



**MINUTES OF COUNCIL MEETING
HELD ON 7 JUNE 2005**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 7 JUNE 2005

OPEN AND WELCOME

The Deputy Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR P CLOUGH – Deputy Chairman
CMR M ANDERSON
CMR A FOX

Officers:

Chief Executive Officer	G HUNT	<i>Absent from 2005 hrs to 2009 hrs</i>
Director, Planning & Community Development:	C HIGHAM	
Director, Corporate Services and Resource Management:	P SCHNEIDER	
Director, Infrastructure & Operations:	D DJULBIC	
Manager, Marketing Communications & Council Support:	M SMITH	
Manager, Approvals Planning and Environmental Services:	C TERELINCK	
Coordinator Waste Management & Environmental Services:	P HOAR	<i>to 2034 hrs</i>
Media Advisor:	L BRENNAN	
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	

There were 22 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions, submitted by Mr M Sideris, Mullaloo, were taken on notice at the Council meeting held on 17 May 2005:

Re: Items CJ090-05/05 – Tender Number 043-04/05 – Supply and Application of Bulk Fertiliser – [27570] and CJ091-05/05 – Tender Number 033-04/05 – Supply and Laying of Asphalt – [53568], can you please advise:

Q1 In accordance with Council policy, I submitted questions prior to 5 o'clock on Friday, 13 May 2005. Question 2 dealing with fertiliser has not been answered and I would like an answer tonight because it relates to an item before Council tonight.

Original Question

What is the Total Contract Value (potential total cost of contract), and GST component, based on the terms of the Request for Tender estimated quantities provided to tenderer's and why has this detail not been included in the recommendation to Council so that Council is fully aware of the financial impact of its decision?

A1 Tender 043 – 04/05 - Supply and Application of Bulk Fertiliser

Total estimated cost (based on indicative tonnage quantities as detailed in the specification) is calculated to be \$275,600 per year plus GST, for all fertiliser types and the application of such.

Estimated cost per year:	\$275,600
Goods and Services Tax:	\$ 27,560

Total per year:	\$303,160
	=====

Total estimated expenditure, inclusive of GST and based on indicative tonnage quantities for the 3-year Contract period would be \$909,480.

The price of fertiliser is subject to price variation in accordance with the manufacturers price list, while the labour content to apply the fertiliser is subject to variation in accordance with the All Groups CPI for the Perth Region as published by the Australian Bureau of Statistics for a period of the previous 12 months. The Contractor is to provide documentary evidence that it has actually incurred any cost increase and any such increase will be subject to the approval of the City.

Tender 033 – 04/05 - Supply and Laying of Asphalt

Total estimated cost is calculated to be \$680,000 per year plus GST, for the supply and laying of asphalt requirements.

Estimated cost per year:	\$680,000
Goods and Services Tax:	\$ 68,000

Total per year:	\$748,000
	=====

Total estimated expenditure, inclusive of GST based on indicative tonnage quantities for the 3-year Contract period would be \$2,244,000.

Note: The above values are based on indicative requirements over a three-year period.

The price of Asphalt is subject to price variation in accordance with the manufacturers manufacturing costs. The Contractor is to provide documentary evidence that it has actually incurred any cost increase and any such increase will be subject to the approval of the City.

Q2 *Re: Details of the SAT process. What are the specific details associated with each aspect of that order to comply?*

A2 Below is a copy of the wording in the Schedule of the notice: -

ITEM 1: THE BUILDING

Premises described as the "Mullaloo Oceanside Village"

ITEM 2: THE LAND

10 Oceanside Promenade, Mullaloo, and being Lot 100 on Diagram 48638 and being the whole of the land comprised in Certificate of Title Volume 2157 Folio 46

ITEM 3: Departures from the approved plans and specifications for Building Licence No. BA03/4061

- 1 The "Substation" shown on the approved plans as being located in the basement has been constructed 7100 mm nearer the southern side of the Building than shown on the approved plans, contrary to the approved plans.
- 2 A stairway has been constructed along the western side of the Building contrary to the approved plans.
- 3 The "Stair 1", "Lift 1" and the "LMR" (Lift Maintenance Room) shown on the approved plans as being located in the basement have been constructed with a width of 6050 mm and depth of 3600 mm which is contrary to the approved plans which show a width of 9300 mm and a depth of 3850 mm.
- 4 The "Pump Room" shown on the approved plans as being located in the basement has been constructed with a width of 7400 mm which is contrary to the approved plans which show the pump room as being 5400 mm wide.
- 5 The "Tank" located in the basement and shown on the approved plans to be 8430 mm long and 2400 mm wide has been replaced with 2 smaller tanks, each being 3600 mm long and 3600 mm wide, contrary to the approved plans.
- 6 Two additional tanks, each between 5000 mm and 6000 mm long and approximately 2500 mm wide have been constructed on the northern side of the "Substation" contrary to the approved plans.

- 7 “Store 4” shown on the approved plan has not been constructed, contrary to the approved plans.
- 8 “Store 3” shown on the approved plans as being between 2400 mm and 2700 mm deep has been constructed with a depth of between 1300 mm and 1700 mm contrary to the approved plans.

The following question, submitted by Mrs M Macdonald, Mullaloo, was taken on notice at the Council meeting held on 17 May 2005:

Q1 Didn't Councillors need to know that Council was going from 175 to 600 on the tavern floor alone and that there would be probably 900 people in this building as part of their process to satisfy themselves that there would be no adverse effect on the locality?

A1 It is not possible to determine the total patronage capacity from the plans that were submitted with the development application. The accommodation potential can be derived differently from complementary legislation and depends on details of fit-out, including useable floor areas, the location and type of exit points, ventilation details and number of ablutions, seating and standing areas and games areas.

Some of those details were not available or required when the proposal was considered for the purpose of assessing its planning merits.

When the development application was assessed, the Councillors were provided with a comparison of the existing and proposed floor areas of the tavern, which are very similar. The plans of the proposed development were also attached to the report for reference and to provide further context and understanding of the size of the new tavern.

The following questions were submitted in writing prior to the Council Meeting and responses were tabled at the meeting.

Ms M Moon, Greenwood:

Re City of Joondalup Tourism Plan

The City may need to consider the development of a number of policies such as:

- *Screening of developers and applicants to ensure their suitability as developers of tourism developments*
- *Tourism transport and access policy*
- *Short stay accommodation*
- *Building height restrictions*
- *Building density restrictions*
- *Trading hours*
- *Noise nuisance*
- *Liquor licensing*

On 26 April 2005 Council endorsed the report on “Policy Review” in which it was proposed that:

“those policies that are developed for administrative and/or operational imperatives (City Policies) will be developed by Council officers for Council consideration and be subject to the normal Council meeting cycle for Council review and endorsement.” (CJ064 - 04/05 refers)

In accordance to this Council decision, the City will be able to consider the development of the policies listed above. If developed, the policies will be presented to Council for review and endorsement. The development of policies will require adequate resourcing and therefore consideration will have to be given to current workload and priorities. The City may also need to work in partnership with the State Government and other Local Government Authorities in development of some of the policies.

Q1(a) *Are any or all of the above City Policies Local Planning Policies?*

Q1(b) *Could those considered planning policies be identified and listed?*

A1(a&b) *With the exception of the proposed short stay accommodation policy and coastal building height policy which will be local planning policies, it is not possible to state that, if the suggested policies were developed, whether they would be local planning policies.*

Q2(a) *Will Clause 8.11.3 of the DPS2 be applied to the policies listed above?*

Q2(b) *Could those policies which will need to comply to Clause 8.11.3 be identified and listed?*

A2(a&b) *Clause 8.11.3 of District Planning Scheme No 2 applies to the development of any local planning policy. This clause will be applied to the preparation of the two local planning policies identified in A1 above.*

Q3 *The planning framework of the City has been shown in the case of height policy in commercial areas and density and development controls for short stay accommodation as flawed (Minister for Planning).*

In the interests of proper and orderly planning and an accountable planning Framework (DPS2 1.6):

Q3(a) *Will Commissioners amend the recommendation to include the development of a height policy for all zones and precincts within the City's boundaries?*

Q3(b) *Will Commissioners amend the recommendation to include the development of a short stay policy inclusive of all accommodation which is not permanent which at a minimum sets density controls (Minister for Planning).*

A3(a&b) *A coastal height policy and short stay accommodation policy are proposed to be developed over the next few months. The community will have an opportunity to comment on the scope of these policies.*

Q4 *The City's Planning Framework has no Tourist zone, no density or development control for short stay/hotel/motel/residential building/lodging houses/hostels accommodation in any of the City's statutory zones or precincts, No density control for multiple dwellings in the Low Density Codes, No Height Controls for zones or precincts other than the residential zone. No accountable Planning Framework and No planning framework to facilitate this tourist development plan.*

Q4(a) *In approving this tourist development plan within the confines of the City's current statutory and non-statutory planning framework: Is it considered in the best interests of the community not to first have the necessary statutory and non-statutory planning framework in place?*

Currently this tourism development plan can be given due regard (if approved) whilst the City has no height controls outside the residential zone (and then only considered if for dwellings – Meath Care), no density controls for any accommodation other than dwellings and not for multiple dwellings in the low density codes and no policy for short stay/ tourist accommodation impacting on residential zones and residential precincts amenity.

A4(a) The tourism development plan is a document that has a larger focus than the specific statutory planning controls. As noted above, a coastal height and short stay accommodation policy are proposed to be developed over the next few months.

Q5 *Will an accountable planning framework in the interests of proper and orderly planning be included in the implementation plan?*

A5 Refer to A4 above.

Q6 *In the statement The City may need to consider the development of a number of policies and in accordance to this Council decision, the City will be able to consider the development of the policies listed above. If developed, the policies will be presented to Council for review and endorsement. The commissioners are giving the Officers discretion to consider the development of these policies.*

Q6(a) *How will the Council ensure the best interests of the City are met and an accountable policy framework shall be in place?*

A6(a) Council recently endorsed a report titled Policy Review (CJ 064 - 04/05 refers).

The Council Policy Governance Framework proposed in this report sets an overarching governance hierarchy or policy governance model that will enable the Council and the CEO to:

- Provide effective and accountable strategic leadership;
- Exercise effective control over the operations of the City; and
- Add value to the activities undertaken.

The proposed Council Policy Governance Framework, therefore, establishes a system whereby Council through policy leadership, establishes the blueprint for the community's future. The CEO is accountable for the execution of that blueprint.

Mr M Sideris, Mullaloo:

Q1 *Re: Item CJ100-06/05 Tourism Development Plan and in particular attachment 1brf310505, page 50 Recommended Strategies 1: "Initiate planning approvals and permits and encourage the establishment of quality beachfront café facilities at Pinnaroo Point, Mullaloo Beach (Tom Simpson Park), Ocean Reef and Burns Beach."*

As this appears to give or forecast planning approval to the redevelopment of some of the Mullaloo Surf Club (and local Community Hall) site for a beach-front cafe; is in direct conflict with the previously submitted substantial public comment on the redevelopment of Tom Simpson Park; will place even greater demand on the very limited public carparking at that site; and reduce the ability of the broader community to access Mullaloo and Tom Simpson Park which has a strong identify as a family picnic beach (page 37) with safe family beach; as was never raised as a potential option at the various community workshops; will the Council reconsider this Recommended Strategy?

- A1 This recommendation must be read and understood in the context the total infrastructure strategy; particularly in the context of:
- (a) "the recommendations are not detailed nor prescriptive but highlight where infrastructure can contribute to the growth of tourism" p.46 of the Tourism Development Plan.
 - (b) "The opportunity is to add to visitor and local amenities, while providing a point of difference on the metropolitan Perth coastline." p.47 of the Tourism Development Plan.
 - (c) "increasing visitor numbers and yield, while enhancing the City's facilities for residents, ensuring sustainability and protecting the natural environment." p.46 of the Tourism Development Plan.

Pinnaroo Pt. and Mullaloo Beach (Tom Simpson Park) have been identified as locations for appropriate incorporation of improved quality cafe and ablution facilities in order to optimise employment opportunities, economic yield and sustainability. The recommendation is for a public/private partnership that will benefit established community groups and it would comply with relevant planning regulations. The two locations are expected to see increased visitor numbers and would be well served by facilities that can generate financial returns that will assist with the areas sustainable management.

The recommendation has been made by the consultants and is consistent with ideas and issues raised in community workshops and is a market demand match. There are already substandard facilities in situ at Mullaloo i.e.. a refreshments serving "hole " in the surf club wall. This was the rationale and context for the recommendation. It is noted that the City received a comment from Mrs M Zakrevsky requesting "that Cafes should be developed on the east side of Sunset Drive"

As stated in the City's response "any proposals would need to be considered within the constraints and site conditions in mind".

Given the comment and the City's response it was considered unnecessary to alter the Tourism Plan, however given the draft nature of the Plan at this point in time, Council may wish to reconsider and remove the location of 'Mullaloo Beach' from this recommendation within the Plan.

Mr S Kobelke, Sorrento:

Q1 *CJ118-06/05. Subdivision Referrals April. Item SU285-05 - 21 Leach Street Marmion.*

Can Council explain the process of deciding on Strata Residential Lots when the infill sewerage works have not yet been done?

- A1 The strata subdivision was conditionally supported on the basis that the properties must be connected to deep sewer. As subdivision approvals are valid for 3 years, information obtained from the Water Corporation indicated that it is likely that deep sewer would become available in that time. Notwithstanding, the Western Australian Planning Commission has refused the proposed strata subdivision as deep sewer is not immediately available.

- Q2 *CJ100-06/05. City of Joondalup Tourism Development Plan. Appendix 1 Page 48 (4) and other locations through the document.*

Will the Commissioners remove any mention of increased short stay accommodation at the Hillarys Boat Harbour from the document? The Commissioners have already identified at their recent meeting on the proposed tavern that the Hillarys Boat Harbour is at capacity. In particular the reference in this document to reclaiming the area "possible future boat pens" shows the authors of this document have not researched the history of the Hillarys Boat Harbour and its aims to service the boating public into the future.

- A2 The Hillarys Boat Harbour has a number of recreational objectives including recreational and commercial boating. The Tourism Development Plan (TDP) has identified an opportunity for future planning/development to create additional short stay accommodation in a location where market analysis indicates a demand exists and where it is in an appropriate precinct with supporting infrastructure.

Reference to the area designated as "possible future boat pens" is included in the TDP only as a possible consideration and it could well be that consideration of both purposes could make development more viable. There are limited such opportunities in the City for employment and increased yield from tourism.

The TDP recognises that consultation and planning for Hillarys Boat Harbour has occurred however, the opportunity for further appropriate development accommodating boating purposes and tourist/short stay accommodation is recommended for continued consideration, particularly also in the context of further "regional" marina developments.

The Commissioners will make a decision having considered these and other issues.

- Q3 *Will the Commissioners delay the decision on CJ100-06/05 - City of Joondalup Tourism Development Plan until their next meeting to allow more time for interested parties to consider and make comment on this important document that will set the future direction of tourism?*

- A3 The Tourism Development Plan was made available to the public for sixty days from 15 January to 15 March 2005. This was advertised in both the West Australian and local newspapers.

The Commissioners will make a decision having considered this information.

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

Mr M Caiacob, Mullaloo:

- Q1 *Re: CSIRO Site, Marmion – Responses to questions regarding the non-conforming land use rights of the Marine facilities on the CSIRO site were answered that there was no non-conforming land use rights. What independent investigation was used and what evidence or fact was found to obviate the CSIRO's own comments that there were non-conforming land uses on this site?*

- A1 The answers to the questions were developed by research from various members of the City's Planning and Community Development directorate. The combined experience of those officers is probably 50 to 100 years of contemporary planning experience in Western Australia.

The use classification for local reserves is not covered in the zoning table in the Town Planning Scheme. Council is at liberty to approve applications on their merit if it is satisfied that an application conforms with the intentions of Council for that area and on that basis the definition of non-conforming use does not apply. For reference the scheme text is available and the City draws Mr Caiacob's attention to the definition of non-conforming use, which relates to the zoning table. The zoning table does not include a description or a series of classifications for the local reserve classification.

Q2 *Re: Tourism Strategy – Plans to develop cafés and restaurants in service nodes (Page 48). As stated by the City previously, Mullaloo Surf Club is one of the largest in Australia and there are ongoing issues with carparking and generally outstanding issues of:*

- *The Surf Club's unprecedented growth up to 2001 whereby the operational and community service needs could not be met;*
- *The 10 lots in Merrifield Place, Mullaloo;*
- *The negations of the 10 lots from the Coastal Foreshore Management Plan;*
- *Lot 1 Oceanside Promenade, Mullaloo;*
- *The height and scale policy in the Coastal View Shed;*
- *The short stay accommodation policy;*
- *The noise policy;*
- *The Community Consultation Policy;*
- *The City's previous attempts to develop the coastal regional reserve in Mullaloo;*
- *The City awarding public car parking in Mullaloo to commercial development;*
- *The inadequacy of existing public car parking in Mullaloo, as identified by the City.*

These have all been negated and taken a back seat to the Tourism Strategy and referred to the Planning and Development Directorate for consideration in forthcoming policy strategic work as resources allow.

Will the Commissioners condition the Tourism Plan until these planning controls and public amenity issues have been addressed prior to the further development facilitation or allocation of funds immediately to resolve all outstanding issues?

A2 *Response by Cmr Clough:* This will be dealt with in the meeting tonight.

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

Q3 *At the Strategy Session dated 24 May 2005 the agenda listed the 'Public Participation Strategy' as an item. Could I please be advised if this item dealt with the long awaited 'Community Consultation Policy' that was proposed to be brought to Council in late March or a new or amended 'Public Participation Strategy'?*

Q4 *Regarding the historical artefacts being the centre of contention between the Cities of Wanneroo and Joondalup, could I please be provided with a complete list of these items of contention?*

Q5 *Regardless of advertising, has the City made Sorrento and Mullaloo Surf Clubs aware of the planning strategy it is proposing to initiate under the Tourism Strategy, including public private commercial partnerships?*

A3-5 These questions will be taken on notice.

Mr V Cusack, Kingsley:

Q1 *Re: Excavation Work, Hocking Road, Kingsley – What lot number is the ‘decommissioning sewerage pond’ located on, and considering the sensitive issue of Acid Sulphate Soils, when was Council informed of the excavation work being carried out there?*

A1 The location is on the site occupied by the Cherokee Caravan Village, however if there is doubt on the location, Council will investigate the matter further. Council was first aware of the excavation work when the question was raised last week and action was taken to visit the site. Council will follow up to ascertain that the excavation is on the correct site.

Q2 *Can Council please inform the community whether or not specific tests have been carried out on Lots 28 and 63 Hocking Road, Kingsley to determine the precise risk of generating acid sulphate soils on those two sites? If tests have been carried out will a detailed copy of those results be made available to the public?*

A2 The two sites are the Meath sites and Meath has advised the City that it was taking tests on the site and the evaluation of those tests will be made available to the City. If that information is made available to the City, there is no reason why it cannot be released.

Mr M Sideris, Mullaloo:

Q1 *Re: Minutes of Council Meeting held on 17 May 2005 – Item CJ098-05/05 – Council resolved “in the public interests adopts a policy in the case of the review being considered by the State Administrative Tribunal that involves the City of Joondalup, that the State Administrative Tribunal be requested to remove the requirements that mediation is to be a private matter.” Can I please have a copy of the policy and some indication as to how that policy will be interpreted and operated?*

A1 A copy of the policy can be made available. To the intent of the Council decision, where a matter is the subject of a consultation process by the Council as part of the planning process, if that matter goes before the State Administrative Tribunal, Council will, as a matter of course, request the State Administrative Tribunal representatives that the Council have the opportunity to put any proposal back out for public comment before the mediation or consultation process finishes with the State Administrative Tribunal.

Q2 *Re: Answers to questions submitted on 2 June 2005 dealing with the Tourism Development Plan. The question asked was, that at a number of workshops dealing with the foreshore development the community of Mullaloo and Kallaroo strongly rejected any idea to redevelop and I quote; “It is a surf club and it incorporates the local community hall for that locality”. The response goes on, “the recommendation has been made by the consultants and is consistent with the ideas and issues raised in the community workshops”. I attended those workshops dealing with the Tourism Development Plan and at no stage did we recommend as a community that the surf club and community hall include a café. I would like that corrected for the public record.*

A2 This question will be taken on notice.

Ms M Macdonald, Mullaloo:

Q1 *The Tourism Development Plan indicates the Planning Department of the City is responsible, in part, for the implementation of the Plan. If this Plan is passed tonight does that mean that developers interested in forming partnerships with the City, that is, leasing land in our foreshore areas, will be automatically given the green light with little input from the Community? For example, will part of our community hall and surf club at Mullaloo accommodate a café or will a new one be built on Tom Simpson Park as suggested on Page 40 of the Plan?*

A1 Any proposal to be built on any Council land will have to go through a full evaluation and public participation process both under the provisions of the Town Planning and Development Act and the Local Government Act.

Q2 *Given that the community has shown that it is opposed to the development at Tom Simpson Park that reduces the family picnic area and that the area is grossly undersupplied with carparking bays, will Commissioners amend the Plan to remove Tom Simpson Park from this recommended strategy on Page 49?*

A2 *Response by Cmr Clough:* This is a matter for consideration tonight and the Commissioners will take all information into account.

Mr S Kobelke, Sorrento:

Q1 *With protests numbering up to 5,000 people on West Coast Highway and Sorrento Beach perhaps only a year to eighteen months away, because of applications that will come in for high rise development on the few sites that are available for commercial development, can we get clarification from Council? I see high-rise on the coast as no higher than the domestic height and scale policy. Is there any consideration that the few commercial properties will be considered at anything higher than the domestic height policy?*

A1 In relation to the Coastal Height Policy proposal, the City is finalising the brief to address the whole issue. The issue goes beyond Council in terms of State Government Policy. Council will be endeavouring to put in place, in the short term, a policy that deals with the issues from the City of Joondalup perspective. That process will be a consultative process with the community.

Q2 *Re: Responses to questions regarding the Joondalup Tourism Plan - It was very clear a few weeks ago that Commissioners advise the Minister that Hillarys Boat Harbour is not able to service the demand it has now and it needs a lot of attention before further development is considered. Is there an understanding at Council that Hillarys Boat Harbour was built as a boat harbour, and secondary to that was the tourism applications, as important as they are? The facility cannot take any more development unless it compromises its initial reason for being, which is for boats and the boating community.*

A2 Council made it clear when it dealt with the Hillarys issue that the carparking in relation to the development is a major issue that needs to be addressed. Until it is, Council will take a firm stance.

A meeting was held today with staff from the Department of Planning and Infrastructure and the developers for the Hillarys Boat Harbour and it was made clear to them that the reason for Council's decision is mainly about parking but it is also about the use of the boat harbour as a marina.

Mrs M Zakrevsky, Mullaloo:

Q1 *Re: CJ100-06/05, Page 35 – As there are already two toilet blocks, a dual use path, barbecue facilities, shelters, a community hall, surf club as well as a huge tavern under construction, what are the improved services and infrastructure being considered for Tom Simpson Park under Objective 3?*

A1 It will be a matter for Council and the community to decide what improvements are appropriate. Nothing is enunciated in this document to suggest the level or the degree of any such improvements. It would be a matter that Council would give consideration to at the appropriate time. This is a strategy which is a top level review of the sorts of things that need to be focussed on rather than a detailed plan of what might happen on the site.

Q2 *Re: CJ100-06/05, Page 36 – I quote: “The licensing is sustainable, commercial ventures at the prime beach sites and on the path.” What commercial ventures have the City of Joondalup in mind for ‘on the path’ and also what is the meaning of ‘sustainable’ in this context?*

A2 ‘Sustainable’ in this context is a commercial venture that would pay its way. Council is not aware of any plans for any commercial ventures.

C26–06/05 EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Anderson, SECONDED Cmr Fox that public question time be extended.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Mr J McNamara, Sorrento:

Q1 *Re: Draft Strategic Financial Plan – Re: Identification of KPIs and the format of the financial schedules that have been presented. Throughout the document there are a number of performance indicators that have been suggested and in particular one common thread has been the works completed to required standard in a timely manner and within budget. Later on in the document reference is made to levels of community satisfaction with service provided and, I presume, that the reference to required standards includes the community satisfaction input and if that is the case could I ask that it be considered as an addition?*

A1 The Draft Strategic Financial Plan is out for public comment at the moment and if Mr McNamara wishes to make that comment then Council can take that into consideration.

Q2 *Re: Format of the Financial Schedules – These have been outlaid over the four years of the Strategic Plan, could I again request that consideration be given to the inclusion of the year-to-date figures for this financial year? This will help the ratepayers to relate current performance against future performance.*

A2 Council will take this comment on board.

Mr W Cohen, Marmion:

Q1 *Re: CSIRO Site, Lot 61 Leach Street, Marmion – Were and are the Commissioners fully aware of the following:*

Originally the site was sold to the CSIRO for a nominal figure, but restricting its use to a specific purpose, marine biology. If, at any time, it was no longer required for that

purpose it was to have been returned to the community. When the CSIRO tried to sell it in the early 1990's they were twice refused by Wanneroo Council who were obviously aware of the restricting conditions.

Evidently the CSIRO decided to upgrade the facility and spent millions more of taxpayers' money on "improvements" that were never used and further devastated the site. CSIRO then sold the site at a huge profit that should never have taken place. This sale was illegal and should be reversed no matter what has happen in the meantime. The buyer should be refunded by the CSIRO and the land returned to the West Australian community.

A1 The Commissioners will take your comments into account in the debate tonight.

Mr J Hollywood, Burns Beach:

Q1 *Regarding the Burns Beach development; Peet and Company has had two meetings with ratepayers over the last six months relaying their plans for Burns Beach. Council passed this development a couple of months ago except for the Foreshore Management Plan along the dunal system. Has the Foreshore Management Plan been finalised?*

A1 No, the Foreshore Management Plan has not been finalised. A recent exercise looked at the botanical communities there and more work needs to be done as a result of that exercise.

Q2 *I was told that the development would be running with the contours of the existing land and it was not going to be developed like Iluka with huge retaining walls. The recommendations from the developers were that any retaining would not be any higher than 500 mm of the roads, but I have since seen plans showing the contours of this development which is now demolishing the dunal system and flattening all the land. Can I have the details of this new proposal that has come forward?*

A2 Before the Commissioners tonight is an item relating to subdivision referrals and includes two items that deal with Burns Beach. The Council has not supported those subdivisions at this stage, however one of those subdivisions has been approved by the West Australian Planning Commission despite the City's advice not to support it. Some of the issues that Mr Hollywood is raising are issues that Council has raised.

Mr S Magyar, Heathridge:

Q1 *Re: CJ104-06/05 – CEO's Performance Review, Page 36 – Council has included some extra words regarding Clause 3 of his executive duties under the employment contract. Are there any key performance indicators that are directly linked to 3.3, 3.4 and 3.5?*

A1 There is not a direct link, but the Committee is able to review the whole performance of the CEO as contained within the Contract of Employment, as is stated in Recommendation 2(a) of the report.

Q2 *Re: Attachments – Page 0190 – Warrant of Payments – Page 3 of 15 – There is an EFT transfer of \$144,773.85 to Computer Corp Pty Ltd – Did this go to public tender, was it authorised by a resolution of Council or was it done under Delegated Authority?*

A2 This went to public tender and had a Council resolution.

Q3 *Can you tell me which resolution of Council?*

A3 This question will be taken on notice.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cmr Smith 7 and 28 June 2005

C27-06/05 REQUEST FOR LEAVE OF ABSENCE - CMR J PATERSON

Cmr Paterson has requested leave of absence from Council duties for the period covering 7 June 2005 to 27 June 2005 inclusive.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council APPROVES the request for leave of absence from Cmr J Paterson from Council duties for the period covering 7 June 2005 to 27 June 2005 inclusive.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

In relation to Item CJ100-06/05 – City of Joondalup Tourism Development Plan 2003-2008, Cmr Fox stated she resides in the City Joondalup, however this will not affect her impartiality.

The Chief Executive Officer declared a financial interest in Item CJ104-06/05 - Chief Executive Officer - Performance Review Committee as this matter relates to his contract of employment.

The Chief Executive Officer declared a financial interest in Item CJ105-06/05 - Chief Executive Officer Contract of Employment as this matter relates to his contract of employment.

Cmr Clough declared a financial interest in CJ113-06/05 – Proposed Parking Scheme Amendment – McLarty Avenue Parking Station No 1 as he provides consultancy services to the RAC.

Exemption from Department of Local Government and Regional Development

As a result of the declaration made by Cmr Clough, only two (2) Commissioners would be present at this meeting to consider Item CJ113-06/05 – Proposed Parking Scheme Amendment – McLarty Avenue Parking Station No 1. Accordingly, the City wrote to the Minister seeking his consideration to either reduce the quorum required for that section of the meeting to allow Commissioners Anderson and Fox to deal with the matter or alternatively a request was made given that a quorum will not be achieved due to Cmr Clough's financial interest disclosure, for the Minister to permit him to preside at the meeting and participate in discussion on the matter.

Written approval has been received from the Minister for Local Government and Regional Development dated 7 June 2005, which read as follows:

“I refer to your (Mr Hunt) request of 1 June 2005 and advise that in accordance with authority delegated by the Minister, the Director Governance and Statutory Support has approved the City’s application under section 5.69(3)(a) of the Local Government Act 1995 to allow the disclosing member, Commissioner Peter Clough to:

- *fully participate in the discussion and decision making process relating to the proposed parking scheme amendment for the McLarty Avenue Parking Station No 1; and*
- *Commissioner Clough to preside during the Commissioners’ consideration of the above matter,*

subject to the following condition,

- *the approval is only valid for the Commissioners’ meeting to be held on 7 June 2005.”*

In relation to Item CJ116-06/05 – Changes to the Resource Recovery Rebate Scheme, Cmr Fox stated she resides in the City Joondalup, however this will not affect her impartiality.

In relation to Item CJ116-06/05 – Changes to the Resource Recovery Rebate Scheme, Cmr Anderson stated he knows people associated with Recycling Company of WA, which is mentioned in the report, however this will not affect his impartiality.

CONFIRMATION OF MINUTES

C28-06/05

MINUTES OF COUNCIL MEETING, 17 MAY 2005

MOVED Cmr Fox, SECONDED Cmr Anderson that the Minutes of the Council Meeting held on 17 May 2005, be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

ANNOUNCEMENTS BY THE DEPUTY CHAIRMAN WITHOUT DISCUSSION

CITY OF JOONDALUP TEAM WINS AUSTRALASIAN TITLE

This evening, I would like to make a special announcement and presentation to a group of City staff the newspaper called ‘Joondalup’s A-Team’.

They certainly are the A-Team. They have beaten Councils from all across Australia and New Zealand – to win the Australasian final of the Local Government Managers of Australia Challenge.

The LGMA Challenge is one of the most significant events held within the Local Government industry, where a team of officers is required, over a full day period, to deal with a wide range of scenarios relevant to local government.

Competing against 120 Councils from all states and New Zealand, the six-member Joondalup team was announced as the winner of the LGMA Australasian final in Canberra.

The team members deserve congratulations.

As CEO Garry Hunt said, “their win shows that the administration at the City of Joondalup is working at the highest levels of best practice in local government”.

It is a very good reflection of all staff at the City and I would like to call the team members forward to receive their award.

- Principal Environmental Health Officer, Alison Edmunds (Team Leader),
- Financial Counsellor, Robert Evans,
- Coordinator Application Systems, David Murnain,
- Senior Engineering Projects Officer, Usha Patel,
- Sustainable Development Officer, Ben Reay,
- Acting Manager Financial Services, John Roberts
- Mentor, Manager Community Development, Graeme Hall

The City of Joondalup team won the WA final last month.

In the Australasian final, Joondalup beat La Trobe City Council from Victoria, Hastings from New South Wales, Prospect/Unley, South Australia, Glenorchy, Tasmania, Thurgowah, Queensland and Southlands, New Zealand.

The competition dealt with ethical issues like euthanasia, governance, financial management, staff issues and strategic planning.

On behalf of Commissioners and all staff, congratulations to the Joondalup Team.

NATIONAL ENVIRONMENT AWARDS

As well over the weekend, the City of Joondalup was a finalist in two prestigious National Environmental Awards.

These were the United Nations Association of Australia World Environmental Awards held in Melbourne and the Banksia Environmental Award held in Adelaide.

Infrastructure Director, Dave Djulbic represented the City at both awards, contested by the best in Australia.

Other Banksia finalists included Toyota, Sydney Water and Victoria’s Department of Primary Industries.

Although Bush for Life, South Australia won the award, Joondalup’s community and staff should be very proud of their finals berth.

The City is gaining a solid reputation for its environmental management, especially its partnership with the eleven bushland friends groups, the Joondalup Community Coastcare Forum and the numerous schools who work to produce exceptional environmental outcomes.

Congratulations to our staff and the hardworking dedicated members of the community who assist us to care for our precious natural areas.

PETITIONS

C29-06/05 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 7 JUNE 2005

PETITION REQUESTING INCREASE IN HOURS FOR YOUTH OUTREACH PROGRAM – [07116]

A 21-signature petition has been received from teenagers attending the Youth Outreach Program requesting that Council increases the hours allocated to this program.

The petitioners state this program is important in assisting them to develop life and communication skills.

This petition will be referred to Planning and Community Development for action.

MOVED Cmr Anderson, SECONDED Cmr Fox that the petition requesting that Council increases the hours allocated to the Youth Outreach Program be RECEIVED and referred to Planning and Community Development for action.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

In relation to Item CJ100-06/05 – City of Joondalup Tourism Development Plan 2003-2008, Cmr Fox stated she resides in the City Joondalup, however this will not affect her impartiality.

CJ100 - 06/05 CITY OF JOONDALUP TOURISM DEVELOPMENT PLAN 2003 – 2008 – [45001]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

CJ050531_BRF.DOC:ITEM 1

PURPOSE

For Council to adopt the City of Joondalup draft Tourism Development Plan (TDP) having considered all public submissions made in relation to the plan.

EXECUTIVE SUMMARY

On 17 December 2002, Council resolved to develop a tourism strategy for Joondalup (CJ312-12/02 refers). Subsequent to this Council decision, Tourism Co-ordinates were appointed to undertake development of a Tourism Development Plan (Attachment 1 refers) in January 2004. The draft TDP was presented to Council on 14 December 2004 and at that meeting Council resolved to accept the draft TDP and endorsed a sixty-day public comment period. (CJ305-12/04 refers).

The City has received over forty responses from the public. In general the public response to the draft TDP has been positive. Other than rectifying a few typographical errors, no changes are recommended to the draft TDP. Submissions support the broad direction of the Plan, particularly its sustainable eco- tourism theme. (A summary of all submissions is at Attachment 2).

In order to target market to other demographic groups, and also to assist in the development and implementation of a social marketing strategy, the City approached tourism students at Edith Cowan University to give them a presentation on the draft plan and to invite them to make submissions on it. Thirty-five students responded to this invitation. (A qualitative analysis of their submissions is shown at Attachment 3).

A session was organised on 23 February 2005 to enable community to meet the consultants and provide feedback on the draft TDP. At that session, the group requested that Council develop appropriate policies and procedures to ensure the implementation of the TDP would occur in a manner that ensures public amenity is protected and that all appropriate policies are in place prior to the implementation of the TDP.

It is to be noted that development of policies will require adequate resourcing and therefore consideration will be given to workload and priorities of the City in its business planning and budget process for 2005/06 to undertake such work.

This group also requested that the City become a member of the Sea Change Group of Councils, whose primary role is to manage the impact of tourists and a growing population on infrastructure and services. The City will correspond with the Sea Change Task Force to ascertain eligibility in becoming a member of the group.

The City will need to work on a regional and state level to develop tourism in partnership with neighbouring local governments, the Sunset Coast Tourism Association and Tourism Western Australia.

The TDP is aligned to the City's Strategic Plan 2003 – 2008. Its primary objective is to provide all stakeholders with an understanding of the opportunities and issues for tourism in the City. It is designed to guide tourism related decision making and planning. The TDP has four major sections being:

- Marketing
- Infrastructure Planning and Development
- Funding
- Implementation

The TDP has provided Council with another example of a successful public participation and public consultation process and has enhanced staff skills and knowledge.

The City has developed partnerships and networks with all layers of government and other stakeholders and will continue to do so to develop tourism as a key industry at a regional level.

This report recommends that Council:

- 1 *ADOPTS the Tourism Development Plan shown at Attachment 1 of this Report;*
- 2 *REQUESTS the Chief Executive Officer to progress the Tourism Implementation Plan within adopted annual budget allocations;*

- 3 *CONTINUES to strengthen partnerships, networks and alliances with the Federal and State Government, other local and regional stakeholders to enhance and progress tourism within the City of Joondalup and the region;*
- 4 *CONTINUES to provide ongoing information on the development of tourism through the City of Joondalup's website.*

BACKGROUND

On 17 December 2002, Council resolved to:

- 1 *AUTHORISE the development of a Tourism – Ecotourism Strategy for the City of Joondalup;*
- 2 *LIST for consideration in the draft 2003/2004 budget funding for research and development of the Tourism - Ecotourism Strategy and actions plans;*
- 3 *AUTHORISE the development of partnerships, networks and alliances with the Federal and State Government, other local Governments and City of Joondalup and regional stakeholders to enhance and progress the development of Tourism - Ecotourism as a key industry for the City".* (CJ312-12/02 refers)

Subsequent to this Council decision, Terry Penn and Peter Argo, Executive Directors of Tourism Co-ordinates, were appointed to undertake development of a Tourism Development Plan (TDP) in January 2004. The consultants worked with both the tourism industry and community in the development of a tourism plan and completed it in late 2004. The draft TDP was presented to Council on 14 December 2004 and at that meeting Council resolved to:

- 1 *ACCEPT the Draft Tourism Development Plan forming Attachment 1 to Report CJ305-12/04;*
- 2 *ENDORSE a public comment period of 60 days commencing on 15 January 2005.* (CJ305 - 12/04 refers)

DETAILS

The consultants commenced development of the TDP in January 2004. In the initial stages of the TDP development, they held meetings and workshops with the Commissioners, City staff, key stakeholders and community. The outcomes of these meetings were used to inform the draft TDP.

The consultants completed the draft TDP in late 2004 and Council accepted this draft Plan on 14 December 2004.

Following this the draft TDP was made available to the community for a period of sixty days to enable people to make submissions in relation to the plan. Citizens and community groups were also invited to a "feedback session" on 23 February 2005. The objective of this session was to provide community members an opportunity to meet the consultants and to hold detailed discussion on the draft TDP.

The City has received over forty responses from the public. A summary of all submissions is at Attachment 2.

Tourism Development Plan

The TDP is at Attachment 1 of this report.

The TDP is aligned to the City's Strategic Plan 2003 – 2008. Its primary objective is to provide all stakeholders with an understanding of the opportunities and issues for tourism in the City. It is designed to guide tourism related decision making and planning. The TDP has four major sections being:

- Marketing
- Infrastructure Planning and Development
- Funding
- Implementation

The TDP recommends that the above four be considered in the context of four tourism development zones (Page 16 of the TDP). These zones are:

The Coastal Tourism Development Zone - Which stretches from the suburbs of Marmion in the City's south to Burns Beach in the north. It includes the coastal strip west of West Coast Drive (and its northern extensions) and the adjacent ocean.

The Wetlands Tourism Development Zone - Which hugs the City's eastern boundary from Hepburn Avenue to Burns Beach Road. It incorporates Lake Goollelal, Lake Joondalup, Neil Hawkins Park and Yellagonga Regional Park.

The City Centre Tourism Development Zone - Which focuses on the Joondalup Central Business District's businesses, facilities and educational and medical institutions.

The Coastal Bush Tourism Development Zone - Which covers the open space areas east of the suburbs of Padbury and Craigie, and include the Craigie Recreational Centre.

Issues and options considered:

It may seem that the City does not have a tourism industry or tourism infrastructure, with the exception of Hillary's Boat Harbour, Joondalup Resort and The Aquarium of Western Australia. This was considered during development of the TDP and the consultants determined that a number of businesses are aware of the potential tourism market and have positioned themselves to develop this industry (Refer Appendix 5 of the TDP).

Joondalup does have a competitive advantage and this includes its coastline, the Yellagonga Regional Park, Craigie Bushland area, the City centre, excellent transport links as well as modern shopping centres and other facilities. The issue that the City faces however is that other areas within the Perth metropolitan region, such as the City of Rockingham, have similar attractions, have been tourist destinations for a number of years and are strong competitors. Research indicates that Joondalup is not a tourist destination and primarily attracts either day visitors or people visiting friends and relatives. International and Intrastate visitors either come to visit Perth or other iconic areas of Western Australia (Refer Appendix 6 of the TDP – Perth Region and Joondalup).

The City will therefore have to develop strategies to effectively develop, market and implement tourism within its boundaries and take a regional approach. The City will need to undertake further analysis, research and discussion with regional stakeholders before a fully regional approach can be adopted.

Tourists do not recognise local government boundaries and therefore the TDP recommends that tourism be developed at a regional level, in partnership with other local governments and tourism organisations.

Link to Strategic Plan:

The development of a sustainable tourism industry is aligned to Objective 3.2 *“To develop and promote the City of Joondalup as a tourist attraction”* of the Strategic Plan and this will be achieved through the following strategies:

- 3.2.1 *Create and promote cultural tourist attractions*
- 3.2.2 *Develop an “eco-tourism” strategy*
- 3.2.3 *Develop marketing strategies to support the promotion of the City of Joondalup as a tourist attraction.*

Legislation – Statutory Provisions:

Nil

Risk Management considerations:

1 Ethical Risks

- Conflicting interests between tourism developers and eco-tourism principles.
- Potential for raising community expectations if plan cannot be adequately resourced.

2 Project Management Risks

- Future management costs and management issues.
- Ethical project management.
- Partnership approach and effective communication across the city and region.

3 Physical Risks

- Implications will require a dedicated Tourism Officer to continue project outcomes.
- Resources for infrastructure required.
- Skills, knowledge and attitude of community to operate completely under eco-tourism strategic vision.

4 Funding Risks

- Funding will be required for implementation, but it is unknown whether the City will be successful in procuring grants.

Financial/Budget Implications:

A total of \$49,862.00 has been spent to date. It is expected that the balance of \$8,232.00 will be expended by 30 June 2005 and will be spent on advertising, printing and promotion.

Account No:	F672- Support for Small Business
Budget Amount:	\$58,094.00
Consultancy:	\$45,675.00
Advertising:	\$1635.00
Promotion (Production of Calendar):	\$2455.00
Room Hire:	\$60.00
YTD Amount:	\$49,862.00.00

Policy implications:

The City may need to consider the development of a number of policies such as:

- Screening of developers and applicants to ensure their suitability as developers of tourism developments
- Tourism transport and access policy
- Short stay accommodation
- Building height restrictions
- Building density restrictions
- Trading hours
- Noise nuisance
- Liquor licensing

On 26 April 2005 Council endorsed the report on “*Policy Review*” in which it was proposed that:

“those policies that are developed for administrative and/or operational imperatives (City Policies) will be developed by Council officers for Council consideration and be subject to the normal Council meeting cycle for Council review and endorsement.”

(CJ064 - 04/05 refers)

In accordance to this Council decision, the City will be able to consider the development of the policies listed above. If developed, the policies will be presented to Council for review and endorsement.

The development of policies will require adequate resourcing and therefore consideration will have to be given to current workload and priorities. The City may also need to work in partnership with the State Government and other Local Government Authorities in development of some of the policies.

Regional Significance:

“Experience Perth” is a new regional body established under Tourism Western Australia’s new zone strategy and is Western Australia’s most visited tourism destination. The top six iconic experiences in this region are Kings Park, Mandurah, the Avon Valley, Fremantle, Perth and Rottnest Island. Specifically, the favourite experiences in the regional centre are lifestyle, coastal activities and wine/food indulgence.

Although the City of Joondalup is one of 45 Local Government Authorities within the “Experience Perth” region, Industry consultation evidences that the City is not seen by the tourism industry as a tourist destination and that the City does not have a tourism positioning within the tourism industry.

However, the name Joondalup has some recognition as a result of the long-term quality marketing and positioning of the Joondalup Resort and Golf Course in the business tourism sector and Asian leisure sector. Hillarys Boat Harbour/Sorrento Quays/Sorrento Beach Resort, AQWA and Whitford City Shopping Centre have strong profiles in the tourism industry and consumer markets.

Furthermore, the Australian Government, through its “Tourism White Paper” initiative is working towards a framework for structural change to more effectively support Australia's tourism industry.

The paper contains an additional \$235 million funding over the next four and a half years, including \$120 million for international marketing. The City of Joondalup would be eligible to apply for funding through this initiative if it could demonstrate a regional approach to development of tourism.

The City will therefore need to work on a regional and state level to develop tourism in partnership with neighbouring local governments, the Sunset Coast Tourism Association and Tourism Western Australia.

The Sunset Coast Tourism Association is a valuable network and is currently providing a marketing tool in its visitor guide, as well as providing sub-regional representation and industry promotional activities.

Experience Perth is also an important marketing organisation for Joondalup and the Sunset Coast. The intrastate market (especially day visitors) is a priority market for Joondalup and is very competitive within this Perth region.

Joondalup will need to create new strategies and tactics to maintain and grow its market share to facilitate the development of the City as a tourist destination, on a regional level.

Sustainability implications:

Sustainability implications have been dealt with in context of the four Key Focus Areas of the City's Strategic Plan

- 1 Community Wellbeing** – The development of Tourism will be an integral part of strategies that will:
 - Further develop Joondalup as a Learning City
 - Enhance and create new cultural events and support cultural facilities
 - Provide additional leisure and recreational activities
 - Ensure that diverse needs of all sectors of the community are addressed in planning for tourism
- 2 Caring for the Environment** – where tourism planning will ensure environmental sustainability by:
 - Directing the type and impact of tourism that the City promotes
 - Environmental protection and conservation is considered a priority
 - Ensuring that environmental education is a key focus of tourism planning
- 3 City Development** – where tourism development is planned to deliver:
 - Economic development, growth and local employment
 - Sustainable tourism opportunities in other niche markets
 - Investment opportunities

4 Organisational Development – where the City will:

- Facilitate development of policies to ensure that tourism is sustainable
- Consult with the community in development of tourism
- Consider resourcing for development of tourism

Consultation:

The City of Joondalup is very committed to public participation and community consultation. The development of the TDP has enabled the City to utilise staff skills in public participation and community consultation. The City consulted with staff, members of the community, tourism industry representatives and government agencies during all stages of the TDP development.

The City will continue to provide ongoing information on the development of tourism in the City through the City's website.

Details on Consultation with community and business groups

A number of methods were used to ensure that the community and business groups were provided opportunities to input and participate in the creation of the TDP. This was done through inviting them to workshops, meetings and presentations.

Additionally, the promotion of the development of the plan enabled community involvement in the project. Advertisements and articles were placed in the local newspapers and information was also placed on the City's website under the "Major Projects" section. A number of articles were also published in the City's quarterly newsletter – Council News.

In the initial stage of development of the TDP, tourism industry representatives attended a workshop on 14 April 2004 and community members participated in a workshop held on 21 April 2004. Advertisements were also placed in the Joondalup Community Newspaper inviting members of the public to provide their view on how the City could develop tourism in the City of Joondalup. The outcomes of these meetings, workshops and correspondence from the community were used to inform the development of the draft TDP.

Once Council had accepted the draft plan on 14 December 2004, the TDP was made available for a period of sixty days (from 15 January to 15 March 2005) inviting members of the public to make submissions in relation to the Plan. People were given the option to either send in online submissions via the City's website, post submissions in writing or to drop these into submission boxes which were placed at all four libraries and both customer service points.

Advertisements were placed in the West Australian newspaper as well as the Joondalup Community newspaper. Information was placed on the City's website and information letters were sent to the Tourism Industry, State and Local Government agencies and also to the City's Ratepayers' Groups and Friends' Groups.

Additionally, the City commissioned the production of the "Experience Joondalup" 2005 desk calendars as a marketing and promotion exercise. These calendars are a photographic representation of the City's natural and built environment. 2500 calendars, printed in full colour, were distributed to the public via the City's libraries and during the recent Joondalup Festival.

Details on Consultation with other targeted groups

In order to target market to other demographic groups, the City approached tourism students at Edith Cowan University to give them a presentation on the draft plan and to invite them to make submissions on it. Thirty-five students responded to this invitation. A qualitative analysis of their submissions is shown at Attachment 3.

At another level, and to collect the opinion of the tourism industry, presentations were made to the Sunset Coast Tourism Association, the Joondalup Learning Precinct Board, and to SKAL International which is an international association for travel and tourism operators. Information on the TDP was also posted on the West Australian Tourism Association website.

On 23 February 2005 the City organised a second workshop and invited representatives of the City's Ratepayers' and Friends' groups to this session. The intent of this session was to receive feedback from them on the draft TDP.

All submissions (received during the sixty-day public comment period) are summarised and are at Attachment 2 of this report. In total, the City received 43 submissions.

COMMENT

In general the public response to the draft TDP has been positive. Submissions support the broad direction of the TDP, particularly its sustainable eco- tourism theme. Other than rectifying a few typographical errors, no changes are recommended to the draft TDP.

Overall, the submissions indicate strong support for the strategies outlined in the TDP but with the main proviso, that the principles of sustainable development must underpin, protect and preserve local quality of life and the natural environment. Letters have been sent to community members thanking them for their submissions.

All submissions have been analysed and are attached for Council's consideration at Attachments 2 & 3.

View of attendees at feedback session held on 23 February 2005

Attendees at the feedback session said that they were concerned about the lack of Council policies for building heights and density. They also expressed a concern that Joondalup could potentially become another "Gold Coast" which has high-rise developments along the coast. In particular, the group requested that Council develop appropriate policies and procedures to ensure the implementation of the TDP would occur in a manner that ensures public amenity is protected and that all appropriate policies are in place prior to the implementation of the TDP.

They further stated that natural areas should not be given up to provide additional parking on the coastal strip. Public transport to the coastal areas should be improved so that more parking spaces are not needed. Development on the coastal reserve should be limited to toilets and change rooms, rather than tourist developments.

The group also expressed concerns about encouraging tourism based on entertainment and socialising because of the high cost of cleaning up. They believe that such activities encouraged alcohol and drug abuse. The community did not want the City to become another "Northbridge".

Sea Change Group of Councils

Additionally, the group requested that Council consider becoming a member of the Sea Change Group of Councils. The National Sea Change Task Force was formally constituted on 10 November 2004 and comprises of more than sixty local governments Australia wide. These local governments are working on the development of strategies to manage the impact of population growth and the influx of tourists on infrastructure such as roads, drains and water as well as services such as health and education. Annual membership of the Taskforce is on the basis of current population. If the City of Joondalup were to join the Taskforce, the membership fee for 2005/06 would be \$4,500.00.

The five types of Local Government Agencies in sea change areas are:

- 1 Coastal cities – substantial urban centres beyond the State capitals with populations greater than 100,000 for example: Cairns, the Gold Coast and Maroochy (QLD) and Greater Geelong (VIC);
- 2 Coastal commuters – suburbanised satellite communities at the edges of capital cities for example: Gosford and Wyong (NSW), Pine Rivers and Caboolture (QLD), Wanneroo, Mandurah and Rockingham (WA) and Onkaparinga (SA);
- 3 Coastal getaways – small to medium coastal towns within three hours drive of a capital city for example: Bunbury and Busselton (WA), Bass and Surf Coasts (VIC) and Victor Harbour (SA);
- 4 Coastal lifestyle destinations – Communities more than three hours drive from a capital city with a tourism and leisure focus for example Coffs Harbour and Byron (NSW) Whitsunday (QLD) and Moyne (VIC);
- 5 Coastal hamlets – Small, remote coastal communities often surrounded by protected natural areas for example Robe and Grant (SA), Augusta-Margaret River (WA) and Douglas (QLD).

Given that the City of Joondalup does not seem fit into the criteria listed above, the City will correspond with the Sea Change Task force to ascertain eligibility to become a member of this group.

Outcomes of implementing the Tourism Development Plan

It should be noted that the tourism strategies for each zone, as detailed within the Tourism Development Plan are quite different and reflect the different interests of a range of potential tourists that may visit the zones. It is expected that once the TDP is implemented, the benefits to the City and its residents are likely to be:

- Development of the future direction for Eco-tourism in the City of Joondalup and its associated region.
- The effective use of tourism marketing and development resources through their better co-ordination and linking to target markets.
- An increase in the value of tourism in terms of visitor numbers, expenditure, infrastructure investment and growth in employment.
- The protection and enhancement of the City's natural and cultural heritage.
- Maintenance of the resource base of the region's tourism product by increasing the capacity to generate wealth in a way that is linked to long term investment in environmental and associated infrastructure.
- Increase in employment opportunities, in an expanding tourism industry for existing and new residents.

Furthermore, in accordance with Council's decision to develop an Ecotourism Strategy for the City in December 2002 (CJ312-12/02 refers), the City has been working towards developing partnerships, networks and alliances with the Federal and State Governments, other local Governments and regional stakeholders to develop tourism as a key industry.

Both the Cities of Joondalup and Wanneroo have demonstrated a commitment to a regional approach through their respective tourism plans. The City is a member of the Sunset Coast Tourism Association and is also a part of the "Experience Perth" region. The City will continue to strengthen partnerships and networks with all levels of governments and other stakeholders to develop tourism as a key industry.

ATTACHMENTS

Attachment 1	Tourism Development Plan
Attachment 2	Summary of submissions on the Draft Tourism Development Plan
Attachment 3	Qualitative analysis of feedback from ECU students

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 ADOPTS the Tourism Development Plan shown at Attachment 1 of Report CJ100-06/05;**
- 2 REQUESTS the Chief Executive Officer to progress the Tourism Implementation Plan within adopted annual budget allocations;**
- 3 CONTINUES to strengthen partnerships, networks and alliances with the Federal and State Government, other local and regional stakeholders to enhance and progress tourism within the City of Joondalup and the region;**
- 4 CONTINUES to provide ongoing information on the development of tourism through the City of Joondalup's website.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf310505.pdf](#)

CJ101 - 06/05 INTEGRATED CATCHMENT MANAGEMENT – [72568]

WARD: Lakeside

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

CJ050531_BRF.DOC:ITEM 3

PURPOSE

To seek endorsement by Council on the proposed process to develop an Integrated Catchment Management Plan (ICM) for the Yellagonga Catchment that aims to improve the health of the wetlands in Yellagonga Regional Park.

EXECUTIVE SUMMARY

The City of Joondalup, together with the City of Wanneroo and the Department of Conservation and Land Management (CALM), has shared responsibilities for the management of the Yellagonga Regional Park wetlands and surrounding catchment. This incurs significant costs and currently Council funds are being directed at 'end of pipe' solutions such as aerial pesticide spraying and stormwater management. While these are important in addressing current management issues, the development of an ICM will provide for a long-term strategic focus to enable a targeted and holistic approach to catchment management that looks at treating the cause of these problems currently being faced within the Yellagonga catchment.

The City of Wanneroo is in a position to commence the planning process and is seeking advice from the City of Joondalup on its position with regard to ICM for the Yellagonga Catchment. The City of Wanneroo has approved a 2004/05 Strategic Initiative for the Yellagonga ICM Plan at a cost of \$40,000 and has approached the City of Joondalup to provide a matching contribution towards the development of the plan in 2005/06 and 2006/07.

Following recent developments including the resignation of the Yellagonga Catchment Group (YCG) coordinator, there is an opportunity to re-evaluate the YCG coordinator position and redirect the City of Joondalup's contributions towards the appointment of an ICM Project Officer. This would enable the City of Joondalup to redirect committed funds currently allocated to the YCG coordinator position to a more strategic and holistic role of an ICM Project Officer. It is considered that this would be the preferred option and more appropriate use of the City's resources.

This report recommends that Council:

- 1 *SUPPORTS the development of the Yellagonga Integrated Catchment Management Plan, in conjunction with the City of Wanneroo;*
- 2 *ENDORSES the proposal to jointly appoint a Project Officer on a two-year fixed term contract to coordinate the development of the Yellagonga Integrated Catchment Management Plan;*

- 3 *LISTS for consideration in the Draft 2005/06 Budget an amount of \$31,620 for the employment of the Yellagonga Integrated Catchment Management Project Officer for a fixed-term contract period of two years, subject to a matching financial contribution from the City of Wanneroo.*

BACKGROUND

Integrated Catchment Management

The City of Joondalup, together with the City of Wanneroo and CALM, has shared responsibilities for the management of the Yellagonga Regional Park wetlands and surrounding catchment.

The health of the wetlands in Yellagonga Regional Park is determined by the condition of the catchment and the inputs that flow directly or indirectly from all land use activities in the catchment. Subsequently, the Park faces a number of critical management challenges, many of which originate from the surrounding catchment.

In response to the current health of the wetland system, both Cities have undertaken various initiatives such as aerial pesticide treatment of Lake Joondalup to help control midges and upgrades to stormwater outfalls to minimise nutrient loading to the lakes via stormwater drainage. These are short-term strategies to address the problem at the tail end and not the cause of the problem.

Both Cities have also jointly funded the employment of a YCG Coordinator. The role of this position has been to coordinate the YCG's activities and, in particular, to facilitate the implementation of community-based projects aimed at improving the health of the Yellagonga wetlands (involving revegetation, water monitoring and education).

The development of an ICM Plan can address a whole of approach to catchment management and provide a coordinated approach to sustainably plan and manage the land, water, vegetation, wildlife and biodiversity to improve the health of the wetlands in the Yellagonga Regional Park and benefit the whole catchment.

The ICM Plan would also provide for a coordinated approach to catchment group efforts including that work undertaken by community groups that play a critical on-ground role in catchment management.

The development of the ICM Plan will align with the Commonwealth-accredited Swan Region Natural Resource Management (NRM) Strategy. The NRM Strategy was developed in consultation with state government agencies, local government, industry, indigenous communities, catchment and community groups and the general community. The strategy was released in April 2005 and aims to promote the sustainable use and management of natural resources in the Swan Region. The Swan Catchment Council (SCC) is the peak NRM body in the Swan Region and is responsible for the coordination and delivery of NRM activities in the Swan Region. The Swan NRM Strategy has been submitted to the Commonwealth Government seeking accreditation. Following the accreditation process, both Cities can apply for funding for the delivery of NRM projects through the SCC. Both the Cities of Joondalup and Wanneroo have actively involved the SCC in the proposed process to develop an ICM Plan for the Yellagonga catchment to ensure the ICM Plan will be aligned with and therefore meets the requirements for external grants.

Yellagonga Regional Park Management Plan

The Yellagonga Regional Park Management Plan 2003-2013 was released in June 2003. The Management Plan was developed by CALM in close liaison with the Cities of Joondalup and Wanneroo, the park's Community Advisory Committee, park users and other interested members of the community.

The Management Plan identifies strategies and priorities with responsibilities across various stakeholders including the Cities of Joondalup and Wanneroo. Key strategies with regard to the development of an ICM Plan are provided below:

'Prepare and implement an integrated catchment management plan and promote the development of water sensitive design techniques on lands adjacent to the park'

Responsibility: COJ, COW, DOE. Priority: High

'Prepare a comprehensive water catchment management plan for the wetlands within the park, which integrates town planning and landuse considerations, with the protection and enhancement of water resources'

Responsibility: COJ, COW, DOE, CALM. Priority: High

Suburb/Location: Joondalup, Edgewater, Woodvale, Kingsley
Applicant: Not Applicable
Owner: Not Applicable
Zoning: **DPS:** Not Applicable
MRS: Not Applicable

DETAILS

Issues and options considered:

The City of Wanneroo is in a position to commence the ICM planning process and has already allocated \$40,000 for ICM in the 2004/05 budget. The City of Wanneroo has written to the City of Joondalup requesting advice on the City of Joondalup's position with regard to ICM. The letter highlights the need for a coordinated approach to the shared responsibility of both Cities to improve the health of the wetlands in Yellagonga Regional Park and that the development of an ICM will help identify actions that each Council will be responsible for implementing within each local government area as well as those that require a partnership approach.

The YCG Coordinator has played an important role in providing support to the Yellagonga Catchment Group and implementing on-ground catchment management projects in the Yellagonga Regional Park. In April, the YCG Coordinator resigned from this position, providing an opportunity to re-evaluate this position and redirect existing resources towards ICM.

The YCG has also recently had a number of resignations from key members of the group. This has resulted in low attendance at committee meetings and minimal involvement in implementation of the on ground projects coordinated by the YCG Coordinator. The YCG coordinator had subsequently taken on a considerably more administrative role for the YCG instead of implementing on-ground catchment management projects in the Cities of Wanneroo and Joondalup as intended for this position.

It is considered that the redirection of funds from the YCG Coordinator position towards ICM would be the preferred option and more appropriate use of the City's resources. This is a view shared by the City of Wanneroo and it is understood the position of the YCG Coordinator is being reviewed and altered to become a 'Yellagonga Wetlands Officer'. This officer would work with various community groups (including the YCG and Friends of Yellagonga), schools and other stakeholders such as CALM and the North Metro Catchment Group (NMCG) to implement community-based projects, without giving the officer responsibility for managing, or reporting to, the YCG Committee.

The development of an ICM Plan would involve a staged process using the State of the Environment's pressure-state-response model. This model is based on the concept of causality: human activities exert pressures on the environment; these change its state or condition; society responds by developing catchment goals, objectives and strategies or other responses to address the key management issues and influence those activities and so address the pressures.

Pressures

The wetlands in Yellagonga Regional Park have been adversely affected by:

- Low water levels due to groundwater abstraction and dry climate;
- Removal of wetland fringing vegetation;
- Contamination of groundwater by septic tank effluent, agriculture and other land uses;
- Increase in hard surface areas surrounding the wetlands; and
- Stormwater drainage from residential and industrial areas.

State

The Park faces a number of critical management challenges, many of which originate from the surrounding catchment. The current water quality of the wetlands based on nutrient levels (phosphorous and total nitrogen) is higher than acceptable limits and has been assessed as eutrophic (Kinnear et al. 1997). The enrichment of nutrients into the wetlands has resulted in a number of adverse effects to the wetland system including algal blooms, plagues of non-biting midges, algal toxicity and loss of amenity through odours and fouling of the shoreline. Many of these adverse effects occur on an annual basis, particularly in Lake Joondalup and Lake Goollelal, affecting both Joondalup and Wanneroo communities.

Response

In response to ratepayer pressure to address this problem, both Cities have undertaken various initiatives such as annual aerial pesticide spraying of Lake Joondalup to help control midges and upgrades to stormwater outfalls to minimise nutrient loading to the lakes via stormwater drainage. It is important to note that these initiatives address the problem at the tail end and not the cause of the problem. The development of an ICM Plan can address this management issue and provide a strategic, holistic and long-term management focus.

The ICM would provide a framework for this work to be undertaken in a shared approach and would enable clear links to be made between this work and also the work of the Cities of Joondalup and Wanneroo, CALM and other management authorities.

While the community would need to be consulted to gather the views on issues for the catchment, it is likely that key catchment issues would include but not be limited to:

- Education, promotion and co-operation;
- Water quality and stormwater management;
- Vegetation;
- Biodiversity;
- Land management;
- Foreshore management;
- Landscaping;
- Nutrient and Irrigation Management plans; and
- Recreation.

ICM involves a holistic approach towards the management of natural resources within a catchment. The ICM planning process seeks to integrate the views of all sectors of government and community that use and manage water, land, vegetation and other natural resources on a catchment basis. ICM can only be achieved by harbouring cooperation and coordination between stakeholders and the ICM plan must be able to reflect many different perspectives.

Process

It is anticipated that the Yellagonga ICM planning process will take approximately two years and will involve the following actions:

Phase 1 (July 2005 – December 2005): Scoping

- Appoint a project officer (fixed-term contract) to coordinate the development of the ICM plan
- Prepare a Memorandum of Understanding between COW, COJ and CALM
- Host information sessions for City Staff and Commissioners from COW and COJ
- Establish a Steering Committee comprising representatives from COW, COJ, State government agencies (including CALM and Department of Environment), Regional NRM Bodies (SCC and NMCG) and the local community (including the YCG)

Phase 2 (January 2006 – December 2006): Information Gathering

- Collate information on the past and present states of the catchment
- Arrange stakeholder workshops to identify and prioritise catchment management issues (relating to water quality/quantity, vegetation, biodiversity, community use, planning and development)

Phase 3 (January 2007 – August 2007): Preparing the ICM Plan

- Identify strategies to address catchment management issues
- Develop targets/indicators for catchment health
- Develop an implementation plan (including actions, priorities, responsibilities and costs)
- Release draft ICM plan for public comment

It is proposed that a Project Officer is employed to work with various stakeholders, represented on a Steering Committee, to develop the Yellagonga ICM Plan. The SCC will be actively involved in the facilitation of this process so that the Yellagonga ICM Plan is aligned with the recently released Commonwealth-accredited Swan Region Strategy, which outlines natural resource management at the regional scale.

Link to Strategic Plan:

The development of an Integrated Catchment Management Plan links with the City's Strategic Plan 2003-2008 as follows:

Objectives 2.1: To plan and manage our natural resources to ensure environmental sustainability.

Strategy 3.4.1: Maintain and protect natural assets to retain biodiversity.

Legislation – Statutory Provisions:

There are a number of statutory provisions that are applicable to the development of the Yellagonga ICM Plan. These are referred to under Policy implications.

Risk Management considerations:

The development of an ICM Plan needs to consider the following risks:

Ethical

- Conflict of interest in Stakeholder groups;
- Perceived inequity of benefits from developing the ICM Plan between the two Cities;
- Potential conflict from the Yellagonga Catchment Group from withdrawing Council administrative support for the administration of the group;
- Given the strategic nature of this project, the success of the ICM Plan requires a commitment to provide direction and expertise throughout the ICM planning process from all areas of each City's operations; and
- The ICM planning process outlined in this report requires the full support and involvement of both the Cities of Joondalup and Wanneroo.

Project Management risks

- Inadequate representation of various community groups in the development of an ICM;
- Potential conflict of interest in the development of the memorandum of understanding between both Cities;
- Future maintenance costs and management issues;
- The project will require a strong partnership approach and good coordination across the Cities of Joondalup and Wanneroo, the Department of Conservation and Land Management and interest groups in terms of its management; and
- The appointment and continuation of a suitable officer to develop and finalize the ICM Plan.

Project Funding Risks

- Potential for external funding assistance unknown and pending completion of ICM Plan;
- Stakeholder financial contributions for the implementation of the ICM Plan is unknown, particularly from CALM;
- Pending approval as new proposal in 2006/07 budget;
- The funding withdrawal of one of the Cities to develop the ICM Plan; and
- The success of this project will be dependant on all stakeholders taking responsibility and financial commitment to implement the ICM Plan.

Financial/Budget Implications:

Account No:	Not approved
Budget Item:	1 2130 3001 0001 F780
Budget Amount:	05/06 \$40,000
	06/07 \$35,000
YTD Amount:	Nil
Actual Cost:	Nil

The City of Wanneroo and the City of Joondalup have a budget provision for a permanent full-time Yellagonga Catchment Coordinator. There is no requirement for the allocation of new funds from the City given it is intended to redirect the City of Joondalup's recurrent operating budget of \$25,080 per annum, currently allocated to the YCG coordinator position, to a more strategic and holistic role of ICM Project Officer. The balance required of \$6,540 can be sourced from other operational budgets.

A budget for the 2005/06 and 2006/07 financial years was formulated for ICM in early 2005. The project at that time required \$40,000 and \$35,000 for the 2005/06 and 2006/07 financial years respectively. Given the recent developments with the City of Wanneroo, this figure has now been finalized at \$31,620 for 2005/06 and \$31,620 for 2006/07 for each City. This budget allocation includes all salary and associated overhead costs for the ICM project officer.

It is considered that this would be the preferred option and more appropriate use of the City's resources given the current resourcing constraints. The plan is to be developed over a period of two years, so financial contribution would be for a fixed term contract for two years with \$31,620 allocated for the 2005/06 and \$31,620 allocated for the 2006/07 financial years.

Policy implications:

It is noted that the development of the Yellagonga ICM Plan needs to adhere to the following Statutory and City policies:

- Draft Water Resources Policy 2004 – Statement of Planning Policy 2.9;
- Draft Bushland Policy for the Perth Metropolitan Region 2004 – Statement of Planning Policy 2.8;
- Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004;
- Environmental Protection (Swan Coastal Plain Lakes) Policy 1992;
- Stormwater Drainage Into Wetlands Policy 5.4.2 (City of Joondalup); and
- Environment Sustainability Policy 2.6.4 (City of Joondalup).

Regional Significance:

The regional significance of ICM is discussed throughout this report. The Yellagonga Regional Park itself is one of eight (8) regional parks that have been established by the State Government in the Perth Metropolitan Region. The Regional Parks have been established due to their outstanding regional conservation, landscape and recreation values.

ICM cannot be addressed within the constraints of Local Government administrative boundaries and needs to incorporate a whole of catchment approach to protect the land, water, vegetation, wildlife and biodiversity for the benefit of the whole of the Yellagonga Catchment.

Given the hydrology of the catchment is such that groundwater flow is in the general direction from east to west, much of what happens on the eastern side of the lake in Wanneroo has the potential to impact on the western side of the lake in Joondalup. It is therefore imperative that a regional approach be undertaken to the overall protection of the Yellagonga Catchment.

Sustainability implications:

Environmental

The development of an ICM Plan has significant environmental implications in that provides for the protection of natural assets including the land, water, vegetation, wildlife and biodiversity for the benefit of the whole of the Yellagonga Catchment. This is particularly significant given the Park contains some of the oldest and last remaining freshwater wetland systems on the Swan Coastal Plain. The wetlands are also of international and national significance and are listed on the Australian Nature Conservation Agency's Directory of Important Wetlands in Australia and on the Register of the National Estate.

Social

Social impacts associated with the development of an ICM Plan include greater level of community understanding and involvement in the management of the catchment to protect its environmental values as well as its cultural and heritage values. The ICM Plan would also provide a strategic framework to guide on ground community group activities. The ICM approach also provides for a long term holistic approach to treating the causal factors associated with the current midge problem and is likely to result in positive results in addressing this social problem.

Economic

Management of the Yellagonga wetlands and surrounding catchment incurs significant costs and current management practices and associated costs are being directed at end of pipe solutions such as aerial pesticide spraying and stormwater management. While these are important in addressing current management issues, the development of an ICM will provide for a long-term strategic focus to enable a targeted and holistic approach to catchment management that looks at treating the cause of these problems currently being faced within the Yellagonga catchment. With a long-term focus in mind, it is anticipated that funds directed via this approach will result in long term cost savings. This also has a positive impact on Ecotourism product and the opportunity to provide revenue streams through Ecotourism. The development of an ICM plan also provides a mechanism for strategic long-term management and protection of the City's natural assets.

Consultation:

The City has liaised with representatives from the City of Wanneroo, CALM, SCC, NMCG and the YCG regarding the development of the Yellagonga ICM Plan. CALM has advised that the proposal is consistent with the strategies contained in the Yellagonga Regional Park Management Plan 2003-2013. The SCC has also provided advice and support for the development of an ICM Plan for the Yellagonga Catchment. The City has been informed that the SCC and NMCG will be actively involved in the facilitation of this process so that the Yellagonga ICM Plan is aligned with the Commonwealth-accredited Swan Region Natural Resource Management (NRM) Strategy (and therefore meets the requirements for external grants).

The SCC and NMCG have advised that NRM Officers will support both Cities through the development and implementation of the Yellagonga ICM Plan. The NRM Officers can provide advice on issues relating to natural diversity, water management, sustainable production and indigenous heritage. Furthermore, the two Cities can benefit from resources provided by existing NRM projects, such as the 'Wangara Industry Education Project' and 'Water Wise on the Farm', which will assist in improving catchment health.

The development of the ICM Plan will also include considerable public input to identify issues from across a broad range of areas including residential, business and industry sectors. Consultation will also occur through holding information sessions for City Staff and Commissioners and Councillors from the Cities of Joondalup and Wanneroo respectively. Stakeholder workshops will also be held to identify and prioritise catchment management issues (relating to water quality/quantity, vegetation, biodiversity, community use, planning and development). The ICM planning process will involve the establishment of a Steering Committee with representatives from the Cities of Joondalup and Wanneroo, State Government agencies (including CALM and Department of Environment), Regional NRM Bodies (SCC and NMCG) and the local community (including the YCG). The steering committee will provide a forum in which to consult on a broad range of issues related to the development of the ICM Plan for the Yellagonga Catchment.

COMMENT

The City has recent cases that support the need for ICM namely the Wangara Industrial complex and the issue of acid sulphate soils.

Wangara Industrial complex

The Wangara Industrial complex is a good example of the need for a whole of catchment approach to managing the health of the Yellagonga wetlands. The industrial complex contributes more pollutants to the Yellagonga wetlands than any other drainage catchment. All properties within this industrial complex are connected to the City of Wanneroo's drainage system and discharge through Outfall 27 into the lake system. Given the flow of nutrients to Lake Joondalup is from the South and South East, this discharge is direct into the Walluburnup swamp, which is located in the City of Joondalup. A whole of catchment approach through the development of an ICM would help identify and target such priority areas for management and could save the City of Joondalup significant resources and funds by addressing the cause and not just simply directing ongoing efforts towards end of source solutions in the Walluburnup swamp.

Acid Sulphate Soils

Recent developments on the issue of acid sulphate soils also support the need to develop an ICM for the Yellagonga catchment. Given very little is known about the extent to which wetlands on the Jandakot and Gnaragara mounds are underlain by acid sulphate soils and the depth at which pyrite occurs, it is imperative to understand water table levels and ensure all relevant agencies and government departments work together to ensure water table levels do not fall below the pyretic material as this can cause major changes in the ecology of the Yellagonga wetlands given their susceptibility to acidification. Groundwater abstraction on both sides of the Yellagonga wetlands need a coordinated and holistic approach to ensure that this is managed so the water table remains above pyrite layers in the soil.

The process indicates that a Project Officer (rather than an external consultant) be employed on a two-year fixed term contract to coordinate the development of the Yellagonga ICM Plan. In light of the foreseen difficulties with coordinating stakeholders involved in ICM, it is believed that the employment of a Project Officer will achieve the best outcome for both Cities.

Preliminary discussion with the SCC has highlighted an opportunity for the peak NRM body of the Swan Region to manage the Project Officer, on behalf of both Cities. Given its considerable experience and knowledge in NRM, the SCC would be better positioned to recruit a suitable officer for this purpose. The Project Officer would operate between the two Cities and would be managed on a shared basis between both Cities as per arrangements for the YCG Coordinator position. This management arrangement would also assist in strengthening the partnership between the two Cities, the SCC and other stakeholders involved in NRM.

It should be noted that the both Cities jointly fund the employment of a permanent, full-time YCG Coordinator to assist the YCG and other stakeholders with on-ground catchment management activities. Furthermore, from recent discussions between the two Cities we have been advised that the City of Wanneroo proposes to continue to fund the Yellagonga Catchment Coordinator position to implement on-ground catchment management projects in the City of Wanneroo; however, it is envisaged that the current role of the position will be altered to become a 'Yellagonga Wetlands Officer'. This officer would work with various community groups (including the YCG and Friends of Yellagonga), schools and other stakeholders (such as CALM and NMCG) to implement community-based projects, without giving the officer responsibility for managing, or reporting to, the YCG Committee (an independent, community-based organization) as previously occurred. The City of Joondalup does not propose to offer such a position, however, will redirect existing resources to funding an ICM Plan and will review this position at the completion of the Plan.

Given the strategic nature of this project, it will be necessary for a corporate response to ensure the ICM is supported adequately across all areas of the two Cities.

If the Yellagonga ICM Plan is to be a success, the ICM planning process outlined in this report requires the full support and involvement of both the Cities of Joondalup and Wanneroo.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 SUPPORTS the development of the Yellagonga Integrated Catchment Management Plan, in conjunction with the City of Wanneroo;
- 2 ENDORSES the proposal to jointly appoint a Project Officer on a two-year fixed term contract to coordinate the development of the Yellagonga Integrated Catchment Management Plan;
- 3 LISTS for consideration in the Draft 2005/06 Budget an amount of \$31,620 for the employment of the Yellagonga Integrated Catchment Management Project Officer for a fixed-term contract period of two years, subject to a matching financial contribution from the City of Wanneroo.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 SUPPORTS the development of the Yellagonga Integrated Catchment Management Plan, in conjunction with the City of Wanneroo;**
- 2 ENDORSES the proposal to jointly appoint a Project Officer on a two-year fixed term contract to coordinate the development of the Yellagonga Integrated Catchment Management Plan;**
- 3 LISTS for consideration in the Draft 2005/06 Budget an amount of \$31,620 for the employment of the Yellagonga Integrated Catchment Management Project Officer for a fixed-term contract period of two years, subject to a matching financial contribution from the City of Wanneroo;**
- 4 REQUESTS the Chief Executive Officer to report to Council, within a reasonable timeframe, on a long-term strategy for the management of the midge plan.**

With the approval of Cmr Fox as the Seconder, Cmr Anderson indicated he wished to add an additional Point 4 to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

CJ102 - 06/05 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING - 5 MAY 2005 – [00906]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

CJ050531_BRF.DOC:ITEM 4

PURPOSE

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 5 May 2005 are submitted for endorsement by Council.

EXECUTIVE SUMMARY

The Sustainability Advisory Committee (SAC) met on 5 May 2005. Items of Business included an update on the implementation of the Sustainability Advisory Committee's Strategic Work plan and review of the Acid Sulphate Soils interim report 2.

This report recommends that Council:

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 5 May 2005 forming Attachment 1 to this Report;*
- 2 THANKS the Sustainability Advisory Committee for its considered responses to the Acid Sulphate Soils Interim Report 2;*
- 3 NOTES that the amendments suggested by the committee will be referred to the Chief Executive Officer for consideration in the final report.*

BACKGROUND

The Sustainability Advisory Committee was formed by Council resolution and its Terms of Reference state the following objectives:

To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is (1) environmentally responsible, (2) socially sound and (3) economically viable.

To provide advice to Council on items referred to the Committee from the City of Joondalup Council or administration.

DETAILS

Issues and options considered:

The Sustainability Advisory Committee presided over two items of business being an update on the implementation of the Sustainability Advisory Committee's strategic work plan and the acid sulphate soils interim report 2, which was referred by Council to the committee for the purpose of providing comment to the interim report.

With regard to Item 1 - The Committee developed a strategic work plan in 2004 and regularly receives progress reports on the status of implementation of the work plan. Attachment 1 provides details of the status report.

With regard to Item 2 - The Committee discussed the acid sulphate soils item of business at length and raised a number of issues of concern, particularly related to planning and the impacts of development on acid sulphate soils. Details of these issues and recommended amendments to the Interim report are shown in Attachment 1 of this report.

Other issues discussed were within general business and related to an Environmental Officer position vacancy at Edith Cowan University (ECU) and the Sustainable Cities Inquiry.

Link to Strategic Plan:

The Sustainability Advisory Committee links with the Strategic Plan as follows:

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

4.3.1 Provide effective and clear community consultation.

4.3.2 Provide accessible community information.

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions

Section 5.8 of the Local Government Act 1995 states that a local government may establish committees of three or more persons to assist Council, to exercise powers and discharge duties of the local government that can be delegated to committees.

With regard to the acid sulphate soils interim report 2 the following legislation and statutory provisions apply:

- 1 Western Australian Planning Commission – Planning Bulletin 64 – Acid Sulphate Soils;
- 2 Town Planning & Development Act 1928;
- 3 Environmental Protection Act 1986; and
- 4 Health Act 1911.

Risk Management considerations:

Ethical Risk:

Various community groups and stakeholders within the City of Joondalup may inadequately be represented on the Sustainability Advisory Committee and therefore their views are not communicated through the Committee.

There are potential cultural issues associated with matters that may be referred to the Sustainability Advisory Committee, in particular indigenous Australians and areas of cultural significance.

Project Management:

The project management of the Sustainability Advisory Committee requires intensive resourcing and Council needs to ensure ongoing support to the Committee and that the committee can continue to operate at a strategic level in the advice it provides in order to retain the motivation for members to participate.

Physical:

The item of business referring to the acid sulphate soils interim report 2 requires significant risk management to ensure that the social, economic and environmental impacts are managed. Little is known of the location and impact of acid sulphate soils and this could potentially lead to development approval in land affected by acid sulphate soils resulting in significant environmental, social and economic impacts.

Financial:

With regard to the item of business 2 - acid sulphate soils the Council should note the significant potential for financial outlays associated with poor management of acid sulphate soils areas in comparison to the relatively low costs associated with proper testing and identification of areas at risk.

Financial/Budget Implications:

The Sustainability Advisory Committee does not require specific funding to operate. All costs are met from within existing operational budgets.

Policy Implications:

It is noted that the Sustainability Advisory Committee can provide advice to Council on a range of policies that promote sustainability, namely:

Policy 2.6.3 Public Participation.

Policy 2.6.4 Environmental Sustainability.

With respect to preliminary recommendation 7 in the acid sulphate soils interim report 2, it should be noted that this recommendation will have policy implications given the recommendation that the City will work with the Department of Environment to develop a local planning policy to ensure that development on land containing acid sulphate soils is planned and managed to avoid potential adverse effects on the natural and built environment. It is also intended that the policy will include a more rigorous self-assessment tool.

Regional Significance:

The management of acid sulphate soils has regional significance due to the natural systems that it may impact upon such as wetland hydrology, biological systems and abiotic conditions (soils etc). These natural systems require a regional approach to the management of acid sulphate soils because they are not confined to local government boundaries.

The City of Joondalup and the City of Wanneroo have proposed a process to develop an Integrated Catchment Plan (ICM) for the Yellagonga Catchment. The ICM will provide a regional approach to manage issues such as acid sulphate soils with the aim of improving the health of the wetlands in Yellagonga Regional Park.

Sustainability Implications:

The Sustainability Advisory Committee aligns with the Strategic Plan 2003-2008 and provides a forum for effective and clear community consultation and a fair and transparent decision-making process on a range of sustainability issues and provides advice to Council via a formal arrangement.

The Committee provides for a cost effective and resource efficient use of resources to access expertise and advice. The establishment of the Committee also provides a formal arrangement for the committee to provide direct recommendations to Council on a range of sustainability issues.

The implementation of the Sustainability Advisory Committee's strategic work plan provides a framework for the Committee to recommend to Council on policy, advice and appropriate courses of action that promote sustainability, which is (1) environmentally responsible, (2) socially sound and (3) economically viable.

With regard tot the item on acid sulphate soils the following sustainability implications should be noted.

Potential environmental implications include:

- Fish kills;
- Loss of biodiversity in wetlands; and
- Contamination of surface water and groundwater resources.

Potential financial implications include:

- Costs associated with the testing procedure;
- Loss of land values affected by areas affected;
- Costs associated with corrosion to concrete and steel infrastructure by acidic soil and water and ongoing maintenance costs; and
- Potential legal costs either directly to the city or to developers and residents wishing to purchase land that is affected.

Potential social implications include:

- Loss of aesthetic amenity;
- Duty of care for the city to its residents to be aware and restrict development of affected land; and
- Purchase of land/property without knowledge of acid sulphate soil risk and the need to ensure future title deed transferrals require disclosure of the acid sulphate soil risk.
- Need to ensure that the development of land containing acid sulphate soils is planned and managed to avoid potential adverse effects on the natural and built environment.

Consultation:

The Sustainability Advisory Committee provides a significant forum for community consultation and engagement. All members of the Committee are from the City of Joondalup community and are active in the field of sustainability. This provides a unique resource for the City to utilise for the provision of information and expertise to Council on matters relating to sustainability within the scope of the Committee's terms of reference.

COMMENT

The City of Joondalup recognises the significant negative impact associated with acid sulphate soils and it should be noted that the recommendations made by the Sustainability Advisory Committee with respect to the Acid Sulphate Soils Interim report 2 shall be referred to the Chief Executive Officer for consideration to include these amendments into the final report. Given the report was an interim report it is not necessary at this point for Council to endorse the Committee's recommendations for amendments to an interim report until the Chief Executive Officer has had the opportunity to consider the amendments and ensure that they will benefit and strengthen the final report.

The Sustainability Advisory Committee made the following recommendations:

CONSIDER the following items with view of having them included in the final Acid Sulphate Soils report:

- (a) A reference to the large potential economic costs incurred by all stakeholders from the generation of acid soils and water; and*
- (b) An explanation of the relative ease and small costs involved in carrying out the specific test for determining the presence of acid sulphate soils (reference appended for Councils' information at Attachment 2).*

REQUEST that the following amendments to recommendation 2 in Acid Sulphate Soils interim report 2 (shown at Attachment 1) [from]:

"The COJ to work with the DoE to develop a local planning policy that includes the requirement for developments involving excavation in areas considered at risk by the City, to undertake a rigorous soil assessment process."

[to]

“That the City of Joondalup work with the Department of Environment to develop a local planning policy that includes the requirement for all developments in areas considered at risk by the City, to undertake a rigorous soil assessment process, to advise Council and potential buyers/users of current and future risks.”

The Sustainability Advisory Committee made the following recommendations:

- a. *MOVED Mr Wake SECONDED Cmr Anderson that the Sustainability Advisory Committee REQUESTS Council to REQUEST the Chief Executive Officer to ENSURE that the correct technical staff avail of the opportunity to participate directly in the acid sulphate soils test for both the Hocking Road and Woodlake Retreat sites with the aim of gaining experience to inform its intended local planning policy for acid sulphate soils; and*
- b. *MOVED Mr Brueckner SECONDED Prof Kinnear that the Sustainability Advisory Committee REQUESTS that Council REQUEST the Chief Executive Officer to ENSURE that all future reports being referred to the Sustainability Advisory Committee be accompanied by the author of the report or an appropriate technical person.*

It is considered unnecessary for these recommendations to be endorsed by Council as they can be directed to the Chief Executive Officer administratively for further consideration.

ATTACHMENTS

Attachment 1 The unconfirmed minutes of the Sustainability Advisory Committee meeting held 05 May 2005.

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

Subsequent to the distribution of the agenda, it is necessary to make further additions to the information provided on Page 26 of the agenda, to better reflect the intent of the recommendations of the Sustainability Advisory Committee. This report is required to be amended by the addition of the words shown underlined:

“The Sustainability Advisory Committee made the following recommendations:

REQUEST Council to CONSIDER the following items with view of having them included in the final Acid Sulphate Soils report:

- (a) *A reference to the large potential economic costs incurred by all stakeholders from the generation of acid soils and water; and*
- (b) *An explanation of the relative ease and small costs involved in carrying out the specific test for determining the presence of acid sulphate soils (reference appended for Councils’ information at Attachment 2).*

REQUEST Council to make the following amendments to recommendation 2 in Acid Sulphate Soils interim report 2 (shown at Attachment 1) [from]:

“The COJ to work with the DoE to develop a local planning policy that includes the requirement for developments involving excavation in areas considered at risk by the City, to undertake a rigorous soil assessment process.”

[to]

“That the City of Joondalup work with the Department of Environment to develop a local planning policy that includes the requirement for all developments in areas considered at risk by the City, to undertake a rigorous soil assessment process, to advise Council and potential buyers/users of current and future risks.”

This amendment does not affect the recommendation of this item.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 5 May 2005 forming Attachment 1 to Report CJ102-06/05;**
- 2 THANKS the Sustainability Advisory Committee for its considered responses to the Acid Sulphate Soils Interim Report 2;**
- 3 NOTES that the amendments suggested by the committee will be referred to the Chief Executive Officer for consideration in the final report.**

Discussion ensued. Cmr Anderson requested that the following comments made by the Chief Executive Officer be recorded and provided to the Sustainability Advisory Committee.

To a query raised by Cmr Anderson in relation to the current status of the final report on acid sulphate soils, Chief Executive Officer advised the report prepared by the City has now been released by the West Australian Local Government Association together with a paper by the Department of Environment point inviting local governments to comment. Once the comment period has closed, this will then become the substantive paper for the West Australian Local Government Association.

Chief Executive Officer advised the paper has been adopted as the position of the Council. Part of the activity was that this be referred on to the West Australian Local Government Association. The topic of acid sulphate soils has now become an industry issue as distinct from a Joondalup specific issue. The paper prepared by the City of Joondalup is being used as the paper for comment on.

Chief Executive Officer advised it will be important for the City to have the appropriate technical advice, either staff or consultant advice, available to monitor these issues. One of the aspects ascertained in recent weeks is that the City's GIS (Geographical Information System) system must identify the sites where acid sulphate soils may exist. There would need to be a mechanism put in place so that when planning applications are received that those matters are identified.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf310505.pdf](#)

CJ103 - 06/05 PUBLIC ACCESS TO THE GOVERNANCE REVIEW PANEL - FINAL REPORT – [52568] [70544] [24549] [00561] [58527]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

CJ050531_BRF.DOC:ITEM 5

PURPOSE

To give consideration for the public release of the Governance Report into the City of Joondalup.

EXECUTIVE SUMMARY

In May 2004, the final report of the Governance Review into the City of Joondalup was submitted to the City. In June 2004 the Council publicly released the recommendations of the final report.

At its meeting of November 2004, the Council resolved to request the Minister for Local Government and Regional Development to publicly release the Governance Review Report. The Minister at the time subsequently advised that it is not her position to do so.

Given the advice from the City's solicitors and the advice that the City has received from the Department of Local Government and Regional Development it is recommended that the City not release the final report of the Governance Review at this stage.

BACKGROUND

A Governance Review Panel was established in September 2003 comprising of:

- Mr Steve Cole, Director Capacity Building – Department of Local Government and Regional Development – (Chairman);
- Councillor Ian Mickel, President – Shire of Esperance;
- Mr Cliff Frewing, Executive Manager – Financial and Information Services – City of Swan and President, WA Division of Local Government Managers Australia;
- Mr Bruce Wittber, Consultant (Executive Officer).

The following terms of reference for the governance review were agreed to by the City of Joondalup in September 2003:

The Governance Review panel will assess and make recommendations on the operations of the Council of the City of Joondalup with particular reference to:

- 1 *The development of an appropriate working relationship between elected members that will achieve good government for the City and an appropriate public image for the local government within the community;*

- 2 *Whether or not the behaviour of elected members related to their local government responsibilities, both personal and collective, is appropriate in terms of the Council's responsibilities and public perception;*
- 3 *The ordinary meetings of Council with particular regard to meeting procedures, behaviour of participants, the operation of Standing Orders and whether those Standing Orders require amendment;*
- 4 *Whether or not the relationships between elected members are having, or could be perceived to be having, an impact on the fairness, objectivity and outcome of the decisions being made by Council;*
- 5 *Whether the Code of Conduct is appropriate and adherence to that code;*
- 6 *The nature and effectiveness of the working relationship between elected members and senior employees;*
- 7 *Whether the information and advice to elected members from the executive is appropriate and sufficient and how that advice is being received and used in Council's deliberations and determination of matters;*
- 8 *The adherence to the requirements of the Local Government Act that the Mayor and CEO are to "liaise on the local government's affairs and performance of its functions."*
- 9 *The nature and effectiveness of the Council decision-making structure;*
- 10 *Whether the Council decision-making processes are fair, open and objective (in accordance with the Act and community interest).*
- 11 *Whether or not the nature and source of statements to the media regarding Council matters and decisions are appropriate, fair, reasonable and within the context of the Local Government Act;*
- 12 *The participation, nature and effectiveness of the elected member induction process and on-going development opportunities for elected members;*

The governance review report provides further background to the establishment of the review.

"The City of Joondalup experienced significant change in elected membership at the May 2003 elections. The new Council struggled with internal dissention from the start with the on-going employment of the CEO, Mr Denis Smith the primary catalyst. A Governance Review Panel (the Panel) was established in September 2003 as a means of restoring Council equilibrium and function, but unfortunately Council dysfunction accelerated so that in December 2003, the Minister for Local Government and Regional Development acted in accordance with s8.19 of the Local Government Act 1995 and suspended the Council. A panel of Commissioners has taken the place of the elected body and they will run the Council until an inquiry is held and a decision is made on whether the Council be dismissed or reinstated.

Despite the Council being suspended, the decision was taken to complete the governance review on the basis that it would document some of the issues at the City and provide guidance for an in-coming Council."

The Council at its meeting held on 23 November 2004 resolved as follows, that the:

- 1 *Joint Commissioners DEFER consideration of Responses to Governance Review to allow it to be considered at the same time as motions from the Annual Meeting of Electors that relate to this matter;*
- 2 *Acting CEO be requested to write to the Minister advising that the community is requesting the release of the Governance Report for public information and asking whether the Minister is prepared to release the report.*

The Council further considered the responses to the Governance Review Final Report at its next meeting held on 14 December 2004 and made a number of resolutions.

DETAILS

A letter was drafted and forwarded to the Hon. Minister for Local Government and Regional Development on 30 November 2004. A letter in response was subsequently received from the Minister received by the City on 20 December 2004, which reads: -

“Thank you for your letter of 30 November 2004 in which you requested my consideration in terms of the City of Joondalup releasing the Governance Report to the public.

Once the Governance Review was complete and the Department forwarded the Report to the City of Joondalup in may of this year, the report effectively became the property of the City of Joondalup and, therefore, any decision regarding its release to the public lies with the City.

As the Minister for Local Government and Regional Development, it is not appropriate that I make such a decision on behalf of the Council.”

The Governance Review Final Report has been tendered as an exhibit to the McIntyre Inquiry into the City of Joondalup. Subsequent to the letter from the Minister, advice was sought about public access of the report through the Inquiry into the City of Joondalup being conducted by Mr Greg McIntyre, which is expected to be completed by the later half of this year.

The advice from the Inquiry office is that a member of the public cannot obtain the Governance Review Final Report by making a request at the Office of the Inquiry. Further advice is that it is possible that the document may be made public when the Inquirer publishes his final report into the inquiry into the City of Joondalup.

The Chairman of the Governance Review Panel has advised that:

“I appreciate that in the development phase of the Governance Review that public release of the document was promoted as an appropriate outcome. Since then, however, the Ford Inquiry under Division 2 of Part 8 of the Local Government Act 1995, has been initiated. It will be examining, inter alia, the same matters addressed in the report of the Governance Review Panel. It is apparent that any release of the Panel’s report prior to the release of the report of the Ford Inquiry is likely to have an adverse and disruptive effect on the integrity of the Ford Inquiry. Moreover, any release other than pursuant to the Parliamentary order or authority may give rise to actions of defamation. The City must take its own legal action advice in these respects. At this time the Department countenances against release of the report – at least at this stage.

It may later be appropriate for it to be released in some form after all due precautions. If there is a request from members of the public for the report to be released I submit it would be appropriate for Council to state the reasons given above but there may be real value in releasing the recommendations of the report as these relate to operational and policy matters for Council to consider”

The City did obtain separate legal advice, which is in agreeance with the advice provided by the Department.

Issues and options considered:

There are three options available to the Council at this point in time.

- Option 1 – Not to release the Governance Review Panel – Final Report. This option would be consistent with the legal advice received by the City of Joondalup.
- Option 2 – To release the Governance Review Panel – Final Report to the public. This option would be contrary to the advices received by the City of Joondalup and may expose it to litigation by aggrieved parties.
- Option 3 – Not to release the Governance Review Panel – Final Report at this stage. This option would be consistent with the advice received by the City of Joondalup. The status or potential legal action possible may diminish or alter over time, which would allow the final report to be released publicly.

Link to Strategic Plan:

The City’s Strategic Plan contains the following references to our Values and Guiding Principles:

Trust

- We will have an environment of openness and transparency.
- We will make information accessible.

Leadership through Partnerships and Networks

- We will develop a supportive and trusting relationship with our community.

People Management

- We will invest in best practice workforce management.
- We will encourage employee commitment and innovation.

Legislation – Statutory Provisions:

The Governance Review was carried out in agreement between the Department of Local Government and Regional Development and the City and was to address twelve (12) Terms of Reference, as agreed by the parties. Such a review is in keeping with the provisions of Section 8.3 of the Local Government Act 1995.

Risk Management considerations:

As a result of the advices received by the City of Joondalup the risk of publicly releasing the final report at this stage is that such an action may expose the City to litigation by affected parties.

The risk of not releasing the final report may present a situation where the City is accused of not being open and accountable with the release of information, which may be in the public interest, in particular as the report details with governance operations of the City.

Financial/Budget Implications:

Not Applicable

Policy implications:

Policy 2.3.4 has the following objective:

The policy sets the guidelines for provision of information to the public, elected members and officers of the City. In accordance with the Freedom of Information Act 1992 and the Local Government Act 1995 requests for information should be received by local government officers during office hours. Documents should only be released when the request conforms with the published Information Statement and under the guidance of the Freedom of Information Co-coordinator.

Regional Significance:

Not Applicable

Sustainability implications:

The City recognises its responsibilities to work with its community towards an environmentally, socially and economically sustainable future. Consideration of the recommendations of the Governance Review Panel will enhance the social aspect of sustainability by demonstrating improved governance practices for the benefit of the community of the City of Joondalup.

Consultation:

Consultation has occurred with the City's legal advisors, the Department of Local Government & Regional Development and its Minister.

COMMENT

Given the response of the Minister, the advice provided by the Department of Local Government and Regional Development and the potential for the City to be exposed from potential litigation, which is supported by legal advice obtained by the City of Joondalup regarding the public release of the Governance Review – Final Report, it is recommended that the Governance Review – Final report not be released for public inspection at this time.

ATTACHMENTS

Not Applicable

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council AGREES not to release the City of Joondalup – Governance Review, 2003 – Final Report to the public at this time.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

The Chief Executive Officer declared a financial interest in Item CJ104-06/05 - Chief Executive Officer - Performance Review Committee as this matter relates to his contract of employment.

Chief Executive Officer left the Chamber, the time being 2005 hrs.

CJ104 - 06/05 CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE – [20006]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services & Resource Management

CJ050531_BRF.DOC:ITEM 6

PURPOSE

The purpose of this report is for Council to establish a Performance Review Committee to review the Chief Executive Officer's (CEO) performance.

EXECUTIVE SUMMARY

In accordance with clause 11 of the Employment Contract of the Chief Executive Officer for the City of Joondalup, performance against key performance indicators is to be reviewed by a Performance Review Committee.

Specifically Clause 11 sub clause 2 deals with the initial performance review, which is to be undertaken within thirty (30) days after the conclusion of the sixth months of the CEO's employment under the above contract.

It is recommended that:

- 1 *Council BY AN ABSOLUTE MAJORITY in accordance with Section 5.8 of the Local Government Act 1995, ESTABLISHES a Performance Review Committee consisting of three or more Joint Commissioners;*
- 2 *The terms of reference for the Performance Review Committee be to:*
 - (a) *Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*

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

BACKGROUND

At the Special Council Meeting held on 21 January 2005, Commissioners resolved as follows when considering item C2-01/05 CEO Recruitment & Appointment:

- 1 *APPOINT Candidate C to the position of Chief Executive Officer of the City of Joondalup on a performance based contract for a maximum period of five years on a commencing total annual remuneration package of \$231,900;*
- 2 *ENDORSE the employment contract for the Chief Executive Officer prepared by Jackson McDonald Solicitors (marked 'Confidential' and attached hereto in the Minute Book);*
- 3 *AUTHORISE the Chairman of Commissioners and Acting Chief Executive Officer to prepare and execute the necessary documents to give effect to this appointment.*

The Employment Contract of the CEO for the City of Joondalup was subsequently executed and the CEO commenced employment with the City on 31 January 2005. Schedule 2 of the contract contained initial Key Performance Indicators to be achieved by the CEO.

DETAILS

Issues and options considered:

The CEO's Employment contract provides for an initial performance review as follows:

"Clause 11.2 Initial Performance Review

- (a) The Executive's performance will be reviewed by the Performance Review Committee within thirty (30) days after the conclusion of the sixth month of the Executive's employment under this contract.
- (b) The sixth month performance review is to be conducted in the same manner and following the same procedure as provided for in sub-clauses 11.3(b) to (i) inclusive."

The sixth month anniversary of the CEO's employment is 31 July 2005, which means that his performance will need to be reviewed within thirty (30) days of that date, being 30 August 2005.

Clause 1.9 of the CEO's Employment contract defines "Performance Review Committee" to mean the Councillors formed as a committee in accordance with the Local Government Act 1995 (the Act) for the purposes of reviewing the performance of the Executive.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

In accordance with Section 5.8 of the Act a local government may establish (by absolute majority) committees of three or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

Section 5.10 of the Act states inter alia that a committee is to have as its members persons appointed (by absolute majority) by the local government to be members of the committee.

Included in Clause 3 Executive Duties, of the CEO's Employment Contract are the following references to the Local Government Act 1995 and other regulatory requirements:

- "3.3 exercise such powers and carry out such duties and functions as are imposed in the Act, and all other relevant laws, regulations and Standing Orders
- 3.4 fulfil the functions of a CEO as prescribed in the Act
- 3.5 comply with the Council's policies and procedures and Code of Conduct, as varied from time to time by the Council"

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against Key Performance Indicators on a periodic basis and the Performance Review Committee is required to refer its concluded report to the Council for consideration and actioning. Schedule 2 of the CEO's Employment Contract details the initial Key Performance Indicators to be achieved by the CEO.

Financial/Budget Implications:

In conducting the performance review under the CEO's Employment contract, the Performance Review Committee is required to appoint and consult with and seek guidance from an external and independent human resources expert, or similar, to facilitate the review of the Executive's performance (Clause 11.3(e)(i)).

An estimate for this work will be determined in conjunction with the Performance Review Committee once established.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Not Applicable

COMMENT

It is recommended that the Performance Review Committee be established and that they meet as early as possible in order to progress the review in accordance with the requirements and processes documented in Clause 11 Performance Development & Review of the CEO's Employment Contract. Nominations are sought from the Joint Commissioners to enable the establishment of this committee.

ATTACHMENTS

N/A - All Commissioners have previously been issued with a signed copy of the "Employment Contract of the Chief Executive Officer for the City of Joondalup".

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That:

- 1 Council BY AN ABSOLUTE MAJORITY in accordance with Section 5.8 of the Local Government Act 1995, ESTABLISHES a Performance Review Committee consisting of three or more Joint Commissioners;
- 2 The terms of reference for the Performance Review Committee be to:
 - (a) Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;
 - (b) Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;
 - (c) Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;
 - (d) Review the Key Performance Indicators to be met by the Chief Executive Officer.

MOVED Cmr Anderson, SECONDED Cmr Fox that:

- 1 Council in accordance with Section 5.8 of the Local Government Act 1995, ESTABLISHES a Performance Review Committee consisting of five (5) Joint Commissioners as follows:

Chairman of Commissioners
Deputy Chairman
Cmr M Anderson
Cmr S Smith
Cmr A Fox

Cmr J Paterson
Cmr P Clough

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

Cmr Anderson spoke to the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (3/0)**

The Chief Executive Officer declared a financial interest in Item CJ105-06/05 - Chief Executive Officer Contract of Employment as this matter relates to his contract of employment.

CJ105 - 06/05 CHIEF EXECUTIVE OFFICER - CONTRACT OF EMPLOYMENT – [20006]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services & Resource Management

CJ050531_BRF.DOC:ITEM 7

PURPOSE

The purpose of this report is to seek Council's approval for a minor variation to the Chief Executive Officer's (CEO) Employment Contract in relation to Clause 12.6 Mobile Phone Contribution.

EXECUTIVE SUMMARY

The CEO's employment contract makes provision for a City provided mobile phone. During the initial stages of his employment it took some time to resolve an issue involving retention of his existing personal mobile phone number.

This has since been resolved, however in the interim the CEO incurred out-of-pocket business related expenditure on behalf of the City.

It is recommended that Council APPROVES reimbursement of the business related mobile phone expenditure incurred by the Chief Executive Officer for the period 31 January 2005 to 13 April 2005 inclusive.

BACKGROUND

At the Special Council Meeting held on 21 January 2005, Commissioners resolved as follows when considering item C2-01/05 CEO Recruitment & Appointment:

- 1 *APPOINT Candidate C to the position of Chief Executive Officer of the City of Joondalup on a performance-based contract for a maximum period of five years on a commencing total annual remuneration package of \$231,900;*
- 2 *ENDORSE the employment contract for the Chief Executive Officer prepared by Jackson McDonald Solicitors (marked 'Confidential' and attached hereto in the Minute Book);*
- 3 *AUTHORISE the Chairman of Commissioners and Acting Chief Executive Officer to prepare and execute the necessary documents to give effect to this appointment.*

The Employment Contract of the CEO for the City of Joondalup was subsequently executed and the CEO commenced employment with the City on 31 January 2005.

DETAILS

Issues and options considered:

The CEO's contract of employment provides for a mobile phone as follows:

12.6 Mobile Phone Contribution

- (a) A Mobile Phone will be supplied to the Executive as a tool of trade. The Mobile Phone (and the SIM card and phone number) remain, at all times the property of the Council and the Executive shall return the Mobile Phone (and SIM card) at the termination of employment, or earlier at the request of the Council.
- (b) The Mobile Phone Contribution is an annual fixed amount included within the Executive's TEC in recognition of the Executive's ability to use the Mobile Phone for reasonable limited personal use.
- (c) When using the Mobile Phone in the course of driving, the Executive must use a hands free kit installed in the motor vehicle at the Council's expense. On termination of employment or earlier, the Council or its authorised representative may remove the hands free kit from the motor vehicle. The Executive must make the motor vehicle available for this purpose at the Council's request.

A query arose in the early part of the CEO's tenure when he advised that he would prefer to supply his own mobile phone, as opposed to the City supplying one, as he did not wish to change his mobile phone number and the alternative of carrying around two phones had obvious impracticalities associated with it.

Clarification was sought from Jackson McDonald, who drafted the contract, as to whether Clause 12.6 prevented the City from agreeing to the CEO's request in this regard. Their advice was that "... the clause clearly states that the mobile phone provided to the CEO is a tool of trade. It is apparent from this that there is no requirement, or need, for the CEO to provide his personal mobile to undertake Council business."

In order to resolve this dilemma, the CEO has formally transferred his mobile phone to the City.

As it took some time to arrive at this compromise position, the CEO had been using his personal mobile phone for business related calls during this period.

Consequently the CEO has incurred expenditure on business related calls between 31 January 2005 and 13 April 2005 (inclusive).

Clause 13.1 of the CEO's employment contract covers expenses and states that "... the executive will be reimbursed for reasonable expenses, such as parking, travelling and accommodation, incurred on the performance of the Executive's duties under this Contract." Jackson McDonald's view on utilising this clause in relation to the mobile phone issue was that "Given Clause 12.6 it is not reasonable in our view for reimbursement of business calls on the CEO's personal mobile phone."

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Section 5.39 of the Local Government Act 1995, Contracts for CEO's and Senior Employees states that the employment of a person who is a CEO or a senior employee is to be governed by a written contract.

Risk Management considerations:

As this matter is essentially a variation to contract, it has been referred to Council for resolution.

Financial/Budget Implications:

Account No:	1 1110 3803 0001 9999
Budget Item:	Mobile Phones
Budget Amount:	\$1,500
YTD Amount:	\$1,125
Actual Cost:	\$1,155

The value of expenditure incurred by the CEO is estimated to be \$600, subject to receipt of the final account from Telstra. This amount will be funded by a small overrun in the above budget item.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Not Applicable

COMMENT

As the CEO's out-of-pocket expenditure on mobile telephone calls is for legitimately incurred business purposes it would seem unreasonable not to reimburse him for the costs involved.

Account should also be taken of the fact that this matter has arisen in the early stages of employment and has been resolved in the longer term by the CEO agreeing to transfer his mobile phone to the City.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council APPROVES reimbursement of the business related mobile phone expenditure incurred by the Chief Executive Officer for the period 31 January 2005 to 13 April 2005 inclusive.

Cmr Fox spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Chief Executive Officer entered the Chamber, the time being 2009 hrs.

CJ106 - 06/05 WARRANT OF PAYMENTS - 30 APRIL 2005 – [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services and Resource Management

CJ050531_BRF.DOC:ITEM 8

PURPOSE

The Warrant of Payments for the month ended 30 April 2005 is submitted to Council for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of April 2005, totalling \$10,279,742.09 and seeks approval by Council for the payments listed.

It is recommended that Council APPROVES for payment the vouchers, as presented in the Warrant of Payments to 30 April 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$10,279,742.09

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 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 details the cheques drawn on the funds during the month of April 2005 and seeks approval by Council for the payments listed.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account		Nil
Municipal Account	Cheques 70773 – 71172 EFT 2425– 2719 52A-57A	10,279,742.09
Trust Account		Nil
		\$10,279,742.09

The Director Corporate Services & Resource Management Advance Account is an imprest account. All future creditor payments will be made through the Municipal Account and the Director Corporate Services and Resource Management Advance account will be closed at the end of April 2005 as approved by Council at its meeting of 14 December 2004 (CJ308-12/04).

The cheque and voucher registers are appended as Attachments A & B.

The total of all other outstanding accounts received but not paid at the close of April 2005 was \$743,521.65

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$10,279,742.09 which is to be submitted to Council on 7 June 2005 has been checked, is fully supported by vouchers and invoices and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown were due for payment.

.....
PETER SCHNEIDER
Director Corporate Services & Resource Management

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$10,279,742.09 was submitted to Council on 7 June 2005.

.....
JOHN PATERSON
Chairman of Commissioners

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

The Council has delegated to the CEO the exercise of its power to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared. In addition regulation 13 (4) requires that after the list of payments has been prepared for a month, the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the Council.

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 either the 2004/05 Annual Budget or half year review, approved by Council.

Policy implications:

All expenditure included in the warrant of payments is drawn from the City's accounting records, which are maintained in accordance with Policy 2.4.1.

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the plan for principal activities which was advertised for a 42 day period with an invitation for submissions in relation to the plan.

COMMENT

All expenditure included in the warrant of payments is in accordance with the 2004/05 Annual Budget, 2004/05 Half Year Budget review or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Warrant of Payments for Month of April 2005
Attachment B Municipal Fund Vouchers for Month of April 2005

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Fox that Council **APPROVES** for payment the following vouchers, as presented in the Warrant of Payments to 30 April 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$10,279,742.09

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account		Nil
Municipal Account	Cheques 70773 – 71172 EFT 2425– 2719 52A-57A	10,279,742.09
Trust Account		Nil
		\$10,279,742.09

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf310505.pdf](#)

CJ107 - 06/05 FINANCIAL REPORT FOR THE PERIOD ENDING 30 APRIL 2005 – [07882]

WARD:	All
RESPONSIBLE DIRECTOR:	Peter Schneider Corporate Services and Resource Management

CJ050531_BRF.DOC:ITEM 9

PURPOSE

The April 2005 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The April 2005 year to date report shows an overall variance (under spend) of \$19.6m when compared to the year to date revised budget approved by Council at its meeting of 15 March 2005 (CJ030-03/05).

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$12.4m compared to a budgeted surplus of \$7.4m at the end of April 2005. The \$5.0m variance is primarily due to a favourable variance in income from rates instalment interest and charges, interest income, employee costs, consultancy costs, administration costs and utilities.
- **Capital Expenditure** is \$1.6m against the year to date budget of \$3.1m. The \$1.5m under spend is due to the deferral of heavy and light vehicle purchases and IT related projects.
- **Capital Works and Corporate Projects** expenditure is \$11.4m against the year to date budget of \$24.5m. This is a timing difference of which \$6.1m relates to normal Capital Works while \$7.0m relates to Capital Works classified as Corporate Projects. Total committed funds in relation to all Capital Works are \$9.0m.

BACKGROUND

Not Applicable

DETAILS

The financial report for the period ending 30 April 2005 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

In accordance with Section 6.4 of the Local Government Act 1995 a local government is to prepare an annual financial report for the preceding year and such other financial reports as are prescribed. Regulation 34 of the Local Government (Financial Management) Regulations 1996 details those other financial reports which need to be prepared and states that they are to be presented to Council and recorded in the minutes of the meeting at which they are presented.

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 statements is drawn from the City's accounting records, which are maintained in accordance with Policy 2.4.1.

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the plan for principal activities which was advertised for a 42 day period with an invitation for submissions in relation to the plan.

COMMENT

All expenditure included in the financial statements is in accordance with the 2004/05 Annual Budget, 2004/05 Half Year Budget review or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment 1 Financial Report for the period ending 30 April 2005.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, **SECONDED** Cmr Anderson that the Financial Report for the period ending 30 April 2005 be **NOTED**.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agn070605.pdf](#)

CJ108 - 06/05 TENDER 045-0405 - SUPPLY AND DELIVERY OF SIX DUAL CAB TRUCKS OF APPROXIMATELY 7500KG GVM FITTED WITH SIDE LIFTERS WITH OR WITHOUT A TRADE-IN, AND DISPOSAL OF SIX USED TRUCKS - [68570]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services and Resource Management

CJ050531_BRF.DOC:ITEM 10

PURPOSE

To seek the approval of Council to choose Major Motors Unit Trust T/As Major Motors as the successful tenderer for the supply and delivery of six dual cab trucks of approximately 7500kg GVM fitted with side lifters without trade-in, and Raytone Motors Pty Ltd as the successful tenderer for the outright purchase of one of the used vehicles.

EXECUTIVE SUMMARY

Tenders were advertised on 13 April 2005 through statewide public notice for the Supply and Delivery of Six Dual Cab Trucks of Approximately 7500KG GVM Fitted with Side Lifters With or Without a Trade-in and Disposal of Six Used Trucks. Tenders closed on 28 April 2005. Four submissions were received from: The Trustee for Belmont Unit Trust T/As Skipper Trucks Belmont, Raytone Motors Pty Ltd, Smith Broughton Pty Ltd T/As Smith Broughton & Sons and Major Motors Unit Trust T/As Major Motors.

It is recommended that in relation to tender number 045-04/05, Council:

- 1 *CHOOSES Major Motors Unit Trust T/As Major Motors as the successful tenderer for the supply of six dual cab trucks of approximately 7500kg GVM fitted with side lifters without trade-in for the Lump Sum Price of \$380,400.00 excluding GST.*
- 2 *CHOOSES Raytone Motors Pty Ltd as the successful tenderer for the outright purchase of one dual cab truck, plant number 95061, for the Lump Sum Price of \$31,432.00 excluding GST.*
- 3 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Major Motors Unit Trust T/As Major Motors in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Major Motors Unit Trust T/As Major Motors.*
- 4 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Raytone Motors Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Raytone Motors Pty Ltd.*
- 5 *NOTES that vehicles 95062-95065 and 95068 will be disposed of via public auction.*

BACKGROUND

The six dual cab trucks to be replaced were purchased in 2001 and have been fully utilized towing mower trailers and moving personnel to complete tasks such as mowing parks, verges and median strips. Five existing trucks are Mitsubishi FE 647 Canters and one is an Isuzu NPR 300.

The trucks have a recommended replacement criteria of 4 years and are now due for replacement.

The City's 2004/05 budget provided for the purchase of light vehicles, as detailed in the Fleet Replacement Program. Funding for the cost of the changeover is to be sourced from the Light Vehicle Reserve Account.

DETAILS

Tenders were advertised on 13 April 2005 through statewide public notice for the Supply and Delivery of Six Dual Cab Trucks of Approximately 7500KG GVM Fitted with Side Lifters With or Without a Trade-in and Disposal of Six Used Trucks. Tenders closed on 28 April 2005. Four submissions were received from: The Trustee for Belmont Unit Trust T/As Skipper Trucks Belmont, Raytone Motors Pty Ltd, Smith Broughton Pty Ltd T/As Smith Broughton & Sons and Major Motors Unit Trust T/As Major Motors.

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

Raytone Motors and Smith Broughton submitted offers in accordance with the outright purchase option in the tender documents. The Raytone Motors offers were higher than the Smith Broughton offers on all vehicles and the Smith Broughton tender was therefore eliminated from further consideration.

It was determined that the outright purchase offer by Raytone Motors for plant number 95061 would be advantageous to the City. It was also determined that the price the City could achieve via public auction for the remaining five vehicles would be more advantageous than any of the tender prices quoted.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, leading to a ranking of each submission in order of merit.

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

The Selection Criteria for Tender Number 045-04/05 are as follows:

Selection Criteria

- Demonstrated ability of Tenderer to provide after sales service and product spare parts
- Scheduled delivery date for the new supply
- Beneficial effects of Tender / local content
- Tendered Price/s
(Whole of Life Cost)

Note: The Price used in the Whole of Life Cost evaluation process is the tendered basic price of the new vehicles plus an estimate of the cost of servicing and fuel consumption over 100,000 kilometres less the anticipated resale value in four years time.

Issues and options considered:

The submitted tenders presented several options for purchase with or without trade-in and for outright purchase. In addition, the option of disposing of the used vehicles via auction was also considered. The evaluation process undertaken is described elsewhere in the report.

Link to Strategic Plan:

This contract supports objective 3.1 of the City's Strategic Plan, which states:

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

Legislation – Statutory Provisions:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or is worth more than \$50,000. The consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$100,000.

Risk Management considerations:

There are no significant risks attached to the acceptance of this tender. The recommended tenderer has supplied similar trucks in the past and the performance with previous supply contracts has been satisfactory.

Financial/Budget Implications:

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

Account No:	LIGHT VEHICLE REPLACEMENT RESERVE		
Budget Item:	V256, 257, 258, 259, 260, 263		
	Excluding GST	GST	Including GST
Budget Amount:	\$198,000.00	\$19,800.00	\$217,800.00
YTD Amount:	NIL	NIL	NIL
Tender Price:	\$380,400.00	\$38,040.00	\$418,440.00
Trade-in Price / Auction	\$181,432.00	\$18,143.20	\$199,575.20
Estimate:			
Nett Price: *	\$198,968.00	\$19,896.80	\$218,864.80

* SUBJECT TO RESERVE PRICES BEING ACHIEVED AT AUCTION

Policy implications:

The City's Policy 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. None of the tenderers is based in either the City or the Region.

Regional Significance:

Not Applicable

Sustainability implications:

Funding for the replacement of fleet items is set aside into reserve accounts through an internal hire system based on kilometres travelled or hours worked. Rates are adjusted each year to ensure that sufficient funds will be available in future years for the replacement of fleet items.

Consultation:

Not Applicable

COMMENT

The evaluation process identified Major Motors Unit Trust T/As Major Motors as the highest ranked tenderer for purchase of the new vehicles and the Evaluation Panel considered that they have the capability and resources to provide the required supply on a value for money basis.

Raytone Motors Pty Ltd submitted the highest prices for the outright purchase of all the used trucks, compared with Smith Broughton & Sons. However, for the five trucks other than 95061, an independent auction valuation showed that approximately \$1000 extra per truck could be achieved at public auction compared to the offers from Raytone Motors.

The Evaluation Panel therefore recommend Major Motors Unit Trust T/As Major Motors as the preferred tenderer for the purchase of six new vehicles without trade-in and Raytone Motors Pty Ltd as the preferred tenderer for the outright purchase of vehicle number 95061. Vehicle numbers 95062-95065 and 95068 will be disposed of via public auction.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Fox that Council in relation to Tender Number 045-0405:

- 1** **CHOOSES** Major Motors Unit Trust T/As Major Motors as the successful tenderer for the supply of six dual cab trucks of approximately 7500kg GVM fitted with side lifters without trade-in for the Lump Sum Price of \$380,400.00 excluding GST;

- 2 **CHOOSES Raytone Motors Pty Ltd as the successful tenderer for the outright purchase of one dual cab truck, plant number 95061, for the Lump Sum Price of \$31,432.00 excluding GST;**
- 3 **AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Major Motors Unit Trust T/As Major Motors in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Major Motors Unit Trust T/As Major Motors;**
- 4 **AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Raytone Motors Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Raytone Motors Pty Ltd;**
- 5 **NOTES that vehicles 95062-95065 and 95068 will be disposed of via public auction.**

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

CJ109 - 06/05 FESA - EMERGENCY SERVICE LEVY PAYMENT OPTION FOR THE FINANCIAL YEAR ENDING 30 JUNE 2006 – [31229]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services and Resource Management

CJ050531_BRF.DOC:ITEM 11

PURPOSE

This report is to advise Council that in respect of the Emergency Service Levy, Council may elect to remit payments by either of two options. It is recommended that Council elects to remit ESL repayments using Option B for the next 3 years.

EXECUTIVE SUMMARY

The Emergency Service Levy (ESL) was introduced by the West Australian State Government with effect from 1 July 2003 to fund the Fire & Emergency Services Authority (FESA). The ESL allows local governments to make an annual, or longer, election to remit ESL payments to FESA using either Option A or Option B.

Under Option A, FESA owns the debt and is entitled to the 11% interest on outstanding balances. Local governments collect the debt on behalf of FESA and are able to invest money received until it is required to be remitted to FESA. The total ESL and interest collected during any month is paid to FESA in the following month. Under Option A new ESL debts are owned by FESA.

Under Option B, the City acquires the ESL debt and becomes entitled to the 11% interest on outstanding balances. Local governments are able to invest money received until remitted to FESA in quarterly instalments (of the total ESL levied only).

The City elected to make the ESL repayments using Option B for the 2004/05 year. Based on the 04/05 year to date ESL receipts and payments, Option B has been more advantageous than Option A. The City has received approximately \$125,000 in interest, which is \$75,000 more than if it had utilised Option A.

It is anticipated that by electing to use Option B, the City will continue to receive approximately \$75,000 more interest than if it used Option A in the 2005/06 year.

It is recommended:

- 1 *That Council ELECTS to remit the emergency services levy for the 2005/06, 2006/07 and 2007/08 years by Option B inclusive of the following features:*
 - *Local government assumes ownership of all ESL debt levied during the year (CoJ owns the debt)*
 - *Local government has responsibility for accepting and subsequently approving any ESL amounts to be written off*
 - *Local government remits 100% of the ESL levied to FESA on a quarterly basis (30% by 21 September, 30% by 21 December, 30% by 21 March and 10% on 21 June) for each of the future years*
 - *Local government retains any late payment penalty interest charges*
- 2 *That FESA be advised of this decision as detailed in (1) above.*

BACKGROUND

The ESL was introduced by the West Australian State Government with effect from 1 July 2003 to fund the Fire & Emergency Services Authority (FESA). Local governments are required to raise the ESL as part of issuing their annual rates notices and to collect and remit the ESL payments to FESA.

The City of Joondalup levied \$8,587,259 for the ESL during 2004/05.

The ESL legislation allows a local government to make an annual or longer election to remit ESL payments to FESA by either of 2 options:

- Option A – debt is owned by FESA, local government remits to FESA by the 21st of the month all monies collected during the previous month
- Option B – debt is owned by local government, local government remits 100% of the annual ESL levied to FESA in quarterly payments.

The City of Joondalup elected to use Option A during the 2003/04 year due mainly to the uncertainty of the ESL incoming cash flows during the ESL's inaugural year. The City elected to use Option B for the 2004/05 year and to assess whether this resulted in more interest income to the City than Option A.

FESA has requested the City of Joondalup to advise its preferred payment option for 2005/06 year. FESA has also invited the City to make an election for multiple years.

DETAILS

Issues and options considered:

The 2004/05 ESL rate was 1.4700 cents per \$GRV. The 2005/06 ESL rate-in-the-dollar has not yet been declared.

The City expects to levy approximately \$9m for the 2005/06 ESL, which will be levied and included separately on the City's rate notices.

The general features of the ESL are as follows:

Local government responsibilities are to:

- Calculate and invoice the ESL on behalf of FESA, on the local government's rates notices in accordance with the rules set out in the ESL Manual of Operating Procedures (MOP) applying the annual ESL rates declared by the Minister
- Report to FESA the amount of ESL that the local government has invoiced, within 14 days of the annual rates / ESL billing run
- Charge the ESL "late payment" interest rate (11%)
- Pay ESL on the improved property owned by the local government as invoiced by FESA
- Provide a monthly or annual report on the collections and outstanding debt
- Make payments to FESA using Option A or Option B
- Collect the ESL debts and interest charges on outstanding ESL debts from the ratepayer or from the Office of State Revenue – for rebates paid on behalf of pensioner / senior ESL concession payment
- Collect the interest accruing on "deferred ESL" from the Office of State Revenue
- Incur all costs incurred in recovering the ESL debt

FESA responsibility:

- FESA may apply penalty interest at a rate declared by the Minister (11%) where ESL payments are not lodged by a local government with FESA on time
- FESA pays the local government an annual ESL administration fee by 31 October

Other Information

- The ESL is a charge against the property (Section 36O of the Fire & Emergency Authority of Western Australia Act 1998)
- The local government may elect to use payment Option A or B in any year with the approval of FESA. FESA will not accept responsibility for any costs incurred by a local government associated with future decisions by that local government where it chooses to migrate between Options A and B and this is approved.

The specific features of the ESL payment options are as follows:

Option A – key features

- FESA assumes liability for all unpaid and deferred ESL (FESA owns the debt)
- FESA has responsibility for accepting and subsequently approving any ESL amounts to be written off
- Local government remits to FESA all monies collected during the previous month

Option B – key features

- Annual ESL debts
 - Local government assumes ownership of all ESL debt levied during the year (CoJ owns the debt)
 - Local government has responsibility for accepting and subsequently approving any ESL amounts to be written off
 - Local government remits 100% of the ESL levied to FESA on a quarterly basis (30% by 21 September, 30% by 21 December, 30% by 21 March and 10% on 21 June)
 - Local government retains any late payment penalty interest charges

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

The Emergency Services Levy is contained within the Fire & Emergency Authority of Western Australia Act 1998.

Risk Management considerations:

- Possible perception that local government is profiting from the ESL
- Possible perception that local government supports cost shifting from Federal and State Government to local government
- Risk that the cash flow profile may change from prior year profile and result in less funds available for investment
- FESA has invited local governments to take Option B for 1-3 year terms. A risk exists in that the payment dates and % payments to FESA may change on a year-to-year basis.
- If investment interest rates increase, the quantified benefit will be reduced.

An analysis, using the 2004/05 ESL cash receipts up to May 2005, estimated the resulting cash payments using Option A and B and estimated the resulting funds available for investment. This analysis indicated that Option B resulted in interest of approximately \$125,000 whilst Option A resulted in interest of approximately \$50,000.

Financial/Budget Implications:

The financial implications under Option B are as follows:

- Under Option B, the City has the potential to receive interest of approximately \$75,000 more than under Option A.
- The City will charge interest on outstanding ESL debts at 11% per annum. Any payments received will be applied against the outstanding interest and principal.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

The additional interest under Option B will generate funds that will assist the City with its economic sustainability. FESA has the ability to change the % remitted and the due dates however has undertaken that these parameters will not change without negotiation with local governments. On that basis, it is proposed that the City review its election of Option A or Option B on a tri-annual basis.

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the plan for principal activities which was advertised for a 42 day period with an invitation for submissions in relation to the plan.

COMMENT

Benefits of selecting Option B

- The City has the potential to gain additional interest income by investing the difference between the actual payments received and the quarterly instalment monies paid to FESA during the relevant year. Financial projections using 2004/05 ESL payments indicates that the City will potentially be better off by around \$75,000
- Where pensioners defer their rates in accordance with the *Rates & Charges (Rebates and Deferments) Act 1992 Amended*, the City will receive interest on the deferred ESL amounts at approximately 5.6% (gazetted annually in arrears) on deferred debt paid by the Office of State Revenue

It is anticipated that the 2005/06 cashflows are likely to be similar to 2004/05 and that Option B will continue to result in more funds available for the City to invest and therefore more interest will be earned.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that:

- 1 **Council ELECTS to remit the emergency services levy (ESL) for the 2005/06, 2006/07 and 2007/08 years by Option B inclusive of the following features:**
 - **Local government assumes ownership of all ESL debt levied during the year (City of Joondalup owns the debt)**
 - **Local government has responsibility for accepting and subsequently approving any ESL amounts to be written off**
 - **Local government remits 100% of the ESL levied to FESA on a quarterly basis (30% by 21 September, 30% by 21 December, 30% by 21 March and 10% on 21 June) for each of the future years**
 - **Local government retains any late payment penalty interest charges**

2 FESA be ADVISED of this decision.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

**CJ110 - 06/05 2006/2007 STATE BLACKSPOT PROGRAM –
[08151]**

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure and Operations

CJ050531_BRF.DOC:ITEM 12

PURPOSE

The purpose of this report is to seek Council's formal endorsement of projects submitted for the 2006/07 State Black Spot Program.

EXECUTIVE SUMMARY

On 2 March 2005, Main Roads WA called for submissions for the 2006/07 State Black Spot Program. Submissions are required by 24 June 2005. In order to meet this deadline, project submissions require formal endorsement by Council.

A list of the proposed projects, including total project costs, possible State Black Spot Program funding and the mandatory Council one third contributions should funding be approved are shown on Attachment 1. The formal endorsement of the short listed projects are supported on the basis that they may significantly improve safety of the local road network for all road users.

This report recommends that Council ENDORSES the listed projects shown on Attachment 1 to this Report for submission to the 2006/07 State Black Spot Program.

BACKGROUND

In August 2000, the State Government announced a new initiative targeting black spots and road improvements around Western Australia. The program is now moving into its sixth year. The State Black Spot Program is aimed at further improving road safety on local roads across Western Australia thereby reducing the significant trauma and suffering of crash victims, family and friends.

The program targets road locations where crashes are occurring and aims to fund cost effective, safety orientated projects by focusing on locations where the highest safety benefits and crash reductions can be achieved.

All submissions are considered on their merits and are evaluated against the criteria set by the State Black Spot Program Development and Management Guidelines.

The State Black Spot Program will allocate two thirds funding towards the cost of successful projects with the remaining one-third-project cost to be met by Council.

DETAILS

Issues and options considered:

On 2 March 2005, Main Roads WA called for submissions for the 2006/07 State Black Spot Program. To enable the submissions to be presented to the Metropolitan Regional Road Group Technical Members meeting, the submission deadline was set for 24 June 2005.

As part of this 2006/07 program, approximately 140 eligible sites in the City of Joondalup (5 crashes in 5 years ending December 2004) were evaluated on a preliminary basis. Of these, 26 sites were subject to a more detailed assessment.

The projects are prioritised on a statewide basis, utilising an economic indicator known as the BCR (Benefit Cost Ratio). The BCR is the comparison of cost savings to the community as a result in the reduction of crashes, compared to the cost of installing a particular traffic treatment type. In simple terms, the greater the cost effectiveness, the greater the BCR value, which results in a higher project ranking. It is also noted that some of the State Black Spot Program funds will be allocated towards projects that have undergone a safety audit procedure. The extent of these funds is yet to be determined, however it is unlikely to be more than 20% of the program funding. Safety audits have been undertaken for various sites to take into consideration the traffic volumes and the intersection layouts.

On the basis of the detailed assessment eleven sites have been short-listed. A list of the short listed projects including total project costs, possible State Black Spot Program funding and the mandatory Council contributions should funding be approved are shown on Attachment 1.

In accordance with the previous year, it is envisaged that the Minister for Transport will announce the approved projects early to mid 2006.

Link to Strategic Plan:

The projects fit into the Strategic Plan for the City by improving infrastructure. The major benefit for the community is a safer road network. The use of the State Black Spot programs enables the City to source grant funds in combination with its own funds.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

The installation of an appropriate treatment at particular locations will mitigate risks associated with the potential for accidents occurring from a frequency and severity perspective.

Financial/Budget Implications:

The successful funding of Black Spot projects will require Council to allocate funds in the 2006/07 Program. The grants are provided on the basis of two-thirds contribution from the State to one third by the City.

An amount of \$180,000 has been listed as Council's contribution in (2006/07) of the City's Five Year Capital Works - Black Spot Program. Should Council be successful in all its submissions, then a budget adjustment will be undertaken as part of the 2006/07 Draft Budget deliberations.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Not Applicable

COMMENT

The State Black Spot Program is administered by Main Roads WA and provides funding to improve the road network.

The short listed projects shown on Attachment 1 are presented for formal endorsement by Council. Subject to endorsement and approval for State Black Spot funding, the City's contribution for each successful project will be listed for funding consideration as part of the City's 2006/07 budget deliberations.

ATTACHMENTS

Attachment 1 Proposed 2006/07 State Black Spot Program Project Submission List

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, **SECONDED** Cmr Anderson that Council **ENDORSES** the listed projects shown on Attachment 1 to Report CJ110-06/05 for submission to the 2006/07 State Black Spot Program.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6agn070605.pdf](#)

CJ111 - 06/05 METROPOLITAN REGIONAL ROAD PROGRAM 2006/2007 TO 2010/2011 – [06759] [08151]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic
Infrastructure and Operations

CJ050531_BRF.DOC:ITEM 13

PURPOSE

This report outlines information about projects to be submitted to Main Roads WA for the 2006/07 Five Year Metropolitan Regional Road Program.

EXECUTIVE SUMMARY

Main Roads WA has sought submissions for the 2006/07 to 2010/2011 Metropolitan Regional Road Program for Improvement Projects and Rehabilitation Projects.

This report outlines the guidelines for the assessment of, and recommends projects for consideration by the Metropolitan Regional Road Group.

This report recommends that Council:

- 1 *SUBMITS Connolly Drive / Moore Drive – Shenton Avenue to Burns Beach Road and Marmion Avenue to Connolly Drive for consideration for funding as part of the 2006/2007 Metropolitan Regional Road Program and as shown at Attachments 1 and 3 to this Report;*
- 2 *SUBMITS the Road Rehabilitation projects to Main Roads WA for consideration for funding as part of the 2006/2007 Metropolitan Regional Road Program as shown at Attachment 4 to this Report.*

BACKGROUND

Each year, Main Roads WA (MRWA) invites project submissions from local government for funding consideration as part of the Metropolitan Regional Road Program. The program allocates funds derived from the State Road Funds to Local Government Agreement. Main Roads WA requests detailed project submissions up to two years in advance to allow Councils to program approved projects into their Budgets with certainty of grant funding. Less detail is required for projects submitted in the following three years.

The project types are separated into two categories as outlined below:

Road Improvement Projects, which are:

- (a) those which would involve upgrading of an existing road to a higher standard than currently exists, i.e. pavement widening, new overtaking lanes, traffic control measures, etc;
- (b) new works where a road pavement does not currently exist at the proposed standard, e.g. dual carriageway or new carriageway construction.

A multi-criteria analysis, (taking into consideration road capacity, geometry, crashes, benefits and costs) is used to score and prioritise road improvement projects on urban arterial roads submitted by Councils within the metropolitan area.

Road Improvement Projects are audited, scored and approved for the first year only, 2006/07, with any projects submitted for future years beyond 2006/07 to provide MRWA with information on project summary rather than detail and future cash flows.

Road rehabilitation projects are those proposed for existing roads where the pavement is to be brought back to as new physical condition, e.g. resealing, reconstruction, re-sheeting and reconditioning. A one-year programme only is required for these submissions – 2006/07.

The distribution of the MRRP funds is based on 50% of the pool to Improvement Projects and 50% to Rehabilitation Projects. A limit of \$1 million per Council per year has been set for Improvement Projects and \$500,000 for Rehabilitation Projects. Funding approval is based on Council's contribution of at least a third to each project.

DETAILS

Issues and options considered:

Road Improvement Projects

The proposed Road Improvement Project submitted for 2006/07 is Connolly Drive / Moore Drive – Shenton Avenue to Burns Beach Road and Marmion Avenue to Connolly Drive as detailed on Attachment 1 and shown at Attachments 2 & 3. This project is listed in the Major Road Construction Program in the Draft 2005/06 Five Year Capital Works Program.

This project has been submitted in response to the proposed extension of the Mitchell Freeway to Shenton Avenue and Burns Beach Road. Main Roads WA has undertaken before and after traffic modelling for both roads to determine the effect of traffic movements when these roads connect to the freeway. As a result of the modelling, it is forecast that there will be an increase in traffic on Shenton Avenue when it is connected to the freeway, with additional traffic attracted to Moore Drive and Connolly Drive to bypass the traffic signals and roundabout on Marmion Avenue. An increase in traffic on these roads will be accompanied by an increase in crashes and lowered safety levels. Construction of dual carriageways with traffic signals at the Shenton Avenue and Marmion Avenue junctions, as shown on Attachment 3 provides capacity for the increased traffic, safe turning movements and better facilities for buses, cyclists and pedestrians.

The other project submitted in detail is the section of Burns Beach Road from Joondalup Drive to the Mitchell Freeway. This project has been re-evaluated and re-submitted as a future MRRP project, as shown on attachment 2. It is shown in the Major Road Construction Program of the Five Year Capital Works Program but to be deferred from 2006/07 to 2008/09 subject to Connolly/Moore Drive funding. This project and other roads are re-evaluated on an annual basis as a result of changing traffic patterns, volumes and, crashes. The five-year MRRP programme is adjusted in accordance with these results of the multi-criteria analysis and Main Roads WA audited scoring.

Road Rehabilitation Projects

An assessment and mechanical study was undertaken for a number of roads, which provides the technical details and recommendations to comply with the criteria for assessing projects.

A review is also undertaken on other works such as the traffic management program where traffic islands are located in a red asphalt median on local distributor roads. The resurfacing component of these construction works can be funded via this program if it meets the specified criteria. The inspections, analysis, scoring and documentation were undertaken by a specialist pavement consultant. The Road Rehabilitation Program recommended for submission to Main Roads WA for funding consideration in the 2006/07 financial year is shown at Attachment 4.

Link to Strategic Plan:

The projects fit into the Strategic Plan for the City by improving infrastructure, which leads to an improved lifestyle and an integrated transport system – Strategies 3.1.1 and 3.4.1. Under the MRRG Road Improvement Program, the dualling of arterial roads such as Connolly Drive and Moore Drive, means that these million dollar plus projects can be undertaken using an external funds source, and include upgrading junction treatments, installing bus embayments and adding smooth asphalt seal to reduce traffic noise on an existing chip seal carriageway.

The sections of Connolly Drive and Moore Drive have been submitted for 2006/07 because as a single project it has the highest points score using the multi-criteria assessment and therefore the best chance of being funded while in competition against other projects from metropolitan councils. As well, under MRRP guidelines, if it is funded in 2006/07, the funding required to complete the project in 2007/08 is automatically committed and preserved for 2007/08.

The extension of the Mitchell Freeway to Shenton Avenue and Burns Beach Road is tentatively scheduled within the timeframe 2005 to 2008. This project ties in with the extension and in conjunction with the dualling of Burns Beach Road from Marmion Avenue to the freeway, the City's arterial road network is well placed to accommodate the increased traffic volumes resulting from the freeway extension.

The major benefit for the community is a more efficient road network as a result of better roads and paths, reduced travel times, less crashes and easier access to facilities. Moreover, using the MRRP process in this way enables the City to construct major roads using the best combination of grant income and its own funds.

For Road Rehabilitation projects, roads can be resurfaced using the MRRP grant as an external funds source that can offset the prohibitive cost of resurfacing and refurbishment of arterial, major and local distributor roads. These treatments prolong the life of the road pavement by resurfacing when it is most beneficial to do so rather than waiting until the pavement fails which may require more expensive reconstruction.

Legislation – Statutory Provisions:

The funds for these programs come from the State Road Funds to Local Government Agreement. There are no statutory provisions applicable to the funds application but there are procedural requirements as outlined below:

Process for 2005/2006 Metropolitan Regional Road Program

- 1 Project submission to be forwarded to Main Roads WA (MRWA) by 2 May 2005. MRWA will accept submissions with later endorsement by Council.
- 2 Submissions are checked for omissions and errors in computations.
- 3 Submissions are audited:
 - Rehabilitation projects by Materials Engineering Branch, Main Roads WA
 - Improvement projects by an independent consultant auditor
- 4 Audit queries are discussed with affected Councils
- 5 Final audited projects are sent to Main Roads WA for collation and priority listing based on points score.
- 6 Lists of audited projects distributed to all Councils in August 2005.
- 7 The Sub Groups of the Metropolitan Regional Road Group each have technical meetings to discuss and approve projects within the Sub Group only. The Cities of Wanneroo, Joondalup, Stirling and Town of Vincent form the North West Sub Group.
- 8 Recommendations are forwarded to the Technical Members Committee of the Metropolitan Regional Road Group. The Director Infrastructure & Operations from the City is the Chairman of this Technical Group, which then recommends the projects to be funded across the metropolitan area to the Metropolitan Regional Road Group.
- 9 The Metropolitan Regional Road Group, which is comprised of elected representatives from metropolitan Councils, considers funding submissions in accordance with the guidelines and makes recommendations to the Advisory Committee. This committee forwards those recommendations to the Commissioner of Main Roads who in turn forwards recommendations to the Minister For Planning and Infrastructure who approves the funding.
- 10 Councils would expect advice of approval of projects during November/December 2005.

Risk Management considerations:

The City has received advice from Main Roads WA that when the Mitchell Freeway is extended to Shenton Avenue, an increase in traffic can be expected on Moore Drive and Connolly Drive. This will be caused by drivers attempting to bypass the existing traffic signals at Burns Beach Road, Ocean Gate Parade and the Shenton Avenue/Marmion Avenue roundabout.

The City has an obligation to address this issue and those of access and amenity for residents. If the traffic volumes increase because of an external influence on the area then the probability of crashes is likely to increase also.

The City also benefits by reducing its financial risk as the project will be two thirds funded by the State Government as detailed at Attachment 1. It will fund the other one third of the cost from municipal revenue.

The City cannot ignore how the freeway impacts on its infrastructure, residents and operations. The extension of the freeway northwards from Hodges Drive to Shenton Avenue will reduce the traffic impacts on Hodges Drive and its adjacent residents. They will be transferred to Shenton Avenue and then to Burns Beach Road. This project provides a means of managing the impacts in the short and longer term and provides benefits for the growing population in the area.

Financial/Budget Implications:

The successful grant funding of the road improvement project will require Council to allocate funds in the 2006/07 Capital Works Budget – Major Road Construction Program (as well as 2007/08) and Road Preservation and Resurfacing Program as shown on Attachments 1 and 4. The grants are provided on the basis of a two-thirds contribution by Main Roads WA to one third by the City. The maximum annual grant for Rehabilitation Projects is \$500,000 and \$1,000,000 for Road Improvement Projects. The City's contribution is funded from the Municipal Fund for road improvement projects and the Federal Local Roads component (FLRG) of Federal Assistance Grants (FAG) for road rehabilitation projects.

Following auditing, some of the Rehabilitation Projects may not be funded in 2006/2007 and may need to be re-evaluated for submission with further projects for funding in subsequent years. It is also possible that the City may not receive funding for the Improvement Project. These circumstances occur because projects from all metropolitan Councils compete for the limited funds each year. At this time, the City has not received confirmation of the 2005/06 MRRG Program Fund allocation although it is estimated to be approximately \$10M in total for Improvement and Rehabilitation Programs. It is anticipated to be the same amount in 2006/07 with around \$5M for each program. The scores of all projects are rigorously audited leading to some projects not achieving the required score or being below the funding cut off level for each Council or the program pool.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

The multi-criteria analysis of major improvement projects submitted for MRRP funding requires that Environmental, Social and Economic factors be considered. As the Connolly Drive/Moore Drive project has a relatively high points score with a strong likelihood of receiving grant funding, the following comments relate only to that project.

The Environmental factors are the physical environment, visual quality and cultural and heritage issues.

- physical environmental impacts are those that may damage the area and require approvals from relevant authorities – both Connolly Drive and Moore Drive are designated District Distributor A Roads in the Perth Metropolitan Functional Road Hierarchy published by Main Roads WA in 1999. The roads have been designed, earthworked and formed for dual carriageway construction as part of the original subdivisions. The project area has been transformed from a natural physical environment to one that is man made and its impact is minimal.
- Visual quality impacts are those such as removal of bushland, reduced scenic views and altering the landscape in a negative way. As described above, the existing roads have been constructed to accommodate the second carriageway. However landscaping of the medians and verges will be undertaken to ameliorate the impact of the second carriageway and additional pavement area.
- Cultural and Heritage issues are also considered in the environmental issues area. The project is within the existing road reserves created as part of a Greenfields subdivisional development and therefore, there are no cultural or heritage sites in the area.

The Social factors are displacement of people, accessibility and community cohesion.

- Displacement of people deals with home and land acquisition and owners consent. The dual carriageway project is totally within existing road reserve boundaries and does not affect existing private property.
- Accessibility to and from connecting local roads is improved by providing greater carriageway capacity and the use of right turn lanes and median openings for vehicle storage while waiting to turn.
- Community cohesion relates to land use changes and traffic patterns that improve or disrupt the community. Turning movements into and out of local roads onto busy single carriageways are a factor in many crashes in the area. The project addresses many of these crashes with left and right turn lanes and islands and the rear end crashes by using asphalt with ant-skid properties. All of this achieves a degree of traffic calming and is further reinforced with traffic signals at Shenton Avenue and Marmion Avenue as shown on Attachment 3.

Economic factors are considered on a local and regional basis and deal with accessibility to or displacement of business and increased business activity.

- At a local level the project improves accessibility to businesses by providing greater capacity to allow people to reach their destination. This includes not only local shops but also schools, Currambine Train Station and Arena Sports Complex.
- On a regional basis, the project provides for the easier access to Joondalup CBD, the largest regional centre outside of Perth and Fremantle. It caters for the increased traffic and access to the Mitchell Freeway, the primary north south transport route in Perth and with traffic signals at Shenton Avenue and Marmion Avenue, traffic has easier access to Marmion Avenue, the major arterial road in the northwest corridor. These strong transport links provide a regional improvement for business activity and business prospects.

Consultation:

The City has liaised with Main Roads WA on the Mitchell Freeway extension and as a result of its presentation on the local and regional traffic impacts caused by the freeway extension, both the Connolly Drive / Moore Drive and Burns Beach Road projects have been submitted for grant funding. The City is also a member of the community consultation working group (CCWG) for the Mitchell Freeway extension to Shenton Avenue and remains aware of both community and traffic concerns for that project.

In regard to the Connolly Drive / Moore Drive dual carriageway project, consultation has not been undertaken at this time. The project is at a submission stage to gain funding and at a time closer to the design documentation stage and subject to the level of funding provided by Main Roads WA, a consultation plan will be developed.

COMMENT

The Metropolitan Regional Road Program is administered by Main Roads WA using well-established formulae, conditions and procedures that are outlined in the State Road Funds to Local Government Agreement. The City has received grant funding in the past from the program and subject to priorities and auditing of other projects from metropolitan councils, would anticipate funding of the Connolly/Moore Drive project in 2006/07 and 2007/08.

If the project does receive grant funding, it would be project managed by Infrastructure Management & Ranger Services using either a Consulting Engineer or internal resources for the detailed design, documentation, contract management and superintendence.

ATTACHMENTS

Attachment 1	Road Improvement Projects Details
Attachment 2	Locality plan
Attachment 3	Connolly Drive/Moore Drive project plan
Attachment 4	Road Rehabilitation Projects Details

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 SUBMITS Connolly Drive / Moore Drive – Shenton Avenue to Burns Beach Road and Marmion Avenue to Connolly Drive for consideration for funding as part of the 2006/2007 Metropolitan Regional Road Program and as shown at Attachments 1 and 3 to Report CJ111-06/05;**
- 2 SUBMITS the Road Rehabilitation projects to Main Roads WA for consideration for funding as part of the 2006/2007 Metropolitan Regional Road Program as shown at Attachment 4 to Report CJ111-06/05.**

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf310505.pdf](#)

CJ112 - 06/05 PROPOSED PARKING SCHEME AMENDMENT – DESIGNATION OF COMMUTER PARKING – [07190]

WARD: Lakeside

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure and Operations

CJ050531_BRF.DOC:ITEM 14

PURPOSE

To amend the City of Joondalup Parking Scheme by the designation of 211 parking bays for use as Commuter Parking. The 211 parking bays to be made up from 93 bays in Collier Pass Parking Station No 9 and the on-street parking facilities of, 88 bays in Collier Pass, 21 bays in Barron Parade and 9 bays in Clarke Crescent.

EXECUTIVE SUMMARY

The City has constructed parking facilities for use by commuters under an agreement with the Department of Transport (Western Australian Government Railways (WAGR)). The agreement provided for a financial contribution by WAGR to cover the costs of constructing the parking bays in the dual carriageway works of Collier Pass and the Collier Pass Parking Station No 9, in return for 211 parking bays being designated for use by commuters. Under the agreement, the commuter parking will operate until 5 December 2012, being ten (10) years from the completion date of the Collier Pass dual carriageway and parking facilities.

In keeping with the agreement, it is necessary to designate the agreed parking facilities for use as commuter parking. The designation of parking facilities is made in accordance with Clauses 18 and 33 of the City of Joondalup Parking Local Law 1998. As such it is recommended that Council:

- 1 *AMENDS the City of Joondalup Parking Scheme in accordance with Clause 18 of the City's Parking Local Law 1998 by designating the City of Joondalup Collier Pass Parking Station No 9, for use as commuter parking;*
- 2 *AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law 1998 by designating the on-street parking facilities being 88 bays in Collier Pass, 21 bays in Barron Parade and 9 bays in Clarke Crescent for use as commuter parking.*

BACKGROUND

The Joondalup Transit Station was initially planned as a destination station and therefore only a minimal amount of commuter and kiss and ride parking facilities were constructed to accommodate origin requirements. Lack of commuter parking was identified as an issue in the consultation phase during development of the Joondalup City Centre Public Parking Strategy.

The 2001 Parking Occupancy survey confirmed that commuters were parking all day in several central City parking stations intended to support the parking needs for inner City businesses. While time restrictions were approved by Council and applied in October 2001, those restrictions displaced commuters. Subsequent discussions were held between the City and WAGR to identify opportunities and costs to provide commuter parking in proximity to the Joondalup Transit Station.

DETAILS

Issues and options considered:

At its meeting held on 12 February 2002, (Item CJ021-02/02 refers) Council approved the part funding contribution from WAGR to construct the dual carriageway of Collier Pass with parking maximised for use by commuters. It was also indicated in the report that lot 505 Collier Pass could be used for commuter parking with the construction costs being met by WAGR. The agreement between WAGR and the City was for a total of 211 parking bays being a combination of on-street and off-street parking, to be set aside for use by commuters, in return for a cost contribution of \$705,327 by WAGR.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 3.3 To continue to meet changing demographic needs.

Strategy: 3.3.2 Integrate plans to support community and business development.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act 1995, Section 3.12 Procedure for making local laws. The Parking Local Law at Clause 18 provides for the City by resolution, to establish, determine and vary from time to time, parking stations and the management of such stations. The Parking Local Law at Clause 33 provides for the City by resolution, to establish, determine and vary from time to time, all matters relating to on-street parking.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Adoption by Council of the recommendation will require the erection of a sign to identify the City of Joondalup Collier Pass Parking Station No 9 and indicate that it has been designated for use as commuter parking.

Account No:	1.7230.4615.0529
Budget Item:	Parking Control Signs
Budget Amount:	\$22,361
YTD Amount:	\$
Actual Cost:	\$750 est.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

During development of the Joondalup City Centre Public Parking Strategy, a public meeting was held to obtain feedback on parking issues in the City Centre and what was proposed as part of the strategy. Comment provided at that time, supported the development of Collier Pass as a dual carriageway including the parking layout and designation of that parking for use as commuter parking.

The designation of Collier Pass Parking Station No 9 for use as commuter parking is in accordance with the proposed Funding Agreement between the City and the WAGR. That agreement details the terms and conditions under which the WAGR provided funds to the City to build the parking bays in Collier Pass, Barron Parade and the Collier Pass Parking Station.

COMMENT

In the early stages of development of the Joondalup City Centre when parking demand was low and parking supply was relatively high, few difficulties were experienced by motorists who wanted to park close to where they shopped or conducted business. As the City has developed, parking restrictions have had to be applied in parking stations and on-street, to maximise the use of parking facilities.

The application of parking restrictions to achieve a greater turnover of vehicles has displaced those vehicles that previously occupied parking bays for long periods. In some instances, the all day parking was by commuters. The agreement with WAGR to provide commuter parking is for ten years from the completed construction date of the Collier Pass facilities being 5 December 2002. The City has sought flexibility within the agreement to be able to alter the locations where commuter parking can be provided. This is considered important due to the on-going development and evolving nature of the City and its facilities.

The City's Parking Scheme will need to be under constant review to meet changes in demand and some community expectations that can be met. In such a scenario, the City must expect some adverse reaction from time to time as changes are made to accommodate changing demands.

ATTACHMENTS

Attachment 1 Plan titled "211 Commuter Parking Bays Dept. Public Transport Agreement" showing Collier Pass Parking Station No 9 ninety three (93) parking bays, On street Parking in Collier Pass eighty eight (88) bays, Barron Parade twenty one (21) bays and Clarke Crescent nine (9) bays.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 AMENDS the City of Joondalup Parking Scheme in accordance with Clause 18 of the City's Parking Local Law 1998 by designating the City of Joondalup Collier Pass Parking Station No 9, for use as commuter parking;**
- 2 AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law 1998 by designating the on-street parking facilities being 88 bays in Collier Pass, 21 bays in Barron Parade and 9 bays in Clarke Crescent for use as commuter parking.**

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf310505.pdf](#)

Cmr Clough declared a financial interest in CJ113-06/05 – Proposed Parking Scheme Amendment – McLarty Avenue Parking Station No 1 as he provides consultancy services to the RAC.

Earlier in the meeting under "Declarations of Financial Interest/Interest that May Affect Impartiality, Chief Executive Officer made reference to the exemption received from the Department of Local Government and Regional Development in respect of the interest declared by Cmr Clough – Page 14 refers

CJ113 - 06/05 PROPOSED PARKING SCHEME AMENDMENT - MCLARTY AVENUE PARKING STATION NO 1 – [07190]

WARD: Lakeside

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic
Infrastructure and Operations

CJ050531_BRF.DOC:ITEM 15

PURPOSE

To amend the City of Joondalup Parking Scheme by the introduction of a three-hour time limit in McLarty Avenue Parking Station No 1, to provide opportunity for increased use by customers in support of adjacent businesses.

EXECUTIVE SUMMARY

Demand for parking in proximity to the City's McLarty Ave Parking Station No1 has increased significantly. The Royal Automobile Club of Western Australia (RAC) has consolidated its Call Centre Operations at its Joondalup premises located on the south west corner of Shenton and McLarty Avenues, Joondalup. This consolidation has meant that demand for long term parking in the area has increased by 50 vehicles at the peak staff period of 7.30 am Monday to Friday. While sufficient unrestricted parking bays were identified to accommodate the expected increase in parking demand, the majority of those unrestricted bays are located north of Shenton Ave.

The parking bays that were previously available for staff and customers of businesses in the area are now regularly fully utilised by 7.30 am. With the majority of staff that have worked in the area for many years not commencing until 8.30am – 9.00am, they find that there are few, if any, parking bays available at that time. Business proprietors have also advised having received complaints from their customers about the difficulties they experience in finding parking in close proximity.

The parking issue has caused tension between businesses and generated requests for increased enforcement of existing time restricted parking bays and the application of new time restrictions to another fifteen parking bays.

In keeping with the requests of business proprietors in the area, it is recommended that Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 18 of the City's Parking Local Law 1998, by the introduction and application of a three hour time limit to the fifteen parking bays on the south east section of McLarty Ave Parking Station No 1.

BACKGROUND

The City has been requested to place additional time restrictions in McLarty Ave Parking Station No 1 and to enforce existing parking restrictions both in the parking station and on-street in an attempt to free up parking bays for customers and staff of the business centre opposite. Parking demand in the immediate vicinity has increased significantly so that all parking bays in the parking station are frequently fully occupied by 7.30 am Monday to Friday.

Parking demand has increased due to the RAC having consolidated its Call Centre Operations at its Joondalup premises located on the south west corner of Shenton and McLarty Avenues. The RAC consolidation has increased demand for long term parking by approximately 50 vehicles per day in that vicinity.

Prior to the consolidation, the RAC approached the City to obtain clarification that there would be sufficient parking available for use by their employees being transferred to Joondalup. The City was able to demonstrate that there was a surplus number of parking bays not subject to time restrictions and therefore suitable for the long term parking needs of the RAC staff. The majority of the unrestricted parking bays identified at that time were located on-street in McLarty Ave, north of Shenton Ave. The use of these bays would require a relatively short walk to the RAC and other business premises in the area. There was also a surplus number of un-restricted parking bays in the McLarty Ave Parking Station No 1 that accommodated the need for long and short term parking for staff and customers of business premises in the area.

The RAC staff park in McLarty Ave Parking Station No 1 and utilise the majority of bays by 7.30am each day. This means that the staff of other businesses in the area who commence work later in the day, as well as their customers, now experience difficulty in locating suitable parking in close proximity. This has created some tensions between the various parties.

DETAILS

Issues and options considered:

Business proprietors with premises in McLarty Ave opposite the McLarty Ave Parking Station No 1 have requested that Rangers be more active in enforcing existing on-street and off-street parking restrictions. The request was made due to the restricted parking bays being consistently occupied for longer than the permitted times and the adverse impact this was reported to be having on customers and the businesses.

Prior to the RAC consolidating the Call Centre at their Joondalup premises, the available parking and time restriction mix appeared to adequately meet the short and long term parking demand in the area. This situation has now changed with business proprietors requesting that parking restrictions be applied to more of the currently un-restricted parking bays within the McLarty Ave Parking Station No 1. As a consequence of this the three hour limit being applied to fifteen parking bays on the east side of the parking station, as indicated on the attached plan, is being proposed.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 3.3 To continue to meet changing demographic needs.

Strategy: 3.3.2 Integrate plans to support community and business development.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act 1995, Section 3.12 Procedure for making local laws. The Parking Local Law 1998, Clause 18 Establishment of Parking Stations, provides that:

“The local government may by resolution, establish, determine and vary from time to time and indicate by signs:

- (a) parking stations;
- (b) permitted times and conditions of parking or stopping in parking stations;
- (c) classes of vehicles permitted to park or stop in parking stations;
- (d) the manner of parking or stopping in parking station,

but such authority shall not be exercised in a manner inconsistent with the provisions of this local law or any such written law.”

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Adoption by Council of the recommendation, will require the erection of signs to indicate that the designated parking bays are subject to a three hour parking restriction.

Account No:	1.7230.4615.0529
Budget Item:	Parking Control Signs
Budget Amount:	\$22,361
YTD Amount:	\$
Actual Cost:	\$250 est.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

The recommended introduction of a three-hour parking restriction to apply to the fifteen parking bays in the south east section of McLarty Ave Parking Station No 1, will support a higher turnover of vehicles using those parking bays thereby providing greater opportunities for customers to park close to the businesses they want to visit.

Consultation:

Discussions have been held between the General Manager, RAC Call Centre, McLarty Ave Joondalup, and the City Officers concerning the location and availability of parking spaces for RAC staff and enforcement of current time restrictions on parking bays in close proximity to the RAC building.

Ongoing consultation has occurred with various business proprietors concerning enforcement of the existing one hour on street parking restrictions and the section of two hour parking restrictions in the McLarty Ave Parking Station No 1. The business proprietors have also requested that additional bays within the car park be time restricted to achieve increased opportunities for customers and staff to park.

COMMENT

The proposed introduction of a three (3) hour time restriction to fifteen bays in the McLarty Ave Parking Station No 1, is recommended as this will complement the existing two hour restriction applicable to the fifteen bays immediately opposite, within the car park. The on-street parking bays adjacent to the Business Centre are subject to a one hour restriction.

Where parking bays are available without time restrictions or fees and in close proximity to where people work, experience has demonstrated that those bays will be occupied first. This is what has happened at these parking facilities in this instance.

As the City develops, those staff who have worked in the City for a long time and while there has been no great demand for parking, will find it increasingly difficult to park close to where they work. It can be expected that the parking bays closest to businesses will increasingly be subject to shorter time restrictions to maximise turnover in support of businesses and their customer needs.

ATTACHMENTS

Attachment 1 Plan outlining parking bay layout with locations of current and proposed three hour time restrictions.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Fox that Council **AMENDS** the City of Joondalup Parking Scheme in accordance with Clause 18 of the City's Parking Local Law 1998 by the introduction and application of a three hour time limit to the fifteen parking bays on the south east section of McLarty Ave Parking Station No 1.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf310505.pdf](#)

CJ114 - 06/05 TENDER 038-04/05 CIVIC CHAMBERS, LIBRARY AND ADMINISTRATION BUILDING LIFT SERVICES UPGRADE AND MAINTENANCE – [38569]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure and Operations

CJ050531_BRF.DOC:ITEM 16

PURPOSE

To seek the approval of Council to choose ThyssenKrupp Elevator as the successful tenderer for the Civic Chambers, Library and Administration Building lift services upgrade and maintenance.

EXECUTIVE SUMMARY

Tenders were advertised on 23 February 2005 through statewide public notice for the Civic Chambers, Library and Administration Building Lift Services Upgrade and Maintenance. Tenders closed on 10 March 2005. Two submissions were received from: ThyssenKrupp Elevator and Otis Elevator Co Pty Ltd.

It is recommended that in relation to tender number 038-04/05, Council:

- 1 *AUTHORISES BY AN ABSOLUTE MAJORITY, in accordance with Section 6.8(1) of the Local Government Act 1995, re allocation of \$54,093 from Project 6830 Joondalup SES additions to Project 4179 Joondalup Administration Centre, Civic Chambers and Library Lift Upgrades;*
- 2 *SUBJECT to the reallocation of \$54,093, as detailed in 1 above, that Council:*
 - (a) *CHOOSES ThyssenKrupp Elevator as the successful tenderer for the Civic Chambers, Library and Administration Building Lift Services Upgrade and Maintenance in accordance with the Lump Sum Price of \$268,500 excluding GST;*
 - (b) *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with ThyssenKrupp Elevator in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and ThyssenKrupp Elevator;*
 - (c) *DETERMINES that the maintenance contract is to be for an initial period of three years, with an option to extend subject to satisfactory performance reviews for a further maximum period of 24 months in 12-month increments, with the total term of the contract not to exceed 5 years.*

BACKGROUND

The City has a lift maintenance contract that expires on 30 June 2005.

It has been identified that major lift upgrade works are required at the Civic Chambers, Library and Administration Building over the next few years to bring the lift operations to an acceptable level of service. These works include additional lift operating stations, additional lights, replacement of main controllers with soft start and stop and replacement door operators.

The subject of this report is for the major upgrade works to the Civic Chambers passenger lifts 1 and 2 and the Library passenger lifts 1 and 2, plus ongoing maintenance work to those lifts and the Administration Building lifts 1 and 2. The ongoing maintenance work will extend over a 5-year period subject to performance reviews.

In accordance with industry practice the upgrade and lift maintenance have been combined into one contract.

DETAILS

Tenders were advertised on 23 February 2005 through statewide public notice for the Joondalup Administration Building Lift Services Upgrade and Maintenance. Tenders closed on 10 March 2005. Two submissions were received from: ThyssenKrupp Elevator and Otis Elevator Co Pty Ltd.

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

Both tenders submitted met all the essential requirements and were submitted for further consideration.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, leading to a ranking of each submission in order of merit.

The Evaluation Panel considered that the tender submitted by ThyssenKrupp Elevator required clarification of issues relating to the programming of the installation and some of the equipment to be provided. Clarification #1 was issued to ThyssenKrupp Elevator on 21 March 2005. Following receipt of the response, the Evaluation Panel re-convened to re-assess the scoring of ThyssenKrupp Elevator.

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

The Selection Criteria for Tender Number 038-04/05 are as follows:

Selection Criteria

Performance and experience of Tenderer in completing similar projects

- Relevant industry experience, including details of similar work undertaken. Details of previous projects should include, but not necessarily be limited to, description, location, construction amounts, date, duration, client etc.
- Past record of performance and achievement
- Level of understanding of Tender documents and work required
- Written references from past and present clients (names and contact numbers are not sufficient)
- Capability and competence of Tenderer to perform the work required

- Company structure
- Qualifications, skills and experience of key personnel
- Equipment and staff resources available
- Percentage of operational capacity represented by this work
- Financial capacity, e.g. letter from accountant to the effect that the Tenderer
 - has handled previous contracts of this size satisfactorily and
 - is currently able to do so
- Compliance with Tender requirements – insurances, licences etc
- Quality systems
- Occupational Safety and Health management system and track record

Beneficial effects of Tender / local content

- The potential social and economic effect of the Tender on the City of Joondalup community
- The potential social and economic effect of the Tender on the Regional community
- Value added items offered by Tenderer
- Sustainability / efficiency / environmental

Methodology

- Detail the procedures and process they intend to use to achieve the requirements of the Specification
- Provide an outline of the provisional works programme

Tendered Price/s

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

Issues and options considered:

The lifts in the Civic Chambers and Library have regular breakdowns. A major issue identified has been the need for upgrading the controllers. As the lifts are critical to the operation of the City's buildings, preventative maintenance and improvements are sound asset management strategies.

Link to Strategic Plan:

Not Applicable

Legislation – Statutory Provisions:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or is worth more than \$50,000. The consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$100,000.

Risk Management considerations:

This contract improves the public safety aspect associated with the lifts in the Civic Chambers and Library. The contract also provides for preventative maintenance over five years, which will minimise potential breakdowns through regular service inspections and minor repairs.

Financial/Budget Implications:

	PRICE (Excluding GST)		GST	TOTAL PRICE (Including GST)
<u>CAPITAL 2004/05</u>				
TENDER PRICE	\$143,000		\$14,300	\$157,300
Budget		\$88,907		
Shortfall		\$54,093		
<u>MAINTENANCE 2005/2006 – 2009/2010</u>				
TENDER PRICE	\$125,500		\$12,550	\$138,050

Budget		\$125,500		
TOTAL	\$268,500		\$26,850	\$295,350

Capital Costs

The tendered prices for the capital upgrades exceed the current budget allocation of \$88,907.

In order to complete the capital upgrade works as part of this tender it is proposed that additional funds be reallocated from the Major Building Works Program. In this program funds of \$80,000 have been allocated to upgrade the Joondalup SES Building. This upgrade work has been deferred pending the possible inclusion of a SES facility in the new depot. As the new depot project is still in the planning process, it is proposed to reallocate \$54,093 from this project and re-list the balance of funds for the SES building upgrade in the 2005/06 financial year of the budget.

Policy implications:

The City's Policy 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. Neither tenderer is located within either the City or the Region.

Regional Significance:

Not Applicable

Sustainability implications:

This contract is an integral part of the City's asset management approach to maintaining and upgrading its building operations, enhancing the value of its assets and reducing ongoing maintenance costs.

Consultation:

Not Applicable

COMMENT

The evaluation process identified ThyssenKrupp Elevator as the highest ranked tenderer and the Evaluation Panel considered that they have the capability and resources to carry out the work on a value for money basis.

The Evaluation Panel therefore recommend ThyssenKrupp Elevator as the preferred tenderer.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

MOVED Cmr Anderson, **SECONDED** Cmr Fox that in relation to Tender Number 038-04/05 Council:

- 1 **AUTHORISES** in accordance with Section 6.8(1) of the Local Government Act 1995, reallocation of \$54,093 from Project 6830 Joondalup SES additions to Project 4179 Joondalup Administration Centre, Civic Chambers and Library Lift Upgrades;
- 2 **SUBJECT** to the reallocation of \$54,093, as detailed in 1 above, Council:
 - (a) **CHOOSES** ThyssenKrupp Elevator as the successful tenderer for the Civic Chambers, Library and Administration Building Lift Services Upgrade and Maintenance in accordance with the Lump Sum Price of \$268,500 excluding GST;
 - (b) **AUTHORISES** the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with ThyssenKrupp Elevator in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and ThyssenKrupp Elevator;
 - (c) **DETERMINES** that the maintenance contract is to be for an initial period of three years, with an option to extend subject to satisfactory performance reviews for a further maximum period of 24 months in 12-month increments, with the total term of the contract not to exceed 5 years.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (3/0)**

**CJ115 - 06/05 TENDER 044-04/05 - PRUNING OF TREES,
VEGETATION CHIPPING AND STUMP GRINDING
WITHIN THE CITY OF JOONDALUP – [67571]**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic
Infrastructure and Operations

CJ050531_BRF.DOC:ITEM 17

PURPOSE

To seek the approval of Council to choose The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd as the successful tenderer for the pruning of trees, vegetation chipping and stump grinding.

EXECUTIVE SUMMARY

Tenders were advertised on 9 April 2005 through statewide public notice for the Pruning of Trees, Vegetation Chipping and Stump Grinding. Tenders closed on 26 April 2005. Only one tender submission was received, being from The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd.

It is recommended that in relation to tender number 044-04/05, Council:

- 1 *CHOOSES The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd as the successful tenderer for the Pruning of Trees, Vegetation Chipping and Stump Grinding in accordance with the Schedule of Rates, as outlined in Attachment 1 to this Report;*
- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd in accordance with their submitted conforming tender, subject to any minor variations that may be agreed between the CEO and The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd;*
- 3 *DETERMINES that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of 24 months, in 12-month increments, with the total term of the contract not to exceed 3 years.*

BACKGROUND

The pruning, removal and chipping of trees on land owned, managed or maintained by the City is completed in part by the City's tree pruning crews and in part by a contractor approved by the City and operating in accordance with the requirements as established in the Contract. The regular pruning and removal of street trees under power lines and work too large for the City's resources is contracted out. The existing Contract for these works expired on 30 April 2005 but has been extended for an interim period to 20 June 2005.

The removal of tree stumps is also undertaken by an external contractor and this Contract expired on 30 April 2005 but has also been extended for an interim period to 20 June 2005.

This contract has previously been separate from the tree pruning and chipping contract, however, in order to simplify the administrative process in managing two separate Contracts, the two operations have now been combined into a new tender, the subject of this document.

Additionally, the intent of combining the two requirements was to promote a broader scope of work to prospective tenderers, thereby endeavouring to obtain more competitive prices for the City.

DETAILS

Tenders were advertised on 9 April 2005 through statewide public notice for the Pruning of Trees, Vegetation Chipping and Stump Grinding. In addition, tender details were advertised on the City of Joondalup website and provided to the Joondalup Business Association. Tenders closed on 26 April 2005. One submission was received, being from The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd.

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

The tender submitted by The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd met all essential criteria.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submission against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, in order to ensure that the tenderer had the capability and resources to carry out the work.

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

The Selection Criteria for Tender Number 044-04/05 are as follows:

Selection Criteria

Performance and experience of Tenderer in completing similar projects

- Relevant industry experience, including details of similar work undertaken. Details of previous projects should include, but not necessarily be limited to, description, location, construction amounts, date, duration, client etc.
- Past record of performance and achievement with a local government
- Past record of performance and achievement with other clients
- Level of understanding of Tender documents and work required
- Written references from past and present clients

Capability and competence of Tenderer to perform the work required

- Company structure
- Qualifications, skills and experience of key personnel
- Equipment and staff resources available
- Percentage of operational capacity represented by this work
- Financial capacity, e.g. letter from accountant to the effect that the Tenderer
 - (a) has handled previous contracts of this size satisfactorily and
 - (b) is currently able to do so
- Risk assessment
- Compliance with Tender requirements – insurances, licences etc
- Quality systems
- Occupational Safety and Health management system and track record

Beneficial effects of Tender / local content

- The potential social and economic effect of the Tender on the City of Joondalup community
- The potential social and economic effect of the Tender on the Regional community
- Infrastructure / office / staff / suppliers / subcontractors within the City of Joondalup
- Value added items offered by Tenderer
- Sustainability/efficiency/environmental

Tendered Price

- The Schedule of Rates to supply the specified goods or services
- Schedules of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

Issues and options considered:

Not Applicable

Link to Strategic Plan:

This contract supports objective 3.1 of the City's Strategic Plan, "To develop and maintain the City of Joondalup's assets and built environment."

Legislation – Statutory Provisions:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or is worth more than \$50,000. The consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$100,000

Risk Management considerations:

There are no significant financial risks attached to the acceptance of this tender. The recommended tenderer is the current Contractor and the performance of the Contractor under the current Contract has been satisfactory.

The current Contractor has undertaken its Occupational Safety and Health requirements within the existing Contract to a high standard. This was reflected in its tendered submission, which the evaluation panel identified that the Tenderer had fully demonstrated and maintained a safe and reliable Occupational Safety and Health Management System and Track record.

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's Maintenance and Capital Works Budgets, as authorised by Council annually and reviewed periodically. Expenditure is estimated to be \$477k per annum, with a total contract value over the three (3) year period of the tender being approximately \$1431k (excluding GST).

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

Policy implications:

The City's Policy 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. The sole tenderer is located in Nowergup, which is in the Region.

Regional Significance:

Not Applicable

Sustainability implications:

The maintenance of the City's trees is necessary to ensure the City's assets comply with the expectations of the community and are maintained to an acceptable standard.

Consultation:

Not Applicable

COMMENT

The tender submission evaluated includes an alternative offer comprising of a revised schedule of rates for stump grinding in parks, verges and medians. Within this revised schedule, the items are divided into different size ranges from those as stated in the original tender document. It is proposed that rates submitted in this alternative tender be considered and evaluated in conjunction with the recommended Schedule of Rates as a comparison during the initial twelve months of the Contract. Once details of usage per category of the recommended Schedule of Rates have been documented during the first twelve month period, the percentage of usage per category can be analysed in accordance with the 'alternative schedule of rates' to ascertain if a more advantageous commercial and financial benefit can be realised by the City.

As there was only one tender submission, a comparison was made of the Schedule of Rates of this submission against those rates as submitted by the tenderer's for the previous tender three years ago, ie; for 2001, for which Geoff's Tree Service was the successful tenderer.

On analysis, the rates submitted by the recommended tenderer for this requirement are still cheaper than those submitted by the unsuccessful tenderers in 2001. Therefore, when compared to the actual rates submitted in 2001 it can be concluded that the rates submitted by the recommended tenderer are deemed to represent value for money.

The Evaluation Panel, through due process, identified The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd as having the capability and resources necessary to carry out the work on a value for money basis and therefore recommend The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd as the preferred tenderer.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Fox that Council in relation to Tender Number 044-04/05:

- 1** **CHOOSES** The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd as the successful tenderer for the Pruning of Trees, Vegetation Chipping and Stump Grinding in accordance with the Schedule of Rates, as outlined in Attachment 1 to this Report;
- 2** **AUTHORISES** the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and The Jansen Gray Family Trust T/As Geoff's Tree Service Pty Ltd;
- 3** **DETERMINES** that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of 24 months, in 12-month increments, with the total term of the contract not to exceed 3 years.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf310505.pdf](#)

In relation to Item CJ116-06/05 – Changes to the Resource Recovery Rebate Scheme, Cmr Fox stated she resides in the City Joondalup, however this will not affect her impartiality.

In relation to Item CJ116-06/05 – Changes to the Resource Recovery Rebate Scheme, Cmr Anderson stated he knows people associated with Recycling Company of WA, which is mentioned in the report, however this will not affect his impartiality.

CJ116 - 06/05 CHANGES TO THE RESOURCE RECOVERY REBATE SCHEME – [30667]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure and Operations

CJ050531_BRF.DOC:ITEM 18

PURPOSE

To provide Council with background, issues and develop a response in consultation with the Municipal Advisory Council (MWAC) to the proposed changes to the RRRS outlined in correspondence to the City, letter discussion paper dated 20 April 2005, Attachment A.

EXECUTIVE SUMMARY

Waste disposed to landfill is levied by the State Government at \$3 /tonne for putrescible class 2 waste and \$1 for inert, class 1 waste.

These funds are divided and half is allocated to the Resource Recovery Scheme (RRRS) and the other to the Waste Management and Recycling Fund grant scheme

Local government was originally against the introduction of a levy but it was recognised certain wastes needed attention and to fund schemes and programmes the levy was an acceptable approach provided a rebate scheme was introduced to compensate local governments for operating waste diversion services such as kerbside recycling services.

The Waste Management Board (WMB) proposes to cut the funds available in the RRRS to half from July 2005 in order to fund their Strategic Waste Initiatives Schemes (SWIS).

The consultation process for the changes have been inadequate and the Municipal Waste Advisory Council (MWAC) has issued a request for all local governments to oppose the changes until issues on process and timeliness are addressed.

City Officer's have proposed another way to manage the schemes by increasing the levy to a level that will fund both schemes and in so doing spread the cost burden across the whole community and not just to ratepayers. Officers will work with MWAC on a strategy to propose changes to the WMB. A City Officer's response has been forwarded consistent with the above in order to meet the deadline of 25 May 2005.

It is recommended that Council:

- 1 *NOTES the proposed changes to the Resource Recovery Rebate Scheme;*
- 2 *ENDORSES the Chief Executive Officer's response to the Waste Management Board on the basis that it:*
 - (a) *provides for the continuation of the funding to Local Government of the Resource Recovery Rebate Scheme at current levels or better;*
 - (b) *provides funding for the Strategic Waste Initiatives Scheme through an increase of the landfill levy;*
 - (c) *extends the application of the landfill levy to regional centres such as Geraldton, Bunbury, Albany and Mandurah;*
 - (d) *supports the exemption of the landfill levy for residue waste processed through a resource recovery facility.*

BACKGROUND

The Waste Management and Recycling Fund (WMRF) provides the revenue for the RRRS. It is financed through the waste levy charged by the State Government on landfill operators in the Perth region. The levy is charged at \$3/tonne for putrescible waste (class 2 and 3) and \$1/tonne for inert waste (class 1).

The RRRS is a daughter of the original Metropolitan Rebate Scheme introduced on 1 January 2001 and was designed to provide financial assistance to all local authorities in WA who provide kerbside recycling and other services that divert waste from landfill.

Local Government was strongly opposed the introduction of the scheme at the time as it was seen as another tax and landfill operators were their tax collector. It was recognised, however, that a scheme needs to be introduced to do something about the ever increasing tonnes being delivered to landfills. Negotiations followed the WMRF was implemented with the MRS as a trade off to Local Government.

At present the RRRS receives approximately half of the revenue from the fund, the other half is issued under the grant scheme. The City has submitted the necessary documentation for the rebate and has averaged approximately \$40 000 per period with approximately \$500 000 all up figure.

The Waste Management Board (WMB) has released a Future Directions policy statement for waste management in December 2004. The policy paper contained a list of priority waste streams that requires better management and disposal methods, this is known as the Strategic Waste Initiative Scheme (SWIS). In order to implement programs the Board requires more funds and it is proposed to reduce the RRRS by 50% from July 2005.

A consultation process with workshops and a number of papers have been written on the proposal. The Municipal Waste Advisory Council has provided a list of issues regarding the changes to the RRRS and the issues with the consultation process.

DETAILS

Issues:

Reallocation of RRRS to SWIS

The WMB wishes to finance SWIS programs by reallocation of funds from the RRRS to the SWIS. The WMB has had a grants program in place since the inception of the WMRF. There has been little evidence that the funding over the period has minimised waste to landfill or significantly increased the diversion waste from landfill. The only group that has consistently diverted waste from landfill is local government. Kerbside recycling is an expensive operation for local government and any assistance to provide funding for the service should be retained or even increased.

It is also proposed to open up the RRRS to non local government organisations. While there is no objection with the philosophical view the reallocation of funds and the opening up of the RRRS, the reality is that local governments will see a dramatic drop in revenue from rebates.

At a time when recycling is in a state of crisis (Recycling Co. of WA in liquidation, glass recycling plant's closure and reduction in the market for recycling commodities) the State should be seen to supporting the service and not seen to be trying to withdraw funding to burden local governments even more.

SWIS

The scheme is new and will take time to develop the necessary expertise and resources.

The WMB has also proposed to increase the levy to fund the SWIS, however, this has not been supported by the State Government on the basis the WMB has not put forward a compelling business case for what it would do with the funds.

The problem is that the industry and local governments needs the infrastructure to deal with hazardous wastes (after the closure of Brookdale), tyre disposal, electronic and computer equipment and batteries. Any attempt to process these streams in WA has not been successful on a sustained basis. Generally, the grant money has been used for programs like education, promotion, cleaner production and research and development, no funds have been allocated to provide infrastructure that will build the industry e.g. the Cities of Joondalup, Swan and Wanneroo completed a \$645,000 upgraded of the MRF at Wangara and applied for a grant. It was rejected on the grounds that it was an infrastructure upgrade and didn't qualify. These are types of issues that need to be addressed if there is going to be any significant movement to divert waste from landfill.

Options considered:

Levy Exemption for Residue Waste

The discussion paper is silent on the levy for residue waste from Resource Recovery Facilities (RRFs). Waste generators who process waste through a waste minimization process for example a RRF or a recycling sorting plant should be exempt from the levy. This is based on the rationale that the waste has already been charged at a premium and as part of the diversion stream it should not be treated as the same as unprocessed land filled waste.

A way forward

Instead of a minimalist policy, the WMB should be advocating a rise in the landfill levy in order to fund the schemes it proposes. In terms of equity and assisting the policy debate, it is proposed to fund both schemes through a rise in the landfill levy.

This Initiative Would Have The Following Effect:

- Continue to provide local government with the rebate for resources recovered. This assists in spreading the burden of kerbside recycling throughout the whole community (including industry) and not just rate payers;
- The landfill levy should apply to regional centres such as Bunbury, Albany, and Geraldton to make the process more equitable;
- Provide the funding for SWIS;

Link to Strategic Plan:

Whilst the diversion of chemical and packaging waste is considered a Commonwealth and/or State issue, the implementation of SWIS initiatives complements the City and the region's Resource Recovery directions, as it assists in diverting chemical and packaging wastes from the general waste stream.

Legislation – Statutory Provisions:

The proposed changes will not affect any of the City's statutory provisions.

Risk Management considerations:

The risk is to all local governments of reduced funding through the significant reduction to the RRRS.

Financial/Budget Implications:

The proposed changes will have an effect on the 2005/06 budget if the proposed implementation dated is adhered to. However, a strong voice of protest is being organised through the Municipal Waste Advisory Council to ensure any effective date does not impact on the 05/06 budgets. Notwithstanding this, the City's 05/06 waste management budget has been adjusted in the event that this implementation date proceeds.

Policy implications:

The proposed changes will not impact on the City's policies

Regional Significance:

The proposed changes will affect all local governments who apply for the RRRS.

Sustainability implications:

The proposed changes to the RRRS will not have any sustainability implications.

Consultation:

City Officers are consulting other local governments through the Municipal Waste Advisory Council.

COMMENT

The original commitment of State Government when implementing the landfill levy was to provide local governments with a rebate for resources recovered through their waste collection systems. Local government should ensure that this commitment is continued by the measures it has available to it.

A letter has also been sent by Officers of the City to meet the response date consistent with the above but further proposing enhancement to the Scheme and the landfill levy for discussion purposes.

ATTACHMENTS

Attachment A Letter and discussion paper from the WMB on the proposed changes.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 NOTES the proposed changes to the Resource Recovery Rebate Scheme;**
- 2 ENDORSES the Chief Executive Officer’s response to the Waste Management Board on the basis that it:**
 - (a) provides for the continuation of the funding to Local Government of the Resource Recovery Rebate Scheme at current levels or better;**
 - (b) provides funding for the Strategic Waste Initiatives Scheme through an increase of the landfill levy;**
 - (c) extends the application of the landfill levy to regional centres such as Geraldton, Bunbury, Albany and Mandurah;**
 - (d) supports the exemption of the landfill levy for residue waste processed through a resource recovery facility.**

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf310505.pdf](#)

CJ117 - 06/05 DELEGATED AUTHORITY REPORT FOR THE MONTH OF APRIL 2005 – [07032]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ050531_BRF.DOC:ITEM 19

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resume of the Development Applications processed by Delegated Authority during April 2005 (see Attachment 1).

The total number of Development Applications **determined** (including Council and delegated decisions) is as follows:

Month	No	Value (\$)
April 2005	106	21,612,066

The number of DAs received in April 2005 was 89.

BACKGROUND

Suburb/Location:	All
Applicant:	various – see attachment
Owner:	various – see attachment
Zoning:	DPS: various
	MRS: various
Strategic Plan:	see below

DETAILS

Issues and options considered:

The following applications were considered under the terms of the City's District Planning Scheme, relevant policies and standards, and in accordance with the Delegation of Authority notice issued by the Council in October 2004.

Link to Strategic Plan:

City Development is a key focus area of the City's Strategic Plan. The proposals considered during the month relate closely to the objectives of providing for a growing and dynamic community.

The Council adopted the Delegation of Authority instrument after detailed consideration, in accordance with the Strategic Plan objective of providing a sustainable and accountable business.

The delegation is necessary due to the large volume of business encountered in the development within the City. It is a key instrument in providing a range of services that are proactive, innovative, and use best practice to meet organisational needs. This is also a strategy of the City's Strategic Plan.

Legislation – Statutory Provisions:

All proposals were assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

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:

Various policies are relevant to individual applications, dependent upon the nature of each application.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Of the 106 applications determined during the report summary period 45 were required by Council to be referred to interested/affected parties by Council.

COMMENT

It is noteworthy that more applications were determined than were received, indicating that demand was met during the period in review.

ATTACHMENTS

Attachment 1 April 2005 determinations

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ117-06/05 for the month of April 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf310505.pdf](#)

**CJ118 - 06/05 SUBDIVISION REFERRALS PROCESSED 1 TO 30
APRIL 2005 – [05961]**

WARD: Lakeside, North Coastal, South, South Coastal, Whitfords

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

CJ050531_BRF.DOC:ITEM 20

PURPOSE

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1-30 April 2005.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed from 1–30 April 2005. Applications were dealt with in terms of the delegation adopted by the Council in October 2004.

BACKGROUND

Suburb/Location:	Refer Attachment 1
Applicant:	Refer Attachment 1
Owner:	Refer Attachment 1
Zoning:	DPS: Various
	MRS: Various

DETAILS

Issues and options considered

Twelve subdivision referrals were processed within the period. The average processing time taken was 21 days, which compares favourably with the statutory timeframe of 42 days. The subdivision applications processed enabled the potential creation of ten (10) strata residential lots. Six applications were not supported. These applications are as follows:

Ref: SU233-05 – 94 High street and 75 Parnell Avenue, Sorrento

This application was not supported for the following reasons:

- 1 Proposal does not conform to the requirements of the Residential Design Codes with respect to minimum and average lots sizes.
- 2 Approval to the survey strata subdivision would result in the creation of a lot of a much smaller size than those prevailing in the locality and therefore set an undesirable precedent for further subdivision of a similar type in this locality.

Ref: SU247-05 – 10 Catenary Court, Mullaloo

This application was not supported for the following reasons:

- 1 The proposed subdivision does not comply with the average lot size requirement of 450m² in area as required under the Residential Design Codes of WA and WAPC Policy DC 2.2 – Residential Subdivision.
- 2 The proposed subdivision does not comply with the 4.24 metre battle-axe lot truncation requirement prescribed under WAPC Policy DC 2.2 – Residential Subdivision.
- 3 Approval to the subdivision would result in the creation of lots of a much smaller size than those prevailing in the locality and therefore set an undesirable precedent for further subdivision of a similar type in this locality.

Ref: SU1068-04.01 – 1 Alberta Pocket, Joondalup

This application was not supported as the diagram does not reflect the lot boundaries in accordance with the approved Development Application DA04/0863 approved on 23 February 2005.

Ref: SU126269.01 – 500 Burns Beach Road, Burns Beach

This application was not supported for the following reasons:

- 1 Approval of the subdivision would be premature in the absence of an Agreed Structure Plan and therefore prejudice the overall planning of the area.

- 2 Approval of the subdivision would be premature to the finalisation of public advertising of the Foreshore Management Plan required in accordance with the Council's resolution of 15 March 2005 in relation to the adoption of the Burns Beach Structure Plan.

Ref: SU126395.01 – 500 Burns Beach Road, Burns Beach

This application was not supported for the following reasons:

- 1 Approval of the subdivision would be premature in the absence of an Agreed Structure Plan and therefore prejudice the overall planning of the area.
- 2 Approval of the subdivision would be premature to the finalisation of public advertising of the Foreshore Management Plan required in accordance with the Council's resolution of 15 March 2005 in relation to the adoption of the Burns Beach Structure Plan.

Ref: SU127744 – 8 Phee Place, Greenwood

This application was not supported as the proposal does not conform to the requirements of the Residential Design Codes with respect to the provision of minimum width of lot frontage to proposed lot 2.

Link to Strategic Plan:

City Development is a key focus area of the City's Strategic Plan. The proposals considered during the month relate closely to the objectives of providing for a growing and dynamic community.

Legislation – Statutory Provisions:

All proposals 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 details practices on reporting, assessment, and checking to ensure recommendations are appropriate and consistent.

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

No applications were advertised for public comment for this month, as either the proposals complied with the relevant requirements, or were recommended for refusal due to non-compliance.

COMMENT

Not Applicable

ATTACHMENTS

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council NOTES the action taken by the subdivision control unit in relation to the applications described in Report CJ118-06/05 for the month of April 2005.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 **NOTES the action taken by the subdivision control unit in relation to the applications for the month of April 2005;**
- 2 **REQUESTS the Chief Executive Officer to advise the WA Planning Commission of its strong concern in relation to the approval of the subdivision of 500 Burns Beach Road, Burns Beach (SU126269.01) in relation to the absence of an agreed structure plan and the lack of resolution of the Foreshore Management Plan as required in accordance with the Council resolution of 15 March 2005.**

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (3/0)

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf310505.pdf](#)

CJ119 - 06/05 WHITFORDS VOLUNTEER SEA RESCUE GROUP INC - CLARIFICATION OF AGREEMENT – [06995]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

CJ050531_BRF.DOC:ITEM 21

PURPOSE

For Council to give consideration to remove a condition from the Financial Grant Agreement between the City of Joondalup and the Whitfords Volunteer Sea Rescue in order to process the \$80 000 contribution for the Whitfords Volunteer Sea Rescue Vessel.

EXECUTIVE SUMMARY

On 5 August 2003, Council endorsed the 2003/2004 Budget and Budget Committee minutes, which included a contribution of \$80,000 towards the cost of a sea rescue vessel to be purchased by the Whitfords Volunteer Sea Rescue Group. The City's funding represented one third of the vessel's total cost, with the Fire & Emergency Services Authority of Western Australia (FESA) and the Whitfords Volunteer Sea Rescue Group to contribute the remaining two thirds.

The report to the Budget Committee in July 2003, recommended that \$80,000 be allocated in the 2003/2004 budget, subject to a number of conditions. One such condition involved "a formal commitment with the City being entered into by FESA and the Whitfords Volunteer Sea Rescue Group". The Service Agreement for the provision of a sea rescue service was signed on 13 November 2004 by FESA and the Metropolitan Volunteer Sea Rescue Group not FESA and the Whitfords Volunteer Sea Rescue Group. The Metropolitan Volunteer Sea Rescue Group is the peak body for the individual sea rescue groups and therefore signed the service agreement on behalf of the Whitfords Volunteer Sea Rescue Group.

The Whitfords Volunteer Sea Rescue Group has commissioned the building of the sea rescue vessel and FESA has paid their \$80,000 contribution.

It is recommended that Council;

- 1 *BY AN ABSOLUTE MAJORITY, REVOKES Part 2(g) its decision of 5 August 2003 under Item JSC66-08/03, being:*

“(g) a formal commitment with the City being entered into by FESA and the Whitfords Volunteer Sea Rescue Group”;
- 2 *ACCEPTS that the formal Service Agreement for the provision of a sea rescue service has been signed by FESA and the Metropolitan Volunteer Sea Rescue Group;*
- 3 *PROCEEDS with payment of the \$80,000 carried forward in the 2004/2005 budget, to the Whitfords Volunteer Sea Rescue Group for the newly constructed sea rescue vessel.*

BACKGROUND

The report presented to the Budget Committee in July 2003, made the following recommendations:

- 1 *Council supports the inclusion of \$80,000 in the 2003/2004 budget to assist the Whitfords Volunteer Sea Rescue Group as a one third contribution towards the purchase of a new rescue vessel.*
- 2 *Councils support for the project detailed in (1) above be conditional upon a detailed proposal being forwarded by the group which is inclusive of the following:*
 - (a) *The development of a detailed specification for the design and development of the vessel,*
 - (b) *A clear indication of the funding proposal of the project (this is to include a clear understanding from Whitfords Volunteer Sea Rescue Group with regards to sale or trade in of their existing rescue vessels),*
 - (c) *An understanding from the Whitfords Volunteer Sea Rescue Group to their plan for their second rescue vessel and likelihood of council assistance being sought for that vessel in a future year,*
 - (d) *A clear understanding of the full operational costs associated with the provision of this vessel and how costs will be met for the duration of the boat's usable life,*
 - (e) *A clear understanding of how the City of Joondalup will be recognised for its contribution to this project,*
 - (f) *The involvement of an officer of the City of Joondalup in the development of the design specifications and the undertaking of the tender process,*
 - (g) *A formal commitment with the City being entered into by from FESA and the Whitfords Volunteer Sea Rescue Group.*

The Whitfords Volunteer Sea Rescue Group submitted a proposal to the City requesting funding to assist with the purchase of a new sea rescue vessel, to replace the existing boat. It was recommended that Council support the proposal as it was seen to play an integral role in providing a safer environment for City of Joondalup residents.

The Whitfords Volunteer Sea Rescue Group has operated in the local area for some 30 years, servicing the local boating community by providing a 24-hour support base and educational facilities for the public.

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

The Whitfords Volunteer Sea Rescue Group has in excess of 100 active volunteers and 1500 Associate members through the Radio Network System. It is the largest volunteer sea rescue operation in Western Australia providing a marine radio listening watch 24 hours a day 365 days of year.

The Whitfords Volunteer Sea Rescue Group is registered as an official accredited learning institution to provide courses for the public in Small Craft Proficiency, Basic Navigation and General Radio Usage.

The new rescue vessel was designed and put out to tender with construction completed in November 2004 at a cost of approximately \$240,000. FESA has since paid its \$80,000 contribution to the Whitfords Volunteer Sea Rescue Group and the club has arranged the sale of its previous vessel to meet its financial commitment.

The City's \$80,000 contribution is available for distribution upon the finalising of a draft Financial Grant Agreement.

Suburb/Location: Ocean Reef Boat Harbour, Ocean Reef.
Applicant: Whitfords Volunteer Sea Rescue Group
Owner: Not Applicable
Zoning: **DPS:** Not Applicable
MRS: Not Applicable

DETAILS

The Whitfords Volunteer Sea Rescue Group has satisfactorily met all of these conditions, apart from the formal commitment between FESA and the Whitfords Volunteer Sea Rescue Group. This recommendation was included to ensure a formal commitment with FESA for operational matters pertaining to the service and to document a financial commitment from FESA towards the vessel. As FESA has already paid their contribution to the Whitfords Volunteer Sea Rescue and it is not possible to have a service agreement between FESA and the Whitfords Volunteer Sea Rescue then it is recommended that this condition be removed from the Financial Agreement between the City and the Whitfords Volunteer Sea Rescue.

Issues and options considered:

The draft Financial Grant Agreement between the City of Joondalup and the Whitfords Volunteer Sea Rescue Group requires the removal of the last condition from the Financial Grant Agreement between the City of Joondalup and the Whitfords Volunteer Sea Rescue in order to process the \$80 000 contribution for the Whitfords Volunteer Sea Rescue Vessel.

Link to Strategic Plan:

Outcomes	Objectives	Strategies
The City of Joondalup provides social opportunities that meet community needs.	1.3 To continue to provide services that meet changing needs of diverse and growing community.	1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.
The City of Joondalup is a safe and healthy city.	1.4 To work with the community to enhance safety and security in a healthy environment.	1.4.2 Contribute to the protection of human health.
The City of Joondalup is recognised as a great place to visit.	3.2 To develop and promote the City of Joondalup as a tourist attraction.	3.2.1 Create and promote cultural tourist attractions.
The City of Joondalup recognises the changing demographic needs of the community.	3.3 To continue to meet changing demographic needs.	3.3.2 Integrate plans to support community and business development.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Account No:	1.4550.4401.0001.F678
Budget Item:	Contributions
Budget Amount:	\$80,000
YTD Amount:	Nil
Actual Cost:	\$80,000

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The City's Solicitors and Legal Consultants, who have prepared the draft Financial Grant Agreement on behalf of the City of Joondalup.

COMMENT

The Whitfords Volunteer Sea Rescue Group has satisfactorily met all conditions recommended by Council, apart from the formal commitment between FESA and the Whitfords Volunteer Sea Rescue Group. This recommendation was initially included;

- to ensure a formal commitment between the Whitfords Volunteer Sea Rescue Group and FESA, detailing operational matters pertaining to the service, and
- to document a financial commitment from FESA to the Whitfords Volunteer Sea Rescue Group for the Whitfords Volunteer Rescue vessel.

As FESA has already paid their contribution to the Whitfords Volunteer Sea Rescue and it is not possible to have a service agreement between FESA and the Whitfords Volunteer Sea Rescue then it is recommended that this condition be removed from the Financial Agreement between the City and the Whitfords Volunteer Sea Rescue.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

Call for One-Third Support

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Commissioners are required to give the support of one-third of their members, and such support is to be recorded in the Minutes of this meeting.

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 REVOKES Part 2(g) its decision of 5 August 2003 under Item JSC66-08/03, being:**

“(g) a formal commitment with the City being entered into by FESA and the Whitfords Volunteer Sea Rescue Group”;
- 2 ACCEPTS that the formal Service Agreement for the provision of a sea rescue service has been signed by FESA and the Metropolitan Volunteer Sea Rescue Group;**
- 3 PROCEEDS with payment of the \$80,000 carried forward in the 2004/2005 budget, to the Whitfords Volunteer Sea Rescue Group for the newly constructed sea rescue vessel.**

Cmr Fox spoke to the Motion.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (3/0)**

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ120 - 06/05 SPECIAL MEETING OF ELECTORS HELD ON 2 MAY 2005 - [85558] [75029] [38221]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

CJ050531_BRF.DOC:ITEM 22

PURPOSE

For the Council to give consideration to the resolutions passed at the Special meeting of electors held on 2 May 2005.

EXECUTIVE SUMMARY

As requested by the electors of the City of Joondalup, a special meeting of electors was held on 2 May 2005 to discuss issues relating to the CSIRO site at Lot 61 Leach Street, Marmion.

The Minutes of the Special meeting of electors were submitted to Council at its meeting on 17 May 2005. Given the number and complexity of the resolutions carried at the Special Electors' Meeting it was not practicable to provide detailed responses to that meeting and Council resolved that a report to be submitted to the meeting of Council to be held on 7 June 2005 giving consideration to the resolutions carried at the Special Meeting of Electors held on 2 May 2005.

This report now provides the responses and proposed recommendations to resolutions carried at the Special Meeting of Electors.

BACKGROUND

A Special Meeting of Electors was convened following receipt of a 129-signature petition from electors of the City of Joondalup.

The purpose of the meeting was to discuss the following:

- 1 Lot 61 Leach Street, Marmion – The CSIRO Site – Zoning Application:
 - The inadequacy of public open space (POS) in the suburb of Marmion and the City's inconsistency in its understanding of the 10% POS allocation for Marmion.
 - How the best interests of the Marmion community are served by the City approving the CSIRO site for a commercial benefit.
 - Why the City and the applicant have not sought dialogue with the Marmion community on the future of the CSIRO site.
 - Approval of zoning will result in the destruction of the last remnant coastal vegetation in Marmion contrary to the City's policy on biodiversity protection.

- The precedent set by the community in protecting the POS in two previously failed rezoning attempts.
- The use of the CSIRO site and its facilities for an Indian Ocean Tsunami warning centre.

2 Community Facilities in Marmion

- The lack of community facilities in Marmion.
- The future provision of community facilities in Marmion.
- The degradation of the coastal foreshore reserve by fishermen during the abalone season.

3 Any other business arising from the floor

A report was submitted to the Council meeting held on 17 May 2005, presenting the minutes of the Special meeting of Electors. At that Council meeting, it was resolved to:

- 1 NOTE the minutes of the Special Meeting of Electors held on 2 May 2005, forming Attachment 1 to Report CJ099-05/05;
- 2 REQUEST a report to be submitted to the meeting of Council to be held on 7 June 2005 giving consideration to the resolutions carried at the Special Meeting of Electors held on 2 May 2005;
- 3 NOTES that the WA Planning Commission has been advised of the general tone and tenor of the Special Meeting of Electors meeting.

Suburb/Location: Lot 61 (14) Leach Street, Marmion
Applicant: Chappell and Lambert Pty Ltd
Owner: Marmion Estate Pty Ltd
Zoning: **DPS:** Local Reserves "Parks and Recreation"
MRS: Urban

DETAILS

In accordance with the provisions of the Local Government Act 1995, a Special Meeting of Electors was held on 2 May 2005 to the CSIRO site at Lot 61 Leach Street, Marmion.

Consideration has been given to the resolutions carried at that Special meeting of electors and a response to each motion is provided below.

Electors' Resolution No 1

MOVED Stephen Kobelke, 1 Hawkins Avenue, Sorrento SECONDED Terry Thorp, 75 High Street, Sorrento that Commissioners hold an urgent special full Council meeting and RESCIND the motion to rezone Lot 61 Leach Street, Marmion (the CSIRO site) and following that meeting instruct the Chief Executive Officer of the City of Joondalup to contact the Minister for Local Government advising the rezoning decision has been reversed and request the Minister to appoint an eminent person to investigate all matters relating the sale and rezoning process of Lot 61 Leach Street, Marmion (the CSIRO site).

The Motion was Put and

CARRIED

Electors' Resolution No 2

MOVED Noal Gannon, 79 Clontarf Street, Sorrento SECONDED Jim Mcnamara, 39 Seacrest Drive, Sorrento that Commissioners should be aware that the present City policy is allowing the creation of residential in-fill blocks in Marmion, which will put extra pressure on the current inadequate public open space. rezoning of lot 61 leach street, marmion will only aggravate this problem and should not proceed.

The Motion was Put and

CARRIED

Electors' Resolution No 3

MOVED Eve Cohen, 12A Troy Avenue, Marmion SECONDED Veronica McKinnon, 2 Mulloway Court, Sorrento that the decision to rezone Lot 61 Leach Street, Marmion be RESCINDED in favour of Mr K A Adam's very definite disapproval of rezoning.

The Motion was Put and

CARRIED

Electors' Resolution No 4

MOVED William Cohen, 12A Troy Avenue, Marmion SECONDED Jim Mcnamara, 39 Seacrest Drive, Sorrento that the Commissioners rescind their decision and defer the consideration of Lot 61 Leach Street, Marmion until an elected Council can deal with it.

The Motion was Put and

CARRIED

Electors' Resolution No 5

MOVED Terry Thorp, 75 High Street, Sorrento SECONDED Noal Gannon, 79 Clontarf Street, Sorrento that we, the electors REQUEST the Commissioners to note that the community perception is that the submissions were not read by the decision-makers. The report advises that it only deals with the planning issues, but the submissions contained other relevant factors. Therefore we, the electors of the City of Joondalup request the Commissioners to RESCIND their decision of the rezoning of Lot 61 Leach Street, Marmion until such time as all submissions and issues raised have been taken into account as expressed at this evening's meeting.

The Motion was Put and

CARRIED

Electors' Resolution No 8

MOVED Michelle John, 36 West Coast Drive, Sorrento SECONDED Terry Thorp, 75 High Street, Sorrento that:

- 1 Commissioners REVOKE their earlier decision to allow the rezoning of the site, Lot 61 Leach Street, Marmion from Parks and Recreation to Urban Development;*
- 2 the records of this meeting are forwarded to the Planning Authorities advising them of the outcomes of this meeting.*

The Motion was Put and

CARRIED

Officer's Comment in relation to Electors' Resolutions 1, 2, 3, 4, 5 and 8**Request for rescission or deferral**

Various resolutions were passed by electors, calling for rescission or deferral of the amendment proposal.

The rezoning process is established within the Town Planning Regulations 1967 (as amended). The process is administered and overseen by the Western Australian Planning Commission (WAPC) with that authority advising the Minister for Planning and Infrastructure. The Minister has the determining power in regard to amendments.

The Council's consideration of the amendment and issues arising has been documented and reported in accordance with the Town Planning Regulations.

The Council's evaluation of the rezoning application forms part of a process that is regulated by the WAPC. Advice of the Council's resolution passed on 5 April (to support the rezoning) was passed to the WAPC by letter dated 18 April 2005.

Final determination of the amendment rests with the Minister after taking consideration of the advice of the WAPC and the recommendation of Council incorporating the community's comments.

Legal advice has been sought concerning this issue, and in particular on the question of whether the Council could consider the adoption of a motion to revoke its support for the District Planning Scheme (DPS) amendment and resolve that it did not wish to proceed with the amendment.

The advice is that the Council has complied with its requirements under the Town Planning Regulations. Further, there is a risk of challenge to the Council if it was to purport to revoke its decision on the basis that it has already made a decision and completed its functions under the Town Planning Regulations.

In summary, the City's solicitor advised that it would be inappropriate and imprudent if the Council were to revoke its earlier resolution and purport to revisit its earlier decision under Regulation 17 (Town Planning Regulations 1967).

In giving this advice, the solicitors were cognisant of the extent of community involvement and number of representations that the Council had received, all of which intimate a high degree of awareness of the issues surrounding the proposal to amend the DPS.

In dealing with the rezoning application for Lot 61 Leach Street, Marmion, the Council has to date received and answered over 180 questions from the public.

In addition, the Council received over 740 submissions on the amendment, copies of which were available to the Council. The submissions were also summarised in the report that the Council considered when it resolved to finalise the amendment.

Independent review of the process

As stated above, the rezoning process is administered and overseen by the WAPC with that authority advising the Minister for Planning and Infrastructure. The Minister has the determining power with regard to amendments.

As part of its consideration and before passing its recommendations to the Minister, the WAPC is required to satisfy itself that due process has been followed.

Adequacy of public open space in the area

Open space within the locality does not display evidence of overuse, and it is not considered that is overused.

There are a number of facilities and spaces within or very close to Marmion that attract usage due to the quality of the spaces available. The coastal dual use path and surrounding beaches provide a beach related recreational experience, inland parks provide for active and passive recreation, and in the near vicinity Star Swamp bushland reserve also provide a substantial native passive recreation area for walking and enjoyment of the bushland.

Density of proposed development

The suburb of Marmion has been zoned at a residential density that is equivalent to the R20 coding since 1972. The intended density and possible lot sizes for houses within the suburb has not changed. With the impending installation of deep sewerage reticulation, the suburb has the opportunity where appropriate to meet the permissible density requirements.

The proposed amendment incorporates a density of development that is consistent with that of the surrounding area, and the likely form of subdivision will also reflect a close relationship with the existing urban form on surrounding streets.

A vast majority of the City's suburbs are zoned at the same R20 residential density as Marmion.

Alternate rezoning proposal

The application and the indicative subdivision considered by the Council reflected a strong correlation with the prevailing surrounding zoning and the existing built form.

The scenario presented by Mr Adam is notional only, and its focus is on a critique of the proposal put by the landowner. The scenario was included as an attachment to a submission put by a group of residents from the area.

If the scenario for a more dense development on part of the land were developed into a more detailed planning submission, then it would be able to be given detailed assessment by the Council. In summary it is noted that the scenario may well have presented new and contentious issues, such as:

- (a) The consistency of an alternate proposal with the scale of development of the surrounding land
- (b) The most appropriate residential density for the site
- (c) The value of the vegetation that could be retained
- (d) The requirements for private open space for new residents in a cluster style development
- (e) Impact on vegetation to be retained, and
- (f) The height of the notional development.

Consideration of special electors meeting outcomes

Under the District Planning Scheme, the Council is obliged to consider proper planning reasons when it makes decisions. Recent case law and legal advice has recommended that the Council does not make decisions for other than proper town planning reasons.

Due consideration should be given to the planning related concerns being expressed by the community, balanced with the wider planning objectives of the City as expressed through its District Planning Scheme.

Recommended Response

That Council NOTES that:

- 1 legal advice received recommends that the Council consider applications based on planning grounds;**
- 2 legal advice received recommends that Council does not depart from due process established by legislation;**
- 3 the minutes of the Special Electors meeting have already been provided to the Western Australian Planning Commission (WAPC) for its information and consideration;**
- 4 scheme amendment proposals are independently reviewed by the WAPC as part of its evaluation and recommendations (to the Hon Minister for Planning and Infrastructure) leading to final determination;**
- 5 it is cognisant that the process is administered by the WAPC and can be advanced given that the Council has fulfilled its statutory role;**
- 6 Marmion carries the same residential density coding for residential development as the vast majority of the City's residential zoned land, and further that the density has remained largely unchanged since 1972;**
- 7 there are open spaces located within and conveniently close to Marmion;**
- 8 any application lodged for alternate development of the land may result in new issues arising that would require considerable careful deliberation, including:**
 - (a) The consistency of an alternate proposal with the scale of development of the surrounding land;**
 - (b) The most appropriate density of the site;**
 - (c) The value of the vegetation that could be retained;**
 - (d) The requirements for private open space for new residents and impact on vegetation to be retained;**
 - (e) The height of the notional development.**

Electors' Resolution No 6

That we, the electors of the City of Joondalup, REQUEST that:

- 1 *future developments/rezoning that affect the well-being of the local community be advertised in the local newspapers and signage at the said site to allow 30 days' community input before any prior decision by Council to proceed with the request by the applicant for consideration of their proposal;*
- 2 *an explanation of the rezoning/recoding proposed be provided in plain English that ratepayers can understand, not only in planning terms.*

The Motion was Put and

CARRIED

Officer's Comment

The Council is only in a position to advertise proposals in relation to development applications and planning scheme amendments as such proposals are lodged with the Council. It is not always readily possible to foresee what proposals may affect the community until those proposals are lodged and assessed.

In terms of the number of proposals advertised, the Council invites comment from several thousands of residents each year by way of letter, and more broadly increases awareness and invites comment by the use of signage on proposed development sites where the interested community extends beyond the realm of immediately adjoining neighbours.

In the case of rezoning proposals, a period of 42 days is allowed for comment under normal circumstances. In the case of development applications, periods of 14 to 28 days are typically allowed, depending on the nature and significance of the application.

In response to recent requests, the Council has introduced an administrative process where amendment proposal signage will be increased in size, with plain English being used wherever possible to explain the proposal under assessment.

Recommended Response

That Council:

- 1 **NOTES that proposals to rezone or develop land are subject to advertising with the following underlying principles in mind:**
 - (a) **Council meets statutory requirements as a minimum standard;**
 - (b) **Proposals are advertised to a degree, which commonly exceeds statutory requirements, often including extending advertising periods, and detail reporting to decisions makers on the number of submissions received;**
- 2 **COMMITTS to examine optimum ways in which advertisements can be enhanced to provide clear information about the nature of proposals in Plain English, the number and location of on-site signage, the size of on-site signage and the opportunities to view plans and obtain further information.**

Electors' Resolution No 7

Mr Noal Gannon, 79 Clontarf Street, Sorrento:

- *At the Briefing session held on 8 March 2005 the Council was informed, on page 45 of the draft agenda, that the West Australian Planning Commission had granted an extension until 11 May 2005 for Council to consider submissions on Lot 61 Leach Street, Marmion and a decision taken must be forwarded to the Minister for Planning and Infrastructure within 28 days of that decision. This allowed 91 days for a decision to be made.*
- *The Council took the decision on 5 April 2005 to rezone the site, being 63 days before the expiry of the extension which had been requested by the Council. What happened to cause the urgency of this decision, particularly after Council had requested the extension which expired on 7 June 2005 and full public consultation had not taken place?*

MOVED Noal Gannon, 79 Clontarf Street, Sorrento SECONDED Michelle John 36 West Coast Drive, Sorrento that the above information be included in the minutes of this meeting and an answer be forthcoming at the next ordinary Council meeting.

The Motion was Put and

CARRIED

Officer's Comment

In accordance with the Town Planning Regulations, the Council has a 42-day period in which it must determine the outcome of the public advertising period. With this proposal being deferred, the Council liaised with the Department of Planning and Infrastructure in an effort to gain an extension of the statutory time limit. The response by the WAPC was to grant an extension of time that was sufficient to allow the proposal to be reconsidered twice by the Council in the event that this might be needed.

Recommended Response

That Council NOTES the comments made by Mr N Gannon at the Special Meeting of Electors, and advises him that:

- 1 his comments were duly recorded in the minutes of the Special Meeting of Electors held on 2 May 2005;**
- 2 the Western Australian Planning Commission granted an extension of time that was sufficient to allow the Council to consider the matter at a second meeting, should it be deferred at the first meeting.**

Electors' Resolution No 9

MOVED Michelle John, 36 West Coast Drive, Sorrento SECONDED Veronica McKinnon, 2 Malloway Court, Sorrento that given the bias by the City's Planning officers in the Briefing reports to the Commissioners regarding the rezoning of Lot 61 Leach Street, Marmion a vote of no confidence be put in the Planning officers involved with this rezoning application and REQUEST that an investigation be made through the current McIntyre Inquiry or alternatively through the office of the Minister for Local Government in regard to all matters relating to the rezoning application of Lot 61 Leach Street, Marmion.

The Motion was Put and

CARRIED

Officer's Comment

The issue is outside the terms of reference of the McIntyre Inquiry, and the matters do not fall within the ambit of the Department of Local Government and Regional Development.

Matters relating to the processes for applications for rezoning are governed by the WAPC.

Recommended Response

That Council NOTES the vote of no-confidence in the planning officers involved in the rezoning application of Lot 61 Leach Street, Marmion and takes no further action.

Electors' Resolution No 10

MOVED Michelle John, 36 West Coast Drive, Sorrento SECONDED Reg Went, 7 Leach Street, Marmion, that Council significantly overhauls its Public Participation Policy, particularly in regard to contentious rezoning applications and includes more formal and rigorous assessment of the local community and ratepayers' interests, which includes more than an advertisement in the local newspaper or an erected sign on the site.

The Motion was Put and

CARRIED

Officer's Comment

The Council is bound to follow procedure outlined by legislation where that is established. For matters relating to Town Planning Scheme Amendment proposals, the Town Planning Regulations specify the manner in which:

- 1 proposals are advertised
- 2 requirements to collate submissions
- 3 requirements to respond to issues raised, and
- 4 provide Council recommendations to the WAPC

The Council is currently undertaking a major review of all its policies, which includes its Public Participation Policy. The Town Planning legislation may place restrictions on the application of this policy.

Recommended Response

That Council NOTES that it is required to follow due statutory process in the advertising of various planning proposals according to the laws and applicable regulations.

Electors' Resolution No 11

MOVED Veronica McKinnon, 2 Malloway Court, Marmion SECONDED William Cohen, 12A Troy Avenue, Marmion request that Commissioners provide a report outlining their planning justification for approving the rezoning of Lot 61 Leach Street, Marmion known as the CSIRO site.

The Motion was Put and

CARRIED

Officer's Comment

The reports on the various stages of the amendment proposals are available on the Council's website and are public documents. The reports constitute the information that was provided to facilitate the consideration of the proposal and the adoption of the amendment.

Recommended Response

That Council NOTES that:

- 1 the reports and resolutions of the Council are on the public record and readily available on the City's website, at its Libraries or Customer Service Centres;
- 2 it made its decision on the basis of those reports, the submissions received and comments from the community, and its knowledge of the location.

Electors' Resolution No 12

MOVED Ralph Prestage, Lot 34 Northshore Drive, Mullaloo SECONDED Terry Thorp, 75 High Street, Sorrento that Commissioners act solely on the directions and motions agreed to at this meeting.

The Motion was Put and

CARRIED

Officer's Comment

In evaluating proposals and issues, the Council does take into account relevant professional advice. Relevant professional advice is required to be provided under legislation, and decisions of the Council should be within the ambit as allowed by legislation.

The Council is governed in its functions and abilities by the limits prescribed by legislation. The powers of the Council are directed by that provided by legislation.

Legal advice received over a number of issues has provided case law and interpretation where it is suggested that members of the Council should limit consideration of planning issues to proper planning matters.

Recommended Response

That Council NOTES that it may consider issues it believes relevant in making resolutions, regardless of the origin of information that comes before it, and in doing so, the Council's obligations to follow statutory procedures and consider relevant information are also noted.

Electors' Resolution No 13

MOVED Michelle John, 36 West Coast Drive, Marmion SECONDED William Cohen, 12A Troy Avenue, Marmion that Commissioners:

- 1 *inform the community when and where the Council intends to provide community facilities in the Marmion area, given the expected population explosion that is likely to occur as a result of the current housing sewerage in-fill programme, bring approximately 200 extra families, with no bush and little public open space;*

2 *ADVISE what is provided in the forthcoming budget.*

The Motion was Put and

CARRIED

Officer's Comment

The suburb of Marmion is serviced by a number and wide variety of community facilities. The following table details existing facilities located from the centre of Marmion:

Name	Address	Distance from Marmion	Facilities
Percy Doyle Reserve	Cnr Marmion Avenue and Warwick Road	2 km	17 ha of public open space incorporating Leisure Centre, Library, Senior Citizen's Club, Community Hall, Child Care Centre, Bowling Greens, Tennis Courts, Croquet Greens, Netball Courts, 4 x clubroom facilities
Sorrento Hall	Geneff Park	2.5 km	There is \$80,000 in the 2004/05 budget to upgrade this facility. Council officers recently met with architects to discuss the project.
Sorrento Surf Life Saving Club	West Coast Highway	3 km	Community Hall, meeting rooms.
Robin Reserve	Parnell Avenue	1 km	Public Open Space, toilets, changerooms.
Marri Reserve	Marri Road	3 km	Public Open Space, toilets, changerooms.

In addition, there are a number of Community Facilities and Public Open Spaces located within the City of Stirling at Carine Open Space, Star Swamp, Flora Terrace and Charles Riley reserve (all within 5 km).

The facilities within the City referred to above are generally not fully utilised and would be able to cope with the increase in population referred to in the resolution.

As part of the 2004/05 financial year, the following capital works have taken place in Marmion:

- Parnell Avenue – Marmion Avenue to High Street – local road traffic management works - \$80,000
- Syree Court – new path construction - \$5,000
- St Patrick's Road – road resurfacing works
- Hasper Place – road resurfacing works
- Parnell Avenue – road resurfacing works.

The following capital works are listed for consideration in Marmion for 2005/06:

- Beach Road, Marmion – local road traffic management works - \$200,000
- Marmion Pre-school, High Street – school parking project - \$40,000
- Subject to funds available in the 2005/06 budget, the high priority roads earmarked for resurfacing include:
- Cann Place

- Jagoe Court
- Greig Close
- Arkwell Way
- Lane Four (laneway south of Marine Terrace, between Ford Street and Parnell Avenue)

It is also noted that in the surrounding areas of Sorrento and Duncraig a number of other capital projects have also been undertaken in 2004/05 as well as proposed projects being considered as part of the 2005/06 budget considerations. This includes the redevelopment of the Sorrento Beach foreshore at an estimated cost of \$4 million.

Recommended Response

That Council:

- 1 NOTES the comments raised regarding community facilities in the Marmion area;**
- 2 REFERS the matter of funding of community facilities within the Marmion locality to the Strategic Financial Management Committee for consideration.**

Electors' Resolution No 14

MOVED Michael Walters, 38 Cliff Street, Marmion SECONDED Michael Caiacob, 7 Rowan Place, Mullaloo that Council obtains a report either through a consultant or the resources of the City, looking at alternative uses for the site.

The Motion was Put and

CARRIED

Officer's Comment

The land is held in private ownership, and under normal circumstances, private landholders put proposals for the use or redevelopment of land.

In this case, the proposal brought forward was for the use of the land for residential purposes

Recommended Response

That Council NOTES that it has resolved that the use of the land for residential purposes at an equivalent density to that allowable on surrounding land, is appropriate for the site.

Electors' Resolution No 15

MOVED Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED Terry Thorp, 75 High Street, Sorrento that the City:

- 1 makes representation and deputation to the relevant authorities with a view to permanently protecting the Marmion marine park and the coastal foreshore reserves by abolishing public abalone season within the City of Joondalup or restricting it to definitive zones;*

- 2 *advises that this abolition of the public abalone fishing or restriction to limited zones does not extend to the current controlled commercial abalone fishermen operating within the area.*

The Motion was Put and

CARRIED

Officer's Comment

Based on past experiences, the unrestricted access to the foreshore during the public abalone fishing season has created some issues in relation to the management of the natural foreshore and associated infrastructure. Restricted zones may assist in managing these issues. Such change to the regulations is a State issue and in view of this, it will be referred to the responsible state agency for determination.

Recommended Response

That Council REFERS the matter of abalone fishing as resolved at the Special Meeting of Electors held on 2 May 2005 to the Department of Fisheries.

Electors' Resolution No 16

MOVED Trevor Prestage, Lot 32 Northshore Drive, Mullaloo SECONDED Michael Walters, 38 Cliff Street, Marmion that the Council approaches the Heritage Council with a view to the buildings being classified as heritage listed in their present condition.

The Motion was Put and

CARRIED

Officer's Comment

Heritage and Conservation Professionals undertook a heritage assessment of the site on behalf of the CSIRO in March 2003. The report states that the former marine research facility is a representative example of a Commonwealth government facility developed in the 1970's, but it is not rare.

The report concluded that while the former marine research facility is considered to be of some scientific significance for its role in the field of marine science, the assessment did not find any other grounds for assessing the place to be of cultural heritage significance.

Recommended Response

That Council NOTES that a heritage assessment for the land has already been undertaken, and that the assessment concluded that the buildings were not rare in their character, nor were there cultural or heritage reasons why the development should be listed as having cultural heritage significance.

Electors' Resolution No 17

MOVED Terry Thorp, 75 High Street, Sorrento SECONDED Michelle John, 36 West Coast Drive, Sorrento that we the electors of the City of Joondalup want the opportunity to instigate an elector-initiated referendum and make it a policy of the City. If there is 100 signatures from each of the wards of electors on a particular issue, the electors can then vote by referendum on the matter and the result is binding on our elected Council.

The Motion was Put and

CARRIED

Officer's Comment

It is understood that community/ratepayers/electors/citizen initiated referendums are not recognised at Federal, State or Local level and are therefore not binding on any tiers of government. The coordinating of such referendums would be at considerable cost to the City, but the exact amount would vary based on the number of persons involved.

The Council is currently required by various pieces of legislation to consult the community to ascertain their views on various matters. Such legislation includes the Town Planning and Development Act, District Planning Scheme and Local Government Act. One option legislated within the Local Government Act is where there is a concern, is for the public (a minimum of 100 electors) or 1/3 of the members of the Council to request that a special electors meeting be convened. Once the request is received, the Mayor (Chairman) is required to hold the meeting within 35 days of the request being received. Such meetings allow the electors to express to the Council their views on the matter(s) of concern and carry resolutions for consideration by the Council.

The Council is also expending considerable effort in reviewing its public participation policy, which will detail the level of participation by the public on various matters. It is hoped that this policy will engage the community on various matters to seek the community's input during the decision making process.

Recommended Response

That Council, as a result of the existing legislated requirements for the Council to consult with the community and the pending review of the Council's public participation policy, DOES NOT implement elector initiated referendums.

Issues and options considered:

The various issues and options available have been canvassed within the comment section addressing each individual resolution carried at the Special meeting of Electors.

Link to Strategic Plan

Outcome	The City of Joondalup is an interactive community.
Objective 4.3	To ensure the City responds to and communicates with the community.
Strategy 4.3.3	Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

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.

Section 5.33 of the Local Government Act 1995 detailed below covers this matter:

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:

There is a risk of a legal challenge if the Council revoked its decision of 5 April 2005.

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Sustainability implications:

Not applicable

Consultation:

The Special Meeting of Electors was held in accordance with the Local Government Act 1995. Local public notice was provided of the meeting, which notified the electors of the City and afforded them the opportunity to attend.

COMMENT

Resolutions carried at the Special Meeting of Electors have been addressed individually and are submitted to the Council for consideration.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, **SECONDED** Cmr Clough that Council, in regard to the resolutions carried at the Special Meeting of Electors held on 2 May 2005:

1 in relation to Resolutions 1, 2, 3, 4, 5 and 8, **NOTES** that:

- (a)** legal advice received recommends that the Council consider applications based on planning grounds;
- (b)** legal advice received recommends that Council does not depart from due process established by legislation;
- (c)** the minutes of the Special Electors meeting have already been provided to the Western Australian Planning Commission (WAPC) for its information and consideration;
- (d)** scheme amendment proposals are independently reviewed by the WAPC as part of its evaluation and recommendations (to the Hon Minister for Planning and Infrastructure) leading to final determination;
- (e)** it is cognisant that the process is administered by the WAPC and can be advanced given that the Council has fulfilled its statutory role;
- (f)** Marmion carries the same residential density coding for residential development as the vast majority of the City's residential zoned land, and further that the density has remained largely unchanged since 1972;
- (g)** there are open spaces located within and conveniently close to Marmion;
- (h)** any application lodged for alternate development of the land may result in new issues arising that would require considerable careful deliberation, including:
 - (i)** The consistency of an alternate proposal with the scale of development of the surrounding land;
 - (ii)** The most appropriate density of the site;
 - (iii)** The value of the vegetation that could be retained;
 - (iv)** The requirements for private open space for new residents and impact on vegetation to be retained;
 - (v)** The height of the notional development.

- 2** in relation to Resolution 6:
- (a)** NOTES that proposals to rezone or develop land are subject to advertising with the following underlying principles in mind:
 - (i)** Council meets statutory requirements as a minimum standard;
 - (ii)** Proposals are advertised to a degree, which commonly exceeds statutory requirements, often including extending advertising periods, and detail reporting to decisions makers on the number of submissions received;
 - (b)** COMMITS to examine optimum ways in which advertisements can be enhanced to provide clear information about the nature of proposals in Plain English, the number and location of on-site signage, the size of on-site signage and the opportunities to view plans and obtain further information.
- 3** in relation to Resolution 7, NOTES the comments made by Mr N Gannon at the Special Meeting of Electors, and advises him that:
- (a)** his comments were duly recorded in the minutes of the Special Meeting of Electors held on 2 May 2005;
 - (b)** the Western Australian Planning Commission granted an extension of time that was sufficient to allow the Council to consider the matter at a second meeting, should it be deferred at the first meeting.
- 4** in relation to Resolution 9, NOTES the vote of no-confidence in the planning officers involved in the rezoning application of Lot 61 Leach Street, Marmion and takes no further action;
- 5** in relation to Resolution 10, NOTES that it is required to follow due statutory process in the advertising of various planning proposals according to the laws and applicable regulations;
- 6** in relation to Resolution 11, NOTES that:
- (a)** the reports and resolutions of the Council are on the public record and readily available on the City's website, at its Libraries or Customer Service Centres;
 - (b)** it made its decision on the basis of those reports, the submissions received and comments from the community, and its knowledge of the location
- 7** in relation to Resolution 12, NOTES that it may consider issues it believes relevant in making resolutions, regardless of the origin of information that comes before it, and in doing so, the Council's obligations to follow statutory procedures and consider relevant information are also noted;

- 8** in relation to Resolution 13:
- (a)** NOTES the comments raised regarding community facilities in the Marmion area;
 - (b)** REFERS the matter of community facilities within the Marmion locality to the Strategic Financial Management Committee for consideration;
- 9** in relation to Resolution 14, NOTES that it has resolved that the use of the land for residential purposes at an equivalent density to that allowable on surrounding land, is appropriate for the site;
- 10** in relation to Resolution 15, REFERS the matter of abalone fishing as resolved at the Special Meeting of Electors held on 2 May 2005 to the Department of Fisheries;
- 11** in relation to Resolution 16, NOTES that a heritage assessment for the land has already been undertaken, and that the assessment concluded that the buildings were not rare in their character, nor were there cultural or heritage reasons why the development should be listed as having cultural heritage significance;
- 12** in relation to Resolution 17, as a result of the existing legislated requirements for the Council to consult with the community and the pending review of the Council's public participation policy, DOES NOT implement elector initiated referendums.

AMENDMENT MOVED Cmr Anderson, **SECONDED** Cmr Fox that an additional Point 13 be added to the Motion as follows:

“13 DEVELOPS a strategy to address the issues of parking and public access to the foreshore during the abalone season.”

Cmr Anderson spoke to the Amendment.

The Amendment was Put and

CARRIED (3/0)

The original Motion as amended, being:

That Council, in regard to the resolutions carried at the Special Meeting of Electors held on 2 May 2005:

- 1** in relation to Resolutions 1, 2, 3, 4, 5 and 8, NOTES that:
- (a)** legal advice received recommends that the Council consider applications based on planning grounds;
 - (b)** legal advice received recommends that Council does not depart from due process established by legislation;
 - (c)** the minutes of the Special Electors meeting have already been provided to the Western Australian Planning Commission (WAPC) for its information and consideration;

- (d) **scheme amendment proposals are independently reviewed by the WAPC as part of its evaluation and recommendations (to the Hon Minister for Planning and Infrastructure) leading to final determination;**
- (e) **it is cognisant that the process is administered by the WAPC and can be advanced given that the Council has fulfilled its statutory role;**
- (f) **Marmion carries the same residential density coding for residential development as the vast majority of the City's residential zoned land, and further that the density has remained largely unchanged since 1972;**
- (g) **there are open spaces located within and conveniently close to Marmion;**
- (h) **any application lodged for alternate development of the land may result in new issues arising that would require considerable careful deliberation, including:**
 - (i) **The consistency of an alternate proposal with the scale of development of the surrounding land;**
 - (ii) **The most appropriate density of the site;**
 - (iii) **The value of the vegetation that could be retained;**
 - (iv) **The requirements for private open space for new residents and impact on vegetation to be retained;**
 - (v) **The height of the notional development.**

2 in relation to Resolution 6:

- (a) **NOTES that proposals to rezone or develop land are subject to advertising with the following underlying principles in mind:**
 - (i) **Council meets statutory requirements as a minimum standard;**
 - (ii) **Proposals are advertised to a degree, which commonly exceeds statutory requirements, often including extending advertising periods, and detail reporting to decisions makers on the number of submissions received;**
- (b) **COMMITTS to examine optimum ways in which advertisements can be enhanced to provide clear information about the nature of proposals in Plain English, the number and location of on-site signage, the size of on-site signage and the opportunities to view plans and obtain further information.**

3 in relation to Resolution 7, NOTES the comments made by Mr N Gannon at the Special Meeting of Electors, and advises him that:

- (a) **his comments were duly recorded in the minutes of the Special Meeting of Electors held on 2 May 2005;**

- (b) the Western Australian Planning Commission granted an extension of time that was sufficient to allow the Council to consider the matter at a second meeting, should it be deferred at the first meeting.
- 4 in relation to Resolution 9, NOTES the vote of no-confidence in the planning officers involved in the rezoning application of Lot 61 Leach Street, Marmion and takes no further action;
- 5 in relation to Resolution 10, NOTES that it is required to follow due statutory process in the advertising of various planning proposals according to the laws and applicable regulations;
- 6 in relation to Resolution 11, NOTES that:
- (a) the reports and resolutions of the Council are on the public record and readily available on the City's website, at its Libraries or Customer Service Centres;
- (b) it made its decision on the basis of those reports, the submissions received and comments from the community, and its knowledge of the location
- 7 in relation to Resolution 12, NOTES that it may consider issues it believes relevant in making resolutions, regardless of the origin of information that comes before it, and in doing so, the Council's obligations to follow statutory procedures and consider relevant information are also noted;
- 8 in relation to Resolution 13:
- (a) NOTES the comments raised regarding community facilities in the Marmion area;
- (b) REFERS the matter of community facilities within the Marmion locality to the Strategic Financial Management Committee for consideration;
- 9 in relation to Resolution 14, NOTES that it has resolved that the use of the land for residential purposes at an equivalent density to that allowable on surrounding land, is appropriate for the site;
- 10 in relation to Resolution 15, REFERS the matter of abalone fishing as resolved at the Special Meeting of Electors held on 2 May 2005 to the Department of Fisheries;
- 11 in relation to Resolution 16, NOTES that a heritage assessment for the land has already been undertaken, and that the assessment concluded that the buildings were not rare in their character, nor were there cultural or heritage reasons why the development should be listed as having cultural heritage significance;

- 12 in relation to Resolution 17, as a result of the existing legislated requirements for the Council to consult with the community and the pending review of the Council's public participation policy, DOES NOT implement elector initiated referendums;
- 13 DEVELOPS a strategy to address the issues of parking and public access to the foreshore during the abalone season.

was Put and

CARRIED UNANIMOUSLY (3/0)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 28 JUNE 2005** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

CLOSURE

There being no further business, the Deputy Chairman declared the Meeting closed at 2044 hrs; the following Commissioners being present at that time:

CMR P CLOUGH
CMR M ANDERSON
CMR A FOX