**. If not fully spent, action may be taken to recover funds where requirements have not been met.

Based on these parameters, the City considers the following projects as appropriate for submission to the Department of Infrastructure, Transport, Regional Development and Local Government (the Department) for funding approval.

Table 1: Recommended Projects based on priority and funding eligibility

<b>Project</b>	<b>Funding</b>	<b>Location</b>	<b>Suggested Works</b>
Emerald Park	\$150,000	Edgewater	Minor refurbishments
Heathridge Clubrooms	\$100,000	Heathridge	Minor refurbishments
Padbury Hall	\$100,000	Padbury	Minor refurbishments
Guy Daniels Park	\$133,000	Heathridge	Minor refurbishments
Marmion Public Toilet	\$200,000	Marmion	Ablution block reconstruction
Burns Beach Groyne	\$150,000	Burns Beach	Groyne reconstruction
<b>Total</b>	<b>\$833,000</b>		

Below are alternative Projects that may be considered for funding approval, however, it is unlikely that most of the Projects will be eligible, given the expedient time-frame in which they must be delivered. It should be noted that if the Federal funding is used on the above projects, this will enable the projects identified in Table 2 to be completed in a much shorter timeframe than would otherwise have been the case. Effectively, the Federal funding will significantly bring forward the timelines for many projects.

Table 2: Alternative Projects

<b>Project</b>	<b>Funding</b>	<b>Location</b>	<b>Suggested Works</b>	<b>Reason for Unsuitability</b>
Rob Baddock Community Hall	\$100,000	Kallaroo	Minor refurbishments	Lower priority than projects listed in Table 1
Fleur Frame Pavilion	\$100,000	Padbury	Minor refurbishments	Lower priority than projects listed in Table 1
Flinders Park	\$100,000	Hillarys	Minor refurbishments	Lower priority than projects listed in Table 1
Mildenhall	\$100,000	Duncraig	Minor	Any works undertaken at

			refurbishments	Percy Doyle Reserve are subject to Master Planning and won't meet the Department's deadline
Duncraig Community Hall	\$100,000	Duncraig	Minor Refurbishments	Any works undertaken at Percy Doyle Reserve are subject to Master Planning and won't meet the Department's deadline
Greenwood Scout Hall & Calectasia Hall	\$4,200,000	Greenwood	Major demolition and replacement	Does not meet eligibility due to size of the project and time required to expend funds. This project has been forecasted for completion beyond the Department's deadline.

### **\$50 million strategic projects funding**

The project eligibility criteria in the guidelines for this Program are the same as those required in the individual local government allocation guidelines. The assessment criteria and deadlines for application do, however, differ.

Large strategic projects will be assessed on the following criteria:

- **Ready to proceed**: will the project be ready to commence construction within 6 months of having signed the funding agreement?
- **Project viability**: can the project be completed on time and on budget and will the project be sustainable?
- **Ranking**: The Department will rank applications as either 'recommended', 'not recommended' or 'non-compliant'.
- **Australian Council of Local Government (ACLG) Comment**: 'recommended' applications will be provided to the ACLG for comment.
- **Ministerial approval**: with all available information, the Minister will grant approval for project funding.

The deadline for funding submissions under this Program is **23 December 2008**. Therefore, should Council seek to pursue funding for large infrastructure projects, a decision will need to be made at this Council Meeting if the application is to meet the required deadline.

The following options for potential projects under this program are provided for Council's consideration:

#### **1. Craigie Leisure Centre 50m Pool and Outdoor Water Playground Project:**

- Pros
- Council have already committed to undertaking this project
  - A detailed concept design has been developed and released to the community for comment
  - It is one of the relevant infrastructure projects recommended by the Department for eligibility: 'recreational infrastructure'
  - It could proceed within 6 months of receiving funding approval

- Cons - If approved for funding, the commencement of the project will be delayed by 2 months because any approval provided from the Department will not be received until February 2009. Therefore the estimated completion date will be in late March, rather than in December (during the height of summer)
- Like all external funding, the City will be required to produce interim reports on the progress of the project to the Department. This will require the City to meet externally determined milestones that may not perfectly align with City operations.

## 2. West Coast Drive Coastal Pathway Enhancement Project

- Pros - Council have already committed to undertaking this project
- A detailed concept design has already been developed and released to the community for comment
  - It is one of the relevant infrastructure projects recommended by the Department for eligibility: 'tourism and recreational infrastructure'
  - It could proceed within 6 months of receiving funding approval
- Cons - Like all external funding, the City will be required to produce interim reports on the progress of the project to the Department. This will require the City to meet externally determined milestones that may not perfectly align with City operations.

## 3. Yellagonga Environment Centre Project

- Pros - It is one of the relevant infrastructure projects recommended by the Department for eligibility: 'environmental initiatives and tourism infrastructure'
- Cons - Council have not formally resolved any commitment to this project
- Detailed concept plans are yet to be developed; only broad concepts from a feasibility study have been developed
  - Wanneroo have resolved not to commit to the project, which will reduce the chances of the City receiving funding because partnership projects are more favoured under the assessment criteria
  - It is unlikely that construction could commence within 6 months of receiving funding approval.

Only one application may be submitted by each local government under this Program, therefore Council must choose one of the projects listed above for the City to apply for funding.

It is the City's recommendation that option 2 be pursued (West Coast Drive Coastal Pathway Enhancement Project) as it is considered to be the most likely project to be successful under the stated criteria. This is because there may be many requests for pool constructions, but very few are likely to be for coastal dual-use paths.

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

Council have the following options to consider:

1. Approve the City's list of recommended projects to be submitted to the Department for funding approval
2. Amend the list

Given the expediency in which the details for eligible projects must be submitted and that Council will not meet again until February (after the application deadlines have closed), it is recommended that Council agree to option 1.

**Link to Strategic Plan:**

Objective 5.1: To ensure the City's facilities and services are of a high quality and accessible to everyone.

**Legislation – Statutory Provisions:**

Not applicable.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

This report relates to funding from the Federal Government for current City infrastructure projects.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

External funding for large infrastructure projects will increase the City's financial capacity to deliver projects within budget and enhance the local economy and social well-being of its residents.

**Consultation:**

Not applicable.

**COMMENT**

Not applicable.

**ATTACHMENTS**

Attachment 1            Funding Guidelines for the Regional and Local Community Infrastructure Program 2008-09.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Jacob, SECONDED Cr Amphlett that Council APPROVES the recommended projects listed in Table 1 for the \$833,000 funding and the West Coast Drive Coastal Pathway Enhancement Project outlined in Option 2 for the competitive funding program and submits these to the Federal Government for funding under the Regional and Local Community Infrastructure Program 2008-09.**

Discussion ensued

**The Motion was Put and**

**CARRIED (10/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman **Against the Motion:** Cr Corr

*Appendix 24 refers*

To access this attachment on electronic document, click here: [Attach24agn161208.pdf](#)

## **CJ288-12/08 ANNUAL GENERAL MEETING OF ELECTORS HELD ON 1 DECEMBER 2008 – [18618]**

**WARD:** All

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

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### **PURPOSE**

For the Council to note the Minutes of the Annual General Meeting of Electors held on 1 December 2008 and to give consideration to the motions moved at that meeting.

### **EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 1 December 2008 in accordance with Section 5.27 of the Local Government Act 1995. Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council.

*It is recommended that Council:*

- *NOTES the Minutes of the Annual General Meeting of Electors held on 1 December 2008 forming Attachment 1 to this Report;*
- *GIVES consideration to the motions carried at the Annual General Meeting of Electors;*
- *AMENDS its 2007/08 Annual Report as adopted on 28 October 2008 (Item CJ220-10/08 refers) as follows:*

*Page 31 – Payment to Employees – Table to be amended by:*

- *Increasing the number of employees within the annual salary bracket of “\$100,000 to \$109,999” from three (3) to four (4).*
- *Amending the Total from twenty three (23) to twenty four (24).*

## **BACKGROUND**

The City's Annual General Meeting of Electors was held on 1 December 2008 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by 15 members of the public with a total of ten motions passed at the meeting. The minutes of that meeting form Attachment 1 hereto.

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

## **DETAILS**

The Motions passed at the Annual General Meeting of Electors, at which 15 electors were present, are set out below:

### **MOTION NO 1**

*“That this meeting of Electors:*

- 1 *NOTES the Environmental Performance Indicators on Pages 22 to 27 of the Annual Report;*
- 2 *THANKS the Elected Members and staff for taking these steps towards making Joondalup more sustainable;*
- 3 *REQUESTS the Elected Members and staff to continue developing environmental and sustainability indicators to assist in Joondalup's progress towards becoming a sustainable City.”*

### **Officer's comment**

The City will continue to develop and present appropriate indicators.

### **Officer's recommendation**

That Council NOTES that the City will continue to develop appropriate indicators.

### **MOTION NO 2**

*“That:*

- 1 *the Electors of the City of Joondalup CALL for the expenditure of \$900,000 per annum (indexed) for each of the next 10 years to be used solely for the removal of weeds from our coastal bushlands;*
- 2 *a report be obtained from officers to determine a suitable amount to be spent on weed management of non-coastal natural areas.”*

**Officer's comment**

The City will consider an increase in the weed control budget for natural areas including coastal and non-coastal bushland in the Draft Budget estimates for the 2009/10 financial year.

**Officer's recommendation**

That Council notes the Electors' request for increased expenditure on weed control in natural areas.

**MOTION NO 3**

*"That a viewing platform with access from two (2) or more sides be built at North Mullaloo using part or the whole of the \$833,000 Federal grant."*

**Officer's comment**

The proposed viewing platform has not been included in the list for Federal Grant funding. It is, however, under consideration for future natural areas infrastructure in the 2009/10 draft Budget.

**Officer's recommendation**

That Council notes that the viewing platform at North Mullaloo will be listed for consideration in the 2009/10 draft Budget.

**MOTION NO 4**

*"That:*

- 1 *the following itemised \$18,982,092 sum be an irrecoverable cost reflecting the consequences of successive City of Joondalup Administration's, Council's and Appointed Commissioners' actions which have imposed adverse financial and social burdens on the ratepayers to be unreasonable and inexcusable:*

	\$
<i>Community amenities outsourcing failure</i>	<i>3,309,914</i>
<i>Craigie's current 25 metre swimming pool overrun</i>	<i>6,600,000</i>
<i>Former CEO</i>	<i>2,050,000</i>
<i>Mullaloo Tavern Redevelopment</i>	<i>4,683,978</i>
<i>Precinct Planning venture</i>	<i>170,000</i>
<i>Sorrento Beach contract failure</i>	<i>2,000,000</i>
<i>City of Joondalup Calendar July 2008 – June 2009</i>	<i>68,200</i>
<b><u>TOTAL</u></b>	<b><i>\$18,982,092</i></b>

*I believe that ratepayers/electors are the stakeholders and are entitled to expect and demand full accountability and productivity from the City and Council, which to date appears to be remiss;*

- 2 *this meeting REQUESTS Council to note previous historical failures and we the Electors hope that Council will attempt to learn from these unfortunate events.”*

**Officer’s comment**

Many assumptions and statements in Part 1 of this motion are disputed. Council and the City are aware of past issues and the City has adopted the phrase ‘focussing on the future’ to direct attention to positive forward outcomes.

**Officer’s recommendation**

That Council disputes many of the assumptions and statements in Part 1 of this motion and confirms its focus on the future.

**MOTION NO 5**

*“That:*

- 1 *I believe there is a need to question the City of Joondalup decision of 28 October 2008 Council motion to call tenders for the construction of a 50 metre pool at Craigie Leisure Centre, barely two years after the acclaimed completion of a 25 metre pool at a cost of \$10.3 million, a cost over-run of \$5.7 million on the projected cost of \$4.6 million plus a thermal bore cost overrun of \$900,000 is a total cost overrun of \$6.6 million and the total completed 25 metre pool cost of \$11.2 million.*

*City of Joondalup estimated cost of 50 metre pool  
\$7,603,649 plus \$695,303 = \$8,298,952*

*This is supposedly cheaper than the 25 metre pool cost = \$11,200,000*

*The expected cost of proposed 50 metre pool at best = \$18,600,000*

*The probable cost of proposed 50 metre pool to be = \$21,000,000*

*The cost overrun likely to be between \$10,300,000 and \$13,300,000*

*There is no mention of required additional parking.*

*Where is parking to be located?*

*How many parking bays?*

*At what cost?*

- 2 *I call on the City of Joondalup Council to urgently rescind the motion passed on 28 October 2008 as I believe the ratepayers cannot be expected to carry what I believe to be unjustifiable unnecessary financial burden, in addition to the City of Joondalup approximately \$19 million irrecoverable burdensome losses already being borne by the ratepayers.*

*There is already a 50 metre pool centrally located at the Arena Centre.”*

**Officer's comment**

Car parking was a key consideration in the final design for the proposed facilities. The Centre has a significant amount of car parking on the site particularly at the western end of the Centre, which was assessed as being suitable to meet the parking requirements for the new facilities.

To develop a pre-tender cost estimate for the construction of the proposed facilities the City has worked with an independent quantity surveyor. The quantity surveyor has undertaken a detailed assessment of the proposed design and developed cost estimates for construction based on industry building cost rates and current market conditions.

The quantity surveyor estimates were considered by Council prior to endorsing the City to proceed to tender. The tender process will provide the City with a range of cost estimates for the construction of the proposed facilities. The City will provide a report to Council on the outcome of the tender process which will consider the quality of builder submissions and cost estimates in December 2008.

The risk of variances and escalations in the project would be covered in the building contract that would be established between the City and the builder.

**Officer's recommendation**

That Council notes that the basis of the cost estimates in the motion of the Electors' meeting are inaccurate.

**MOTION NO 6**

*"That the meeting REQUESTS that Council reintroduces unlimited written questions regarding items for the agenda of that meeting at public question time at Briefing Sessions and Council meetings."*

**Officer's comment**

Section 5.24 of the Local Government Act 1995 and the Local Government (Administration) Regulations 1996 set out the relevant procedures that a local government must follow in regards public question time at:

- Ordinary and special meetings of the Council; and
- Every meeting of a committee established by the Council which has delegated power or duty.

The City of Joondalup conducts briefing sessions as part of its decision making process. As briefing sessions are not governed by the legislation there is no legal requirement for the City to: -

- Open the proceedings to the public; or
- Allow public question or statement time.

The motion requests the Council to consider receiving unlimited questions regarding items on the agenda of that meeting for Briefing Sessions and Council meetings. The Local Government (Administration) Regulations 1996 allow a member of the public to ask, at a Council meeting, a question on any matter that affects the local government. Therefore the legislation does not allow the procedures to be restricted to allow written questions to only relate to items listed on the agenda for a particular meeting.

The Local Government Act 1995 does not place a requirement on a local government to receive written questions. It requires Council to hold a public question time and that each member of the public is to be given an equal and fair opportunity to ask a question and receive a response. The City goes well beyond its legislative requirements by offering both a public statement time and a public question time, as well as accepting written questions.

**Officer's recommendation**

That Council does not alter its current procedures in relation to Public Question Time.

**MOTION NO 7**

*"That on behalf of the meeting, REQUESTS that Council expresses support for Policy 3-4 Height and Scale of Buildings within the Coastal Area – Non - Residential Zone."*

**Officer's comment**

A report on Policy 3-4 Height and Scale of Buildings within the Coastal Area is the subject of a separate report on this agenda (see CJ280-12/08 refers).

**Officer's recommendation**

That Council NOTES that a separate report will be presented in relation to Policy 3-4 – Height and Scale of Buildings within the Coastal Area.

**MOTION NO 8**

*"That the City of Joondalup considers changing its slogan to 'focus on the now'."*

**Officer's comment**

The City of Joondalup is a young and vibrant City with modern built infrastructure. It is acknowledged that the City has had various past experiences but over recent years it has consolidated its operations both at an elected decision making and at an administration level.

The Current slogan "focussing on the future" is to depict that the City has moved on from the past and is looking towards the future. The City's recent published Joondalup:2020 document states: -

*"It is common for people to focus on the present.*

*This is because issues can generally be seen clearly and the challenges faced are immediate.*

*The future, on the other hand, is uncertain and the pressure to address challenges is usually not great.*

This visionary document moves the City from the present to the future.

*It explains how Joondalup will look and feel in 2020 and guides strategic decision making to this date."*

**Officer's recommendation**

That Council rejects the suggestion of amending the City's slogan.

**MOTION NO 9**

*"That the City of Joondalup, in relation to the Ocean Reef Marina Redevelopment, ensures at all stages of design and development that the impact of this development will in no way affect beaches from Whitfords and Mullaloo Beach to Burns Beach or coastal marine environs, including foreshore erosion."*

**Officer's comment**

It is the intention of the City of Joondalup to fully research potential impacts on the stability of the foreshore environment or coastline to the north and south of the project as a result of the proposed development.

**Officer's recommendation**

That Council notes that as part of the Ocean Reef Marina Development Project extensive research will be undertaken to ensure the design takes into account potential adverse impact on coastal and marine environs.

**MOTION NO 10**

*"That each and every time the Council and or the Planning Department of the City of Joondalup fails to properly impose the total number of required on-site parking bays in respect of development, example CJ252-11/08 that this information should be publicly recorded in the Annual Report and highlighted in each planning decision so as to identify both the shortfall of car parking bays, by example CJ252-11/08 (24 Bays) and that the total commercial value of that parking shortfall by Policy 7-10 - Cash in Lieu and this parking shortfall is then passed onto the ratepayers."*

**Officer's comment**

The motion raised proceeds on a misapprehension that the parking requirement for a development is fixed, (by reference to a standard) and that any development that does not provide the fixed number of parking bays would be subject to the provision of cash-in-lieu of parking. The contention also appears to be that the community bears a 'loss' if the cash in lieu is not sought.

The facts are that the Town Planning Scheme provides

1. standards for the design of car parks, including manoeuvring space and parking bay dimensions.
2. A table which stipulates parking bays required based on floor space and nature of use
3. The ability to determine that a general parking standard shall apply (in clause 4.8.2 below)
4. The ability to require the provision of the bays deemed to be required in stages, by the provision of bays on site, and/or including a cash – in – lieu requirement.

Key parts of the DPS are included below

#### 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.

#### 4.11 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.

In the case of the application highlighted, the City's analysis and Council's resolution acknowledges the fact that the development includes activities which are complimentary in terms of the time that parking demands will be highest, and on that basis agrees to a general standard for parking for the development application. The agreement is made acknowledging that the site does provide sufficient parking.

The AGM motion suggests that such decisions should be published in the annual report, and that the value of the 'loss' is reported.

For information, such applications are dealt with by the Council, and are subject to public reporting, debate and resolution, all of which are open.

#### Officer's recommendation

That Council:

- 1 NOTES that the AGM motion proceeds on a misapprehension;
- 2 ADVISES that decisions of the type questioned are made in public, and minuted according to legislation.

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

Objective 1.1 of the City's Strategic Plan 2008-2011:

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

**Legislation – Statutory Provisions:**

Section 5.33 of the Local Government Act 1995 states:

***Decisions made at Electors' Meetings***

- 5.33 (1) *All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –*
- (a) at the first ordinary council meeting after that meeting; or*
  - (b) at a special meeting called for that purpose,*
- whichever happens first.*
- (2) *If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.*

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The motions carried at the Annual General Meeting of Electors held on 1 December 2008 are presented to the Council in accordance with the requirements of the legislation.

The 2007/08 Annual Report, adopted by Council on 28 October 2008, requires an amendment to be made relating to Payment to Employees.

**ATTACHMENTS**

Attachment 1 Minutes of the Annual General Meeting of Electors held on 1 December 2008.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 **NOTES** the Minutes of the Annual General Meeting of Electors held on 1 December 2008 forming Attachment 1 to Report CJ288-12/08;
- 2 in relation to Motion No 1 carried at the Annual General Meeting of Electors, **NOTES** that the City will continue to develop appropriate indicators;
- 3 in relation to Motion No 2 carried at the Annual General Meeting of Electors, **NOTES** the Electors' request for increased expenditure on weed control in natural areas;
- 4 in relation to Motion No 3 carried at the Annual General Meeting of Electors, **NOTES** that the viewing platform at North Mullaloo will be listed for consideration in the 2009/10 draft Budget;
- 5 in relation to Motion No 4 carried at the Annual General Meeting of Electors, **DISPUTES** many of the assumptions and statements in Part 1 of this motion and **CONFIRMS** its focus on the future;
- 6 in relation to Motion No 5 carried at the Annual General Meeting of Electors, **NOTES** that the basis of the cost estimates in the motion are inaccurate;
- 7 in relation to Motion No 6 carried at the Annual General Meeting of Electors, **DOES NOT ALTER** its current procedures in relation to Public Question Time;
- 8 in relation to Motion No 7 carried at the Annual General Meeting of Electors, **NOTES** that a separate report will be presented in relation to Policy 3-4 – Height and Scale of Buildings within the Coastal Area;
- 9 in relation to Motion No 8 carried at the Annual General Meeting of Electors, **REJECTS** the suggestion of amending the City's slogan;
- 10 in relation to Motion No 9 carried at the Annual General Meeting of Electors, **NOTES** that as part of the Ocean Reef Marina Development Project extensive research will be undertaken to ensure the design takes into account potential adverse impact on coastal and marine environs;
- 11 in relation to Motion No 10 carried at the Annual General Meeting of Electors:
  - (a) **NOTES** that the Annual General Meeting motion proceeds on a misapprehension;
  - (b) **ADVISES** that decisions of the type questioned are made in public, and minuted according to legislation;

- 12 **AMENDS** its 2007/08 Annual Report as adopted on 28 October 2008 (Item CJ220-10/08 refers) as follows:

Page 31 – Payment to Employees – Table to be amended by:

- Increasing the number of employees within the annual salary bracket of “\$100,000 to \$109,999” from three (3) to four (4).
- Amending the Total from twenty three (23) to twenty four (24).

Discussion ensued

It was requested that Points 5, 7 and 11 of the Motion be voted upon separately.

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

- 5 in relation to Motion No 4 carried at the Annual General Meeting of Electors, **DISPUTES** many of the assumptions and statements in Part 1 of this motion and **CONFIRMS** its focus on the future;
- 7 in relation to Motion No 6 carried at the Annual General Meeting of Electors, **DOES NOT ALTER** its current procedures in relation to Public Question Time;
- 11 in relation to Motion No 10 carried at the Annual General Meeting of Electors:
- (a) **NOTES** that the Annual General Meeting motion proceeds on a misapprehension;
  - (b) **ADVISES** that decisions of the type questioned are made in public, and minuted according to legislation;

The Motion was Put and

**CARRIED (10/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, McLean and Norman **Against the Motion:** Cr Macdonald.

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

- 1 **NOTES** the Minutes of the Annual General Meeting of Electors held on 1 December 2008 forming Attachment 1 to Report CJ288-12/08;
- 2 in relation to Motion No 1 carried at the Annual General Meeting of Electors, **NOTES** that the City will continue to develop appropriate indicators;
- 3 in relation to Motion No 2 carried at the Annual General Meeting of Electors, **NOTES** the Electors’ request for increased expenditure on weed control in natural areas;
- 4 in relation to Motion No 3 carried at the Annual General Meeting of Electors, **NOTES** that the viewing platform at North Mullaloo will be listed for consideration in the 2009/10 draft Budget;
- 6 in relation to Motion No 5 carried at the Annual General Meeting of Electors, **NOTES** that the basis of the cost estimates in the motion are inaccurate;

- 8 in relation to Motion No 7 carried at the Annual General Meeting of Electors, NOTES that a separate report will be presented in relation to Policy 3-4 – Height and Scale of Buildings within the Coastal Area;
- 9 in relation to Motion No 8 carried at the Annual General Meeting of Electors, REJECTS the suggestion of amending the City's slogan;
- 10 in relation to Motion No 9 carried at the Annual General Meeting of Electors, NOTES that as part of the Ocean Reef Marina Development Project extensive research will be undertaken to ensure the design takes into account potential adverse impact on coastal and marine environs;
- 12 AMENDS its 2007/08 Annual Report as adopted on 28 October 2008 (Item CJ220-10/08 refers) as follows:

Page 31 – Payment to Employees – Table to be amended by:

- Increasing the number of employees within the annual salary bracket of “\$100,000 to \$109,999” from three (3) to four (4).
- Amending the Total from twenty three (23) to twenty four (24).

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 28 refers*

To access this attachment on electronic document, click here: [Attach28agn161208.pdf](#)

## LATE ITEMS - REPORT OF THE CHIEF EXECUTIVE OFFICER

WARD: All

RESPONSIBLE Mr Garry Hunt  
DIRECTOR: Office of CEO

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Several late reports may be tabled at the Council meeting scheduled on Tuesday 16 December 2008, for the consideration of the Council. As the next Council meeting is not scheduled until Tuesday 17 February 2009, it will be Council's prerogative on whether the items are considered or not. These items include:

- Penistone Oval;
- Inside Workforce Collective Agreement – 2008;
- Tender 034/08 - construction of outdoor 50 metre swimming pool at Craigie Leisure Centre.

**C85-12/08                    CONSULTATION RESULTS: PENISTONE OVAL  
SHARED USE AGREEMENT - [02184]**

This Item was considered earlier in the meeting following Item CJ262-12/08.

**C86-12/08                    INSIDE WORKFORCE COLLECTIVE AGREEMENT -  
2008 [22606]**

**WARD:**                         All

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

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**PURPOSE**

To seek endorsement of the Collective Agreement developed for the inside City workforce.

**EXECUTIVE SUMMARY**

The majority of the City's inside staff employment conditions are covered by a Collective Agreement underpinned by the Local Government Officers (WA) Award. The current inside staff Agreement is about to expire.

The City has been developing a new Agreement for the last nine months culminating in a new Agreement, recently put to a ballot. The result of the ballot was 75% in favour of the Agreement.

*It is recommended that Council ENDORSES the Inside Workforce Collective Agreement 2008 for a term of 2 years, with a wage increase of 5.8% in the first year and 5.0% in the second year, and the CEO lodge an application with the Workplace Authority for it to be certified.*

**BACKGROUND**

The City's employment instruments are governed by Federal legislation and the award underpinning the current Agreement is the same as that covering Local Government industry inside staff generally in WA.

The existing inside staff Agreement was entered into in December 2005. It is a Union Collective Agreement with a three year term. The date the Agreement was entered into is the date it was lodged for certification. The actual operative date in relation to salary increases is 1 July each year for three years commencing 1 July 2005. The last salary increase under the agreement was 1 July 2007.

**DETAILS****Issues and options considered:**Type of Agreement

In practical terms there were only a small number of options open to the City for replacement employment instruments for the existing inside staff Agreement. Individual Workplace Agreements were not an option following the last Federal election leaving an Employee Collective Agreement or a Union Collective Agreement.

An Employee Collective Agreement was chosen as the best option. This offered a significant opportunity to use a collective approach and to engage with and seek the direct input of all the inside staff to develop a new agreement. The result is an agreement that the inside staff can identify with through their own contributions.

### Key Elements of the Collective Agreement

The City of Joondalup was an industry leader for offering good employment conditions and competitive remuneration but in recent times this has come under challenge from competitors in the market and employee expectations around issues such as work/life balance.

Salaries are not the only driver that staff and prospective staff look at when considering their employment options. There are many other issues that are just as important depending on the needs of the individual such as training and further education options, flexibility around hours to meet family needs, flexible leave options etc.

The focus in the development of the new Agreement has been to address these issues in order to maintain a high level of service delivery to the community.

The outcome is terms and conditions for staff which provide competitive and flexible conditions to support work-life balance with:

- Additional opportunities for learning and development for employees,
- Greater flexibility around work patterns and hours,
- Greater flexibility around employee leave entitlements including annual leave, personal leave and long service leave,
- A stand alone agreement with the Award conditions combined into it, and
- Opportunities to build direct and rewarding working relationships with all City staff.

The pay increases provided in the Agreement are fixed at 5.8% in the first year and 5% in the second year.

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

Objective 1.3 – To lead and manage the City effectively.

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

The Local Government Act 1995 in Division 4 of Part 5 sets out provisions in relation to Local Government employees.

The Collective Agreement is subject to the Federal Workplace Relations Act 1996.

The Agreement has been developed to comply both with the Local Government Act Division 4 of Part 5 (sets out provisions in relation to Local Government employees) and the Federal Workplace Relations Act. In the latter case the Agreement complies as the Act currently stands but also has been framed with changes that have been announced but not yet implemented in mind.

### **Risk Management considerations:**

The Agreement is the City's primary inside staff employment instrument, and staff have endorsed the Agreement by formal vote which is a legislative requirement. Once the

Agreement is endorsed by staff through a formal vote the City has a legislative requirement to lodge the Agreement with the Workplace Authority within 14 days.

**Financial/Budget Implications:**

The City built into its 2008/09 Budget, provision for salary increases of 4% which was in line with the previous Agreement and was the best known information at the time. An additional 1.8% increase will add to actual salary costs although this does not necessarily mean the annual budget for salaries will be exceeded by this amount.

	<b>Adopted Budget (with 4%)</b>	<b>Additional 1.8%</b>	<b>New Total</b>
Salaries	\$29,209,697	\$505,552	\$29,715,249

The calculation of the additional \$505,552 is based on the adopted salaries budget. The City is just about to undertake a midyear budget review. The expectation in this review is that the City will accommodate the increase within the adopted budget allocation for salaries.

**Policy Implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability Implications:**

Not Applicable

**Consultation:**

The process for the development of the Agreement has involved extensive consultation with staff. This has culminated in a ballot for the Agreement the result of which is 75% in favour.

**COMMENT**

The Agreement provides terms and conditions for inside staff with competitive and flexible conditions to support work-life balance, encourage training and development and further education, a safe and healthy work environment and provide opportunities to build direct and rewarding working relationships with the City's inside staff.

The Agreement will ensure that the City of Joondalup remains competitive in the labour market and can continue to attract and retain the staff it needs to deliver works and services to the Joondalup community.

**ATTACHMENTS**

Attachment 1            Inside Workforce Collective Agreement 2008.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Norman, SECONDED Mayor Pickard that Council ENDORSES the Inside Workforce Collective Agreement 2008 for a term of 2 years, with a wage increase of 5.8% in the first year and 5.0% in the second year, and the CEO lodge an application with the Workplace Authority for it to be certified.**

Discussion ensued

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 29 refers*

*To access this attachment on electronic document, click here: [Attach29min161208.pdf](#)*

*Cr Hollywood left the Chamber at this point, the time being 2228 hrs*

## **C87-12/08      TENDER 034/08 - CONSTRUCTION OF AN OUTDOOR 50M SWIMMING POOL AT CRAIGIE LEISURE CENTRE - [66618]**

**WARD:** Central

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

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### **PURPOSE**

To report on the outcome of Tender 034/08, for the construction of additional outdoor aquatic facilities at the City of Joondalup Leisure Centres, Craigie.

### **EXECUTIVE SUMMARY**

Tenders were advertised on 1 November 2008, for the construction of additional aquatic facilities at Craigie. The City received five submissions.

The submission from Perkins Builders demonstrated the highest level experience in completing similar local government and commercial aquatic projects. Perkins Builders offered the second lowest priced compliant Tender and ranked first in the qualitative assessment of all Tender submissions. As compared to the lowest priced Tender from Niche Construction, Perkins demonstrated a broader understanding of the required tasks for the project, offered experience in the construction of 50 metre pools and zero depth outdoor water playgrounds and have a long history of working with the proposed specialist pool sub-contractor. Whilst Niche Construction offered the lowest cost Tender they have only completed two smaller indoor purpose built learn to swim facilities, which are significantly smaller and less complex than the Craigie project.

The construction of the proposed facilities will be a high profile project for the City. The key risks to the City in relation to the project include the financial risk of price escalations through builder variances and the risk of the community becoming frustrated if there are construction delays.

Perkins Builders Tender submission clearly articulated their ability to undertake and complete the project to the required standards and within the expected timeframes. This was demonstrated by their comprehensive methodology in the construction program, in conjunction with their extensive experience in completing similar projects.

*It is recommended that Council ACCEPTS the Tender submitted by Perkins Builders for the construction of additional aquatic facilities at the City of Joondalup Leisure Centres, Craigie in accordance with the statement of requirements as specified in Tender 034/08 for the Lump Sum of \$6,817,000.00 (GST Exclusive).*

## **BACKGROUND**

In October 2007, the Council endorsed (CJ217-10/07 refers) the concept design of additional aquatic facilities at Craigie Leisure Centre and sought more information regarding cost estimates of environmentally sustainable options for the project. In addition, Council requested the local swim clubs be consulted on the design; and the final colours, finishes and textures.

In April 2008, the Council endorsed (CJ060-04/08 refers) architects to undertake detailed design documentation of the proposed aquatic facilities and develop pre-tender estimates for the project.

## **DETAILS**

Tenders were advertised on 1 November 2008, through state wide public notice for the construction of an outdoor 50m swimming pool at Craigie Leisure Centre. Tenders closed on 27 November 2008. Five (5) Submissions were received from:

- Perkins (WA) trading as Perkins Builders;
- Badge Constructions (WA) Pty Ltd;
- Niche Construction;
- Robinson Buildtech; and
- ZD Constructions 93 Pty Ltd.

## **Evaluation Criteria**

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

<b>Qualitative Criteria</b>		<b>Weighting</b>
1	Demonstrated experience in completing similar projects	60%
2	Capacity	20%
3	Demonstrated understanding of the required tasks	15%
4	Social and economic effects on the local community	5%

## Evaluation Panel

The evaluation panel comprised of four (4) members; one with tender and contract preparation skills, two (2) with the appropriate technical expertise and one (1) involved in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

## Tender Submissions

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

This Contract is for a fixed lump sum with completion of the works within fifty two (52) weeks from issue of the letter of acceptance.

## Evaluation Summary

Respondent	Evaluation Score	Price	Qualitative Rank
Perkins Builders	82%	\$6,817,000.00	1
Badge Construction (WA) Pty Ltd	73%	\$6,929,700.00	2
Niche Construction	61%	\$6,186,024.00	3
Robinson Buildtech	58%	\$8,016,475.00	4
ZD Constructions 93 Pty Ltd	28%	\$8,565,001.00	5

## Financial/Budget Implications:

The table below represents the breakdown of project costs between 2008/2009 to 2009/2010 based on Perkins Builders Tender submission.

PROJECT COST	2008/2009	2009/2010	TOTAL
Construction Tender	\$2,840,000	\$3,997,000	\$6,817,000
Consultancy	\$214,000	\$299,000	\$513,000
Other costs and contingencies	\$232,000	\$324,000	\$556,000
<b>Total forecast project cost</b>	<b>\$3,286,000</b>	<b>\$4,600,000</b>	<b>\$7,886,000</b>
<b>Budget 2008/2009</b>	\$2,991,000		
<b>Budget adjustment required in mid-year budget review.</b>	<b>\$295,000</b>		
<b>Funding</b>	<b>2008/2009</b>	<b>2009/2010</b>	<b>Total</b>
<b>Borrowings</b>	\$1,600,000	\$4,600,000	\$6,200,000
<b>Reserve Fund</b>	\$1,686,000		\$1,686,000
<b>Total Project Cost</b>	<b>\$3,286,000</b>	<b>\$4,600,000</b>	<b>\$7,886,000</b>

The City appointed an independent quantity surveyor who developed a pre-tender cost estimate of \$8.2 million for the project (CJ232-10/08 refers). Niche Construction price was 16% lower than the quantity surveyor estimate and was 15% lower than the average of all prices submitted by the various builders. As a comparison Perkins Builders was 8% lower than the quantity surveyor estimate and was 5% lower than the average of all prices submitted by the various builders.

**Issues and options considered:**

The City has the option of:

- Selecting the recommended tender.
- Selecting an alternative compliant tender.
- Rejecting all tenders.

**Link to Strategic Plan:**

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

Key Focus Area	5	Community wellbeing
Objective	5.2	To facilitate healthy lifestyles within the community.
Strategy	5.2.1	The City provides high quality recreation facilities and programmes.

**Legislation – Statutory Provisions:**

A state wide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

**Risk Management considerations:**

Should the contract not proceed, there is a risk that the City would receive adverse publicity as there is a high level of community expectation that these facilities would be developed for the community.

The construction of the aquatic facilities at Craigie will be a high profile project for the City, particularly with the community's expectations that the facilities will be open for the summer of 2010. It is considered that awarding the contract to Perkins Builders who have a comprehensive understanding of the project's requirements and extensive experience in completing similar projects on time and on budget will minimise the risk of time and cost escalations.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

A key component of the proposed design was to ensure the environmental impact of the proposed facilities were minimised. In summary, the key green initiatives that have been included in the final design and endorsed by Council (CJ232-10/08) are:

- Solar hot water heating to change rooms.
- Artificial turf;
- Waterless urinals;
- Pool blankets to reduce water and chemical evaporation from the 50m pool.
- Energy efficient light fittings and lamps.
- Dual flush toilets, waterless urinals, timer controlled taps and showers, water efficient shower heads.
- Pool filters fitted with backwash air scour system to reduce water loss.
- Gas chlorine system.
- All roof and ceiling insulation rated to a minimum “R” rating of 2.5.
- Skylights in change rooms.
- Landscaping to include artificial turf and drought tolerant species.
- Geothermal heating system remains the “lead” heating source and will be used at its full available capacity prior to starting the supplementary electric heat pump system.
- The use of variable speed drives on pumps to allow speed reduction during off peak periods reducing energy usage.
- Upgrade the electricity supply to 100% renewable energy.

**Consultation:**

Not Applicable.

**COMMENT**

The Tender process identified three builders with varying degrees of swimming pool construction experience, which included Badge Construction, Niche Construction and Perkins Builders.

Badge Construction are currently constructing the new aquatic facilities at Aqua-motion in the City of Wanneroo, which includes indoor swimming pools, gymnasium and outdoor zero depth water playground. The Badge Construction Tender submission highlighted to the selection panel that they` had the internal resources and experience to complete the works, a detailed methodology for the construction program and as compared to other submissions the highest standard of safety management.

A key element missing in the Badge Tender submission was the nomination of sub-consultants for the project. The key component of the project is the construction of aquatic facilities which requires a pool construction specialist. Badge Construction did not nominate a specialist pool construction company for the project; therefore an assessment of their experience in delivering similar projects could not be established.

Niche Construction is a relatively new building company, which was established in 2004. Since 2004, Niche construction has won numerous Master Builders Association Awards including the 2007 Excellence in Construction – Best Public Building under \$10 million. Niche Construction Tender submission offered the City a cost saving of \$631,000.

The Niche Construction Tender demonstrated an understanding of the requirements for the project and nominated AVP Commercial Pools as the specialist sub-contractor for the construction of the aquatic facilities. Niche Construction have completed two indoor learn to swim facilities which included a 25 metre x 10 metre pool, with a third under construction. As compared to Perkins Builders, Niche Construction has no experience in building outdoor 50 metre pools or outdoor water playgrounds. The size and scope of the project at Craigie is significantly larger in value and more complex in nature than the projects previously undertaken by Niche Construction.

The submission by Niche Construction highlighted two projects working with the specialist pool sub-contractor of AVP Commercial Pools. Perkins Builders have demonstrated a strong relationship with AVP Commercial Pools having completed multiple aquatic projects to the value of \$60 million dollars in Western Australia.

Perkins Builders provided a well documented Safety Management Policy and have a Quality Management System accredited to ISO 9001 – 2000.

Referee checks undertaken on Perkins Builders confirmed their previous range of aquatic projects, with positive comments being received on the quality of their works. An independent financial risk assessment rated Perkins Builders as a low risk company.

Perkins Builders represents best value to the City as it achieved the highest score for its qualitative assessment and the second lowest lump sum price. Perkins demonstrated extensive experience in undertaking and completing major aquatic projects of this nature and complexity.

Perkins Builders most recent project was the completion of the Balga Aquatic Centre which included the construction of indoor swimming pools, zero depth outdoor water playground and change rooms. Perkins Builders specified AVP Commercial Pools as the sub-contractor for the construction of the pool facilities, who are recognised as an established and competent specialist in the field of commercial pool construction and filtration systems. Perkins Builders were the only company where AVP Commercial Pools offered a detailed pool construction program which demonstrated a \$50,000 costs saving option for the water playground, further highlighting the strong working relationship between both parties.

The Tender from Perkins Builders offers the City:

- A demonstrated experience in completing 50 metre pools and zero depth outdoor water playgrounds.
- The organisational capacity to resource the project with a team experienced in aquatic facility developments,
- An established relationship with AVP Commercial Pools in the construction of a large range of aquatic facilities.
- A detailed safety and quality management system.
- The highest score in the qualitative assessment of all tender submissions.

Whilst there is a significant difference in the tender price between Niche Construction and Perkins Builders, it is important that the risks are minimal for this large and complex project. Based on the analysis of the tender submissions and reference checks Perkins Builders represents the best value for the City.

## **ATTACHMENTS**

Attachment 1          Summary of tender submissions.

## **VOTING REQUIREMENTS**

Simple Majority

*Cr Hollywood entered the Chamber at this point, the time being 2232 hrs.*

**MOVED Cr Amphlett, SECONDED Cr Fishwick that Council ACCEPTS the Tender submitted by Perkins Builders for the construction of additional aquatic facilities at the City of Joondalup Leisure Centres, Craigie in accordance with the statement of requirements as specified in Tender 034/08 for the Lump Sum of \$6,817,000.00 (GST Exclusive).**

Discussion ensued

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 30 refers*

*To access this attachment on electronic document, click here: [Attach30min161208.pdf](#)*

## **C88-12/08 FUTURE VERGE ENHANCEMENT STRATEGIES - [87541]**

**WARD:** South-East

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

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### **PURPOSE/EXECUTIVE SUMMARY**

To present the Policy Committee's recommendation in relation to future verge enhancement strategies for Greenwood.

### **BACKGROUND/DETAILS**

On 15 December 2008, the Policy Committee considered a report in relation to future verge enhancement strategies for Greenwood. The report (Attachment 1 refers) identified five options for promoting verge enhancement.

The Committee resolved to support option 1 with minor modifications including:

- Reducing the prize pool to \$2,500;
- Including the front garden as well as the verge in the competition; and
- Introducing a best street award category which would be awarded by a sign in the street and \$500 for a community BBQ for street residents.

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

Council could:

- Support the Policy Committee's recommendation;
- Select another option from Attachment 1;
- Make an alternative decision of Council's choosing.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

See Attachment 1.

**Financial/Budget Implications:**

An amount of approximately \$10,000 will be required to cover running the competition, advertising, signage and award prizes.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The competition is designed to encourage environmental and social sustainability.

**Consultation:**

Not Applicable.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1      Report to Policy Committee.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 IMPLEMENTS a verge enhancement competition for Greenwood, similar to the competition that was held in Heathridge but with the following modifications:**
  - A reduced prize pool of \$2,500;
  - That the competition covers both the front garden and the verge; and
  - That a prize be awarded for the best street which would include a sign in the street and \$500 for a street resident BBQ.
- 2 REQUESTS that, following the completion of the trial at Greenwood, a report be prepared and presented on the trial to the Policy Committee for consideration.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 31 refers*

*To access this attachment on electronic document, click here: [Attach31min161208.pdf](#)*

## **C89-12/08 PROPOSED PARKING POLICY FOR COMMERCIAL DEVELOPMENT WITHIN JOONDALUP CITY CENTRE - [00152]**

**WARD:** North

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

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### **PURPOSE**

To provide a parking policy which will ensure an adequate supply of private and public parking as well as providing an incentive for major commercial development within the City Centre.

### **EXECUTIVE SUMMARY**

The proposed Parking Policy is aimed at ensuring that an adequate supply of both private and public parking occurs in the City Centre, as well as providing incentives for the significant commercial development.

The draft policy effectively requires parking for commercial developments at a rate of 1 bay per 60 square metres Net Lettable Area (NLA) and a normal financial contribution to the public parking component.

The draft policy has been prepared to recognise the current phase of growth in the City Centre and the desire to encourage major commercial development.

The draft policy has been advertised for public comment and was presented to the meeting of the Policy Committee held on 15 December 2008. It is recommended that the Policy be adopted.

## **BACKGROUND**

The current requirements for parking for commercial developments within the City Centre is one bay per 30 square metres in net lettable area (NLA). Research has shown that this is consistent with other local governments within metropolitan Perth however, some local governments have provided reduction factors to encourage sustainability and public transport usage. Consideration was given to a policy for the City which reduced the one per 30 requirement based on proximity to public transport facilities and the provision of end of trip facilities for cyclists. Validation of this approach for the Joondalup situation was sought from traffic consultants, Darren Levy, of Uloth and Associates.

The traffic consultant advised that such reductions for the Joondalup City Centre are not recommended. The consultant did however, make a number of recommendations in relation to the overall strategy for parking within the City Centre.

Based on the consultant's report a number of principles were established and adopted by the Council at its meeting on 15 July 2008 (CJ143-07/08 refers). The adopted principles are

- The standard car parking rate is 1 car bay per 30 sqm of floorspace.
- The application of this standard is 50% provided on-site (ie 1 bay per 60sqm), and 50% provided off-site in the form of public car parking.
- The development must provide on-site car parking at the rate of 1 per 60sqm, with consideration given to cash in lieu (at the full rate) for a portion of the on-site requirement.
- In terms of the off-site provision, the City will be responsible for providing public car parking, with the developer contributing a portion as cash in lieu at a rate that will not be a disincentive to development.
- In order to encourage buildings of greater height, the developer's provision of on-site car bays will be reduced on a sliding scale depending on the height of the building.
- Support the provision of bays for smaller cars and scooters, as well as bike facilities including storage, lockers, and showers.
- In the longer term, 1 car bay per 45 sqm of floorspace will be the standard requirement.

At its meeting on 30 September 2008, the Council resolved to advertise the Draft Policy for public comment. The results of the public consultation were presented to the Policy Committee on 15 December 2008.

## **DETAILS**

Draft Policy Joondalup City Centre Car Parking at Attachment 2 has been drafted on the basis of the principles adopted by the Council. (Attachment 1 explains the policy) Importantly, the policy assures that the City will achieve an overall parking provision of one car bay per 30 sqm of commercial net lettable area, however, a developer of commercial floor space will only be required to provide 50 % of that overall requirement, with the City potentially ensuring the provision of the remaining 50% in public parking.

The policy also allows for that 50% requirement to be discounted based on the height of the proposed building. The higher the building to be constructed the greater the discount. A proportion of the onsite parking can be built as small vehicle bays and/or motorcycle or scooter bays. While the advantage for small vehicle bays is marginal, the floor area saving for motorcycles and scooters could be quite significant. There needs to be recognition that at the present time, motorcycles and scooters only represent a relatively small proportion of vehicle parking needs.

In terms of the off-site parking requirement, the general principle is that the City will be responsible for providing approximately 50% of the overall parking requirement, however, a contribution would be sought from the developer to off-set the cost of providing the public parking. The draft policy suggests that the contribution be diminished, as the number of bays required increases.

### **Consultation:**

The Draft Policy was advertised for a period of 30 days.

At the conclusion of the public consultation period, two submissions had been received. One was from the Joondalup Business Association (JBA) while the other was from a local architect. Both commented negatively on the policy.

The JBA's submission stated that "the flexibility measures do not encourage development in any significant way". This submission argued that there should be, ultimately, a zero parking requirement for commercial developments, but at the very least, there should be a requirement of 1 car bay for every 100 sqm of commercial retail floor space. This is almost half of the proposed starting policy requirement of 1 bay for every 60 sqm. The submission notes that "we need to provide, as a matter of urgency, a lot more public parking".

The second submission from a local architect indicated that the "local planning policy will do nothing to assist the situation". This submission questions why the City is not providing 1 car bay per 45 sqm of floor space immediately, rather than the 1 car bay per 30 sqm as suggested in the draft policy. (In response, the former report to the Committee at Attachment 1 notes that the 1 bay per 30 sqm is consistent with the approach of other local governments; it was recommended by the Traffic Consultant and that is questionable whether the CBD is mature enough to respond positively to a lower parking requirement.) The submission also questioned whether the reductions posed in the policy will encourage major commercial development because there have been no design or economic studies to validate their effectiveness. (In response to this position, it is noted that the City suggests that the policy be reviewed regularly to ensure that it is effective and meeting the changing needs of the City Centre). Specifically, the final dot point of the overall strategy states "the balance of public and private parking will be reviewed every two years to gauge the performance of the policy against actual built outcomes".

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

3.1 Objective: to encourage the development of the Joondalup CBD

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

Clause 8.11 of the City of Joondalup's District Planning Scheme No 2 enables Council to prepare, amend and add to local planning policies that relate to any planning and development matter within the Scheme area.

**Risk Management considerations:**

Council's approach to the Policy and the future consideration of cash in lieu of parking will potentially have a major impact on the built form of the City Centre and its ability to fund/provide public parking.

**COMMENT**

The views expressed in the two submissions are acknowledged. However, it is important to recognise that the proposed parking policy establishes a new approach to dealing with parking and it is almost impossible to determine how this policy will be received unless it is trialled in the market. It is not considered appropriate for the City to take on responsibility for all of the parking provisions as suggested. This would significantly advantage developers and runs contrary to expert traffic advice.

The City could attempt to undertake detailed economic modelling and design analysis as suggested. However, this would delay the implementation of the Policy with no guarantee of a significantly more favourable outcome. Consequently, for these reasons it is recommended that the Policy be introduced in its current format and trialled for a two year period.

In regard to the comment made about the construction of City provided carparks, it is noteworthy that the City's Parking team is charged with the responsibility of monitoring and implementing the City's Parking Scheme, including continual monitoring of parking behaviours, supply and demand.

At its meeting held on 15 December 2008, the Policy Committee resolved that:

“Council ADOPTS Policy – Joondalup City Centre Car Parking for Commercial Development, forming Attachment 2 to this Report”.

**ATTACHMENTS**

Attachment 1	Explanatory Notes
Attachment 2	Parking Policy Joondalup City Centre Car Parking

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council adopts Parking Policy Joondalup City Centre Car Parking for Commercial Development forming Attachment 2 to this Report.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item C89-12/08, Page 176 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, and Norman.

*Appendix 32 refers*

*To access this attachment on electronic document, click here: [Attach32min161208.pdf](#)*

**C90-12/08                    COUNCIL DECISION – EN BLOC RESOLUTION**

**MOVED** Cr McLean, **SECONDED** Cr John that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption Of Recommendations En Bloc, Council **ADOPTS** Items CJ258-12/08, CJ261-12/08, CJ263-12/08, CJ264-12/08, CJ265-12/08, CJ266-12/08, CJ267-12/08, CJ268-12/08, CJ269-12/08, CJ272-12/08, CJ273-12/08, CJ277-12/08 and CJ284-12/08.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C91-12/08                    NOTICE OF MOTION NO 1 – MAYOR PICKARD - WRITTEN QUESTIONS FOR PRESENTATIONS AT BRIEFING SESSIONS AND COUNCIL MEETINGS - [02154] [01122]**

In accordance with Clause 26 of Standing Orders Local law 2005, Mayor Pickard gave notice of his intention to move the following motion at the Council Meeting to be held on Tuesday, 16 December 2008:

***“That subject to supportive legal advice and/or the confirmation of the Department of Local Government and Regional Development that the proposal does not contravene relevant legislation, the City no longer accepts written questions for presentation at Briefing Sessions and Council Meetings from people living outside of the City.”***

**Reason for Motion**

Mayor Pickard submitted the following comment in support of his Notice of Motion:

*“The Local Government Act 1995 does not place a requirement on a local government to receive written questions. It merely requires Council to hold a public question time. The City goes well beyond its legislative requirements by offering both a public statement time and a public question time, as well as accepting written questions. To enhance the efficiency of the City’s operations, it is proposed that the City no longer accepts questions from people residing outside of the City who are not ratepayers of the City. Such people will have an interest in the operations of the City, but are not the City’s principle constituency. As such, it is proposed that should such people wish to ask the City questions, they be required to attend Council meetings to pose their questions or write directly to the City.*

*This suggestion will require an amendment to the procedure for Public Question Time by the alteration of a few words.”*

**Officer’s Comment**

Legal advice and clarification can be sought from the Department of Local Government and Regional Development and a report presented to the Council.

**MOVED Mayor Pickard, SECONDED Cr Amphlett that subject to supportive legal advice and/or the confirmation of the Department of Local Government and Regional Development that the proposal does not contravene relevant legislation, the City no longer accepts written questions for presentation at Briefing Sessions and Council Meetings from people living outside of the City.**

**The Motion was Put and**

**CARRIED (10/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, McLean and Norman. **Against the Motion:** Cr Macdonald

**C92-12/08     NOTICE OF MOTION NO 2 – CR RUSS FISHWICK – PARKING RESTRICTIONS, DOVERIDGE DRIVE, DUNCRAIG - [09708] [29136] [24185]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Russ Fishwick gave notice of his intention to move the following motion at the Council Meeting to be held on 16 December 2008:

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

**Reason for Motion**

Cr Fishwick submitted the following comment in support of his Notice of Motion:

“I have received a request from a resident in Doveridge Drive, Duncraig for Council to extend the parking restrictions on the eastern side of Doveridge Drive further south to improve the amenity of the street.

The problem is caused by train commuters who park all day in the unrestricted section of Doveridge Drive, adjacent to the Freeway south of the current two hour parking restrictions. This has impacted on the verge which has deteriorated due to constant traffic. I am also concerned about the safety of students attending the Saint Stephens School when they are departing in the afternoon due to sight line problems, particularly on the bend in Doveridge Drive south of the school’s entrance.

From a survey I conducted of residents together with the attached photographic evidence, there is justification to support extending the existing parking restrictions in Doveridge Drive.”

**Officer’s comment**

A report can be prepared.

**MOVED Cr Fishwick, SECONDED Cr Diaz that Council REQUESTS a report from the Chief Executive Officer on extending the two (2) hour parking restrictions on the eastern side of Doveridge Drive, Duncraig to a position adjacent to the intersection of Winster Close.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Norman

*Appendix 25 refers*

To access this attachment on electronic document, click here: [Attach25agn161208.pdf](#)

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

### **NOTICE OF MOTION NO 1 – CR GEOFF AMPHLETT – BETTER UTILISATION OF CITY SUMPS - [42666]**

In accordance with Clause 26 of Standing Orders Local law 2005, Cr Amphlett has given notice of his intention to move the following motion at the Council Meeting to be held on Tuesday, 17 February 2009:

***“That Council request a report from the Chief Executive Officer on the potential to better utilise the City’s sumps, including but not limited to passive recreational purposes, enhanced beautification and improved bio filtration. The report should also identify the indicative costs, timing and technical issues associated with sump upgrading.”***

### **NOTICE OF MOTION No 2 – CR BRIAN CORR – CLIMATE CHANGE (SEA LEVEL RISES) - [59091]**

In accordance with Clause 26 of Standing Orders Local law 2005, Cr Corr has given notice of his intention to move the following motion at the Council Meeting to be held on Tuesday, 17 February 2009:

***“That Council:***

***NOTING the following:***

- 1 the scientific evidence is overwhelming: climate change presents very serious risks;***
- 2 preparing for the impacts of climate change is imperative;***
- 3 the sea level is estimated to rise 18 to 59 cm by the end of this century with shoreline retreat being as much as 50 to 200 times the vertical sea level rise (i.e. 9M to 118M, depending on the coastal geomorphology);***
- 4 sea level rises could affect drainage, road and pathway construction and maintenance, coastal assets and infrastructure, open space, marinas and jetties, dunes etc;***
- 5 developments where climate change is taken into account are more likely to be successful, be a better investment, command a higher price, and have lower long-term running costs (such as insurance etc);***
- 6 developments where climate change is ignored could be too dangerous or uncomfortable to utilise, too expensive to run and maintain, and affordable insurance may not be available;***
- 7 down the track, when a problem arises, the City of Joondalup will still be here to be held to account, the developer may or may not be. The cost to ratepayers in litigation could be enormous;***
- 8 owners rely on the City of Joondalup for advice on matters such as this to reduce their risks and demonstrate due diligence;***

- 9 *the need for due diligence cannot now be ignored because a risk is uncertain or is in the future;*
- 10 *the general awareness of the impacts of climate change has increased dramatically in the recent past;*
- 11 *a number of other authorities have published climate change impact assessments;*
- 12 *buyers and tenants expect that developments designed and built now will withstand the impacts of climate change within the lifetime of the development;*
- 13 *the head of the climate change unit at the Australian National University and science advisor to the Federal Government, Professor Will Steffen, said “we see things happening much faster than we thought” (ABC News 19 August 2008);*
- 14 *a Victorian Civil and Administrative Tribunal (VCAT) decision, labelled ‘Red Dot’ for emphasis and referenced VCAT 1545 (29 July 2008), overturns a planning approval for six (6) houses as, “applying the precautionary principle, we consider that increases in the severity of storm events coupled with rising sea levels create a reasonably foreseeable risk of inundation of the subject land and the proposed dwellings, which is unacceptable.”*

***REQUESTS a report from the Chief Executive Officer advising Council whether, or not, a full climate change/risk assessment, with particular attention being given to sea level rises and its effects, should be done, giving the pros and cons, with a recommendation to Council, and, if the recommendation is yes, the urgency that the assessment should be given.”***

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2257 hrs; the following elected members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr T McLEAN  
Cr A JACOB, JP  
Cr M MACDONALD  
Cr G AMPHLETT  
Cr M NORMAN  
Cr M JOHN  
Cr B CORR  
Cr R FISHWICK  
Cr F DIAZ