

DRAFT AGENDA

Briefing Session City of Joondalup

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

MEETING DATE



on
TUESDAY, 18 SEPTEMBER 2007

PUBLIC QUESTION TIME



Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday 17 September 2007.

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



**MIKE TIDY ON BEHALF OF
GARRY HUNT**

Chief Executive Officer

14 September 2007



City of
Joondalup

www.joondalup.wa.gov.au

PROTOCOLS FOR BRIEFING SESSIONS

The following protocols for the conduct of Briefing Sessions were adopted at the Council meeting held on 9 August 2005.

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

Protocols for Briefing Sessions

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

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 The Presiding Member at the commencement of each Briefing Session shall:
 - (a) Advise Elected Members that there will be no debate on any matters raised during the Sessions;
 - (b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Session;
 - (c) Encourage all Elected Members present to participate in the sharing and gathering of information;
 - (d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Session; and
 - (e) Ensure the time available for the Session is liberal enough to allow for all matters of relevance to be identified;
- 6 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following should be considered:
 - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct;
 - (b) Persons disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - (c) An exception shall be applied to the disclosing of interests by consultants where the consultant will be providing information only, and will be able to remain in the Session;
 - (d) As matters raised at a Briefing Session are not completely predictable, there is some flexibility in the disclosures of interests. A person may disclose an interest at such time as an issue is raised that is not specifically listed on the agenda for the Session.
- 7 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session by:
 - (a) A request to the Chief Executive Officer; or
 - (b) A request made during the Briefing Session.
- 8 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

- 9 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 10 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PUBLIC QUESTION TIME

The following protocols for the conduct of Public Question Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions.

The Council encourages members of the public, where possible, to submit their questions at the earliest opportunity.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total.

PROCEDURE FOR PUBLIC QUESTION TIME

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business on the working day immediately prior to the scheduled Briefing Session.

Responses to those questions received within the above timeframe will, where practicable, be provided in hard copy at the meeting.
- 9 The Mayor or presiding member shall decide to:
 - Accept or reject the question and his/her decision is final;
 - Nominate a member of the Council and/or City employee to respond to the question;
 - Due to the complexity of the question, require that it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session.
- 10 Questions are to be directed to the presiding member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 11 Where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response.
- 12 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Briefing session, that is not relevant to a matter listed on the draft agenda, or;
 - making a statement during public question time;they may bring it to the attention of the meeting.
- 13 Questions and any response will be summarised and included in the notes of the Briefing Session.
- 14 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

PUBLIC STATEMENT TIME

The following protocols for the conduct of Public Statement Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions of the City.

Public statement time will be limited to a maximum of fifteen (15) minutes. Individual statements are not to exceed two (2) minutes per member of the public.

PROCEDURE FOR PUBLIC STATEMENT TIME

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Public statement time will be limited to two (2) minutes per member of the public.
- 3 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 4 Public statement time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further statements.
- 5 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 6 Where an elected member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the meeting.
- 7 Statements will be summarised and included in the notes of the Briefing Session.
- 8 It is not intended that public statement time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

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

DEPUTATION SESSIONS

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

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

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 18 SEPTEMBER 2007** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted in writing prior to the Briefing Session on 21 August 2007:

Mr S Kobelke, Sorrento:

Item 5 - Development of an Electronic Web-Based Email Communications System and Database

Q1 *What assurances is the City providing that the capture of people's email addresses will not be used by elected officers for promoting their own agendas and profile?*

Q2 *Will the City move to introduce clear guidelines on this in the recommendation, in particular within 6 months of any local government election?*

A1-2 Elected Members do not have access to internal databases held by the City. Consequently, Elected Members will be unable to use the email addresses for promoting their own agenda and profile.

Mr R Repke, Kallaroo:

Re: Item 18 - Proposed Alterations and Additions to Beldon Shopping Centre: Lot 519 (9) Gunter Grove, Beldon

Q1 *The City of Wanneroo at that time made space available for additional parking north of the Shopping centre. Will the City of Joondalup continue to make this space, or maybe even a larger space, available for parking of smaller cars? Maybe adding underground parking?*

A1 The existing car parking area to the north of the Beldon Shopping Centre was provided for the users of Beldon Park. The City does not have any proposals to change the size or shape of the car parking area on Beldon Park nor to restrict use of the car parking area.

Q2 *Is there any plan that the Shopping Centre acquires the land at the corner of the Centre, maybe building underground parking for smaller cars and a new building being carbon neutral on top?*

- A2 The City is not aware of any proposal the owners of the Beldon Shopping Centre may have for the purchase of additional land.

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

Dr M Apthorpe, Ocean Reef:

Re: Item 12 – Thermal Weed Control in the City of Joondalup:

- Q1 *Why do the figures quoted in the report on hydrothermal labour costs and water usage not align with those supplied by Weedsafe, which is the contractor for the Cities of Fremantle and Nedlands?*
- A1 Information on operation and costs were obtained directly from Weedsafe by the consultant.
- Q2 *Contrary to what the report states in Recommendation 2, is the Council aware that the report unfavourably compares hydrothermal weed control to the herbicides Amitrole and Glyphosate, both of which are suspected human carcinogenics?*
- A2 The report finds that for large scale operations the use of herbicides is the preferred option. The herbicides which were compared to thermal weed control include glyphosate and amitrole which are both registered for use in water catchments used for domestic water consumption. These products are deemed safe for use under label use specifications.

Mrs M Zakrevsky, Mullaloo:

Re: Item 12 – Thermal Weed Control in the City of Joondalup:

- Q1 *Was information on operation and costs obtained directly from Weedsafe by the consultants?*
- A1 Information on operation and costs were obtained directly from Weedsafe by the consultant.
- Q2 *Does Council realize that the report does not cost the fact that knockdown herbicides cannot be used in wind or rain and if you use mainly glyphosate the cost would increase substantially?*
- A2 It is correct that glyphosate can not be used under windy conditions or in the rain, however, this still leaves enough days for safe operation of herbicide application, and the consultant has advised that it is incorrect to suggest if mainly glyphosate was used the cost would increase.

Ms D Gayton, Warwick:

- Q1 *Re Child Health Centres. What is proposed at this stage will happen to child health centres?*

Q2 *Would Council consider retaining one of the named buildings and refurbish it to house (combine) two child health centres?*

A1-2 There is no intention of closing child health centres. The report deals with the issue of pre primary centres and the fact that they are operated by the Department of Education and Training but subsidised by the City. The buildings are in need of substantial repair. This is a matter that will be taken into consideration after Council has made a decision.

4 PUBLIC STATEMENT TIME

5 APOLOGIES AND LEAVE OF ABSENCE

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosure of Financial Interests

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

Disclosure of interest affecting impartiality

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

7 REPORTS

ITEM NO	TITLE	WARD	PAGE NO
1	EXECUTION OF DOCUMENTS - [15876]	All	1
2	REVIEW OF DELEGATED AUTHORITY - [07032]	All	4
3	MINUTES OF EXTERNAL COMMITTEES - [02153] [41196] [28597]	All	8
4	DOG AND HORSE BEACH LOCAL LAW AMENDMENT SUBMISSIONS - [00819]	South-West	9

5	ADDITIONAL DOG BEACH FOR THE CITY OF JOONDALUP - [00819]	North, North-Central, Central, South-West & South	14
6	CITIES FOR CLIMATE PROTECTION PROJECT – DRAFT GREENHOUSE ACTION PLAN – 2007-2010 - [00906] [59091]	All	18
7	BRISBANE CITY COUNCIL’S CLIMATE CHANGE REPORT - [12542]	All	22
8	PUBLIC ACCESS METRO WI-FI NETWORK FOR JOONDALUP CITY CENTRE - [50587]	All	26
9	TENDER NO 037-06/07 – PROVISION OF ORACLE DATABASE AND UNIX ADMINISTRATION SUPPORT SERVICES - [80601]	All	32
10	LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2007 - [09882]	All	36
11	USE OF DIFFERENTIAL RATING TO DISCOURAGE THE HOLDING OF UNDEVELOPED LAND - [21458]	All	39
12	MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 16 AUGUST 2007 - [74574]	All	46
13	ENTRY STATEMENTS FOR THE CITY OF JOONDALUP - [37196] [44697]	All	50
14	ASSESSMENT OF SHEOAKS WITHIN THE CITY’S PARKS - [41676]	All	54
15	MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 29 AUGUST 2007 - [12168]	All	58
16	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JULY 2007 - [07032] [05961]	All	61
17	YOUTH FORUM - [07116]	All	65
18	CITY OF JOONDALUP ENVIRONMENT PLAN 2007-2011 - [28601]	All	68
19	TENDER 008-05/06 EXTENSION OF CONTRACT AND WIDENED SCOPE OF REQUIREMENTS FOR GRAFFITI CONTROL SERVICES - [11573]	All	71

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 180907.pdf](#)

ITEM 1 EXECUTION OF DOCUMENTS - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal or signed by the Mayor and Chief Executive Officer for noting by the Council for the period 7 August 2007 to 28 August 2007.

EXECUTIVE SUMMARY

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

BACKGROUND

Not Applicable.

DETAILS

The following documents have either been executed by affixing the Common Seal or signed by the Mayor and Chief Executive Officer prior to finalising the process. Once the process is finalised the Common Seal will be duly affixed and accordingly reported to Council.

Document:	Caveat
Parties:	City of Joondalup, G R and S J Macaulay and I R and E F Marshall
Description:	Caveat in relation to resubdivision of Lot 18 on Strata Plan 35609 to include common property – Caveat – Dealing No K218509 – Lots 6 and 7 (6) Davallia Road, Duncraig
Date:	07.08.07
Signed/Sealed:	Sealed

Document:	Deed of Restrictive Covenant – Access
Parties:	City of Joondalup and Peet Ltd
Description:	To restrict vehicular access – Stage 3, portion of Lot 9017 Burns Beach Road, Burns Beach on Deposited Plan 55270
Date:	24.08.07
Signed/Sealed:	Sealed

Document:	Application for Surrender of Right of Way access easement
Parties:	City of Joondalup, City of Wanneroo, K A and H G Dobelstein and Home Design Pty Ltd
Description:	Property: Lot 525 (86) Reid Promenade, Joondalup. Application for surrender of right of access easement G114951 and replacement with a new easement, partial extinguishment of water and sewerage easement G114952 to facilitate the issue of six survey strata titles.
Date:	24.08.07
Signed/Sealed:	Sealed

Document:	Restrictive Covenant
Parties:	City of Joondalup, ING Real Estate and Public Transport Authority of WA
Description:	Restrictive covenant relating to easement rights between the Public Transport Authority and owner of Lakeside Shopping Centre, ING for the purpose of ensuring that the existing train tunnel and building constructed over tunnel are not detrimentally affected by any works undertaken by the Public Transport Authority.
Date:	28.08.07
Signed/Sealed:	Sealed

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The various documents that have either been executed by affixing the Common Seal of the City of Joondalup or signed by the Mayor and Chief Executive Officer and are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 7 August 2007 to 28 August 2007 executed by means of affixing the Common Seal.

ITEM 2 REVIEW OF DELEGATED AUTHORITY MANUAL - [07032]

WARD: All

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

PURPOSE

For the Council to review and give consideration to the necessary changes to the Corporate Delegated Authority Manual.

EXECUTIVE SUMMARY

The Local Government Act 1995 requires that, at least once each financial year the delegator reviews its delegations. The Council last reviewed its delegations on 21 November 2006 and met its legislative requirements (Item CJ208-11/06 refers).

This report details the suggested changes to the Delegated Authority Manual, which require consideration by Council.

BACKGROUND

The Local Government Act 1995 requires the delegator (either the Local Government or the Chief Executive Officer) to review each of its delegations at least once each financial year. The review of the Delegated Authority Manual for the last financial year was submitted to the Council meeting held on 21 November 2006 (Item CJ208-11/06 refers).

A report relating to the Town Planning Delegations was presented to Council at its meeting held on 17 July 2007 where Council resolved to adopt the delegation notice to be in effect until 17 July 2009 (Item CJ135-07/07 refers). As a consequence of the recent modifications to the District Planning Scheme No 2 (DPS2), minor amendments are required to the Town Planning Delegations to align with DPS2. These proposed amendments have no impact on the current extent of delegation.

DETAILS

Issues and options considered:

An annual review has been undertaken of the Corporate Delegated Authority Manual. An explanation of the proposed changes is provided on Attachment 1 hereto. The proposed amendment to the delegation relating to Acquisition for the City's Art Collection requires an amendment to be made to Policy 5-3 – The City's Art and Memorabilia Collections – Attachment 3 refers.

The Delegated Authority Manual, with the required revisions marked, forms Attachment 2 to this Report.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.42 of the Local Government Act 1995 provides that:

- (1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in Section 5.43;

* absolute majority required.

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

Section 5.43 of the Local Government Act 1995 provides that:

A local government cannot delegate to a CEO any of the following powers or duties:

- (a) any power or duty that requires a decision of an absolute majority or 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under Sections 5.98, 5.98A, 5.99, 5.99A and 5.100 of the Act;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in Section 9.5;
- (h) any power or duty that requires the approval of the Minister or Governor; or
- (i) such other duties or powers that may be prescribed by the Act.

Section 5.44(1) of the Local Government Act 1995 provides that:

“a CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than the power of delegation.”

Section 5.45(2) of the Local Government Act 1995 provides that:

“Nothing in this Division is to be read as preventing –

- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
- (b) a CEO from performing any of his or her functions by acting through another person.”

Section 5.46(2) of the Local Government Act 1995 provides that:

“at least once every financial year, delegations made under this Division are to be reviewed by the delegator”.

Risk Management considerations:

The failure of the Council to review its delegations within the current financial year would result in non-compliance with its legislative responsibilities under the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Policy implications:

The power to delegate is derived from legislation and also from policies of the Council. For ease of reference, the manual provides details of related policies, where appropriate.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

A report relating to the Town Planning Delegations was presented to Council at its meeting held on 17 July 2007 where Council resolved to adopt the delegation notice to be in effect until 17 July 2009 (Item CJ135-07/07 refers). Recent modifications to the DPS2 necessitate minor amendments to the wording of the Town Planning Delegation, however, this does not have any impact on the delegations themselves.

The Local Government Act 1995 requires each delegator to review its delegations at least once every financial year. Once the Council has completed its review, the Chief Executive Officer will review his delegations and make the necessary amendments.

This review will ensure that the Council has a Delegated Authority Manual that reflects the focus of the Council. This manual will continue to be reviewed, with items submitted to the Council where necessary. An annual review will continue to occur.

ATTACHMENTS

Attachment 1	Explanation of proposed changes
Attachment 2	Required changes to Delegated Authority Manual
Attachment 3	Policy 5-3 – The City's Art and Memorabilia Collections – showing tracked change.

VOTING REQUIREMENTS

Absolute majority.

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY:

- 1 ENDORSES the review of the delegations in accordance with the Local Government Act 1995;**
- 2 AMENDS the Delegated Authority Manual as outlined on Attachment 2 to this Report;**
- 3 AMENDS Policy 5-3 – The City's Art and Memorabilia Collections, as outlined on Attachment 3 to this Report.**

Appendix 1 refers

To access this attachment on electronic document, click here: [attach1brf180907.pdf](#)

**ITEM 3 MINUTES OF EXTERNAL COMMITTEES - [02153]
[41196] [28597]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To submit the minutes of external committees to Council for information.

DETAILS

The following minutes are provided:

- Meeting of Tamala Park Regional Council held 9 August 2007
- Meeting of the Cities of Joondalup and Wanneroo North West Corridor Coordinating Committee held 27 August 2007

ATTACHMENTS

Attachment 1 Minutes of Meeting of Tamala Park Regional Council held 9 August 2007

Attachment 2 Minutes of Meeting of the Cities of Joondalup and Wanneroo North West Corridor Coordinating Committee held 27 August 2007

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Minutes of the:

- 1 Tamala Park Regional Council Meeting held on 9 August 2007 forming Attachment 1 to this Report;**
- 2 Cities of Joondalup and Wanneroo North West Corridor Coordinating Committee held on 27 August 2007 forming Attachment 2 to this Report.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf180907.pdf](#)

ITEM 4 DOG AND HORSE BEACH LOCAL LAW AMENDMENT SUBMISSIONS - [00819]

WARD: South-West

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

PURPOSE/EXECUTIVE SUMMARY

To present public feedback on the proposed amendments to the *Animals Local Law 1999* and to recommend that neither of the proposed amendments be adopted.

In addition, Council are to be provided with a brief synopsis of the consultation process in order to gain insight into the issues the City encountered during this period.

BACKGROUND

A report was presented to Council in April 2007 (*CJ068-04/07* refers), providing details of the options for dealing with overcrowding issues at the Hillarys Animal beach.

Council decided, inter alia, to:

- 1 *REQUEST the preparation of an Amendment to the Animal Local Law to:*
 - (a) *extend the dog beach southwards by approximately 325 metres to the designated beach access path to the Whitford Nodes carpark;*
 - (b) *enforce time restrictions on the horse beach for morning use only by the horse owners allowing the beach to convert to a dog beach after the designated time of 9.00am daily; and*

- 3 *NOTE that in amending a local law it is required that a minimum six week public comment period will occur, following which Council will formally consider submissions about the proposed amended local law prior to making a final decision as to whether, and in what form, the local law should be adopted.*

A local law amendment was subsequently drafted and released for a six-week community consultation period, which closed on 27 July 2007.

DETAILS

To encourage as much feedback on the amendment as possible, a number of strategies for consulting with the community were employed, including:

- Direct mail to residents and ratepayers groups inviting them to make a submission on the matter.
- Direct mail to residents living adjacent to the West Coast Highway, inviting them to make a submission.
- Advertisements in local community newspapers.
- Website facilities, including information on the proposed amendment and an online survey, were advertised for people to make electronic submissions.
- Public notices were placed on the City's website, in all four of the City's libraries and in the two Customer Service Centres at Joondalup and the Whitford City Shopping

Centre. Copies of the survey forms and information on the proposed amendments were available on request at these facilities.

- Signage was erected on affected access points to the beach.
- Survey boxes were installed alongside the signs at the beach, containing feedback forms for people visiting the area to complete on site.

In total, the City received 622 submissions, with the majority obtained electronically via the online survey system. The next most common method was the use of hardcopy survey forms that were provided at the beach. This method was so popular that it was necessary to make arrangements for City Watch Officers to restock survey boxes 2 to 3 times each week throughout the consultation period.

Outcomes of the Consultation

The outcome of the consultation process was as follows:

➤ For the extension of the dog beach:	152
➤ Against the extension of the dog beach:	356
➤ For the restrictions at the horse beach:	31
➤ Against the restrictions at the horse beach:	157

It should be noted that whilst 622 submissions were received in total, some people were commenting on both Amendments, whilst others only commented on one. Therefore the sum of the above figures will be over 622.

Of all of the respondents, 76% were City residents and 24% were from locations outside the City of Joondalup. Such a response demonstrates the considerable regional interest in the animal beach exercise area.

Overall, the highest number of local respondents were from Hillarys, with 35% of all submissions received from this area. This was a positive outcome of the consultation process as it ensured that residents most affected by the proposed amendment were able to have their say.

Common Suggestions/Concerns

The dog beach should be extended north, not south.	8
An additional dog beach should be provided further north.	27
Time restrictions for horses should be extended to noon or beyond.	26
Attracting more users to the beach will create enormous pressures on parking facilities during summer.	9

Issues Arising From the Consultation Process

- A concerned resident highlighted that existing signs on the beach, demarcating the animal exercise area, were incorrectly placed. The City confirmed this and then relocated the signs in accordance with the positions indicated in the current Local Law.

- Signs promoting the consultation period were removed prematurely by contractors and required subsequent replacement.
- Survey forms available at the beach for people to collect, complete and post into the boxes provided were emptied very rapidly, despite City Watch Officers' best efforts to keep them stocked. Up to 100+ copies were distributed three times a week for the duration of the consultation period.
- It was requested that additional signs promoting the consultation be placed along the West Coast Drive and at the horse-float car park, as there were concerns that people might not see the original placed signs.
- Parties contacted prior to the drafting of the proposed amendment were not aware that their involvement would be identified in the Explanatory Memorandum posted on the City's website and there was some consternation about this matter. As a result, changes were made to the Memorandum to address these concerns.
- During the final week of the consultation period, 24 people were unable to use the online survey facility due to technical difficulties and could not be 'counted' in overall submission totals. However, given the overwhelming public response to the proposal, and the significantly larger number against the proposals, the 24 individuals would not have influenced the final outcome of the consultation.
- Individuals contacted the City with concerns that particular groups or organisations were not being directly consulted with in regards to the proposed amendments. As soon as Council Officers were made aware of the existence of particular groups, efforts were made to encourage their participation in the consultation process.
- A number of respondents identified their concerns that the consultation period was being undertaken during the winter months when people are less likely to go to the beach and, as a result, become aware of the consultation process.
- Many individuals voiced concerns about the City's ability to enforce any changes to the *Animals Local Law*, as it was their opinion that current requirements under the law were not adequately policed at present.

Issues and Options Considered:

Option One: Adopt Amendment 1 (Extend dog beach)

This is *not* recommended, given the results of the community feedback.

Option Two: Adopt Amendment 2 (Time restrictions for horse exercise)

This is *not* recommended, given the results of the community feedback.

Option Three: Neither Amendment is adopted

This option *is* recommended, given the results of the community feedback and the diversity of respondents who voted against the introduction of each amendment.

Should Council wish to consider this matter further, it is recommended that a further consultation process with beach users occur over the summer months.

Link to Strategic Plan:

KFA Organisational Development

Strategy 4.3.1 Provide effective and clear community consultation

Legislation – Statutory Provisions:

Section 3.5 of the *Local Government Act 1995* enables local governments to make laws, while section 3.12 outlines the necessary procedures for making them. The City undertook targeted consultation with local beach users in relation to this matter, as they are the ones who will be affected. Should Council wish to proceed with the Local Law Amendment, there will be a need to advertise in the West Australian to comply with legislative requirements.

Clauses 10 and 26 and Schedules 2 and 3 are the relevant sections of the *Animals Local Law 1999* that were proposed to be changed. Should Council decide to proceed with the amendments, the City will implement the procedure for local law making as outlined in section 3.12 of the *Local Government Act 1995*.

Risk Management considerations:

Failure to take note of the substantive feedback from the community, (received from a wide range of groups with diverse interests), may result in considerable local dissatisfaction with the consultation process and reduce the community's trust in local governance.

Financial/Budget Implications:

Should Council decide to adopt the amendments, additional costs will be involved in completing the overall local law amendment process. This may be in the region of some \$2,000.

Policy implications:

Nil.

Regional Significance:

The regional significance of this issue has been substantiated by the 23% of submissions received by the City from outside the area. These people have considerable interest in the future provision of beach animal exercise areas as regional facilities.

Sustainability implications:

The coastal vegetation along Hillarys Beach may be exposed to greater environmental risk should animal traffic be increased in the area. Adopting the amendments will most likely increase beach usage by animals.

Consultation:

The community consultation process is outlined in the details section of the report.

The submissions received have been collated and made available in the Reading Room for Elected Members to consider.

COMMENT

A significant outcome of the consultation process has been the capacity of the community to 'spread the word' about the opportunities to submit comments through their own contacts

and networks. The City acknowledges the contribution of many individuals who have assisted in the success of this consultation process by making sure that everyone who is likely to be affected by a change in the Local Law has had their say.

During the drafting of the proposed amendments, it was noted that the current scheduled maps, demarcating the animal exercise areas, were out-of-date. The maps were amended during the drafting process, however, should Council decide against proceeding with the proposed amendments, then the scheduled maps would remain incorrect. It is therefore recommended that the City commence the process of amending the *Animals Local Law 1999* to ensure that all maps are correctly labelled with the most current reserve and lot numbers. A report will be presented to the Council detailing the proposed amendments prior to commencing the review as required by the Local Government Act 1995.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the outcomes of the public feedback on the Animals Local Law Amendment consultation process;**
- 2 RESOLVES not to progress with the proposed Amendments to extend the dog beach and restrict horse access;**
- 3 AGREES to amend the Animals Local Law 1999 to ensure that all reserve numbers referred to in the document are correct.**

ITEM 5 ADDITIONAL DOG BEACH FOR THE CITY OF JOONDALUP - [00819]

WARD: North, North-Central, Central, South-West and South

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE/EXECUTIVE SUMMARY

This report considers whether any other City beach has the potential to become an additional dog beach. It is concluded that no other beach within the City is ideally placed to be designated a dog beach.

BACKGROUND

At its meeting on 24 April 2007, Council resolved (*CJ068-04/07 refers*), inter alia, to:

“4 *REQUEST the preparation of a report to be considered by Council identifying the potential for an additional Dog Beach within the City of Joondalup.*”

This report addresses the request outlined in the abovementioned recommendation.

The City of Joondalup has 23,000 licensed dogs, with an additional 10,000 estimated to be unlicensed. As such, the City is responsible for the provision of dog exercise areas for some 33,000 dogs. It is understood that the City has the largest number of dogs of any Local Government in Western Australia.

The City currently has 650m of beach set aside for exercising dogs. The view has been expressed that this area is insufficient in light of the large number of dogs registered at the City and the current congestion problems experienced at Hillarys Animal Beach. It should be noted that the local governments of Wanneroo and Cambridge provide 2.5 and 2 kilometres of dog exercise beach areas respectively for their residents.

Suggested amendments to the City’s *Animals Local Law 1999*, to extend the current Animal Beach at Hillarys Beach by approximately 350m and reduce the times at which horses can use the beach, were recently put out for consultation. The results of this consultation are identified within Item 4 – Dog and Horse Beach Local Law Amendment Submissions. Based on the public feedback, this other report recommends that the amendments to the Local Law not be progressed.

DETAILS

Four criteria were identified as essential for the establishment of an additional dog beach. These were:

- Ample car parking facilities
- Limited encumbrance on popular activities (e.g. popular swimming location, kitesurfing, surf lifesaving activities, etc.)
- No geological and tidal limitations (i.e. must be accessible during the day without cliff faces and high tides limiting the beach area)
- Must be a sufficient distance from other dog beach exercise areas (to stop dogs moving along the beach between the two locations and provide a ‘realistic’ alternative)

The table below evaluates City of Joondalup beaches in relation to these criteria.

BEACH	PARKING FACILITIES	POPULAR ACTIVITIES	ENVIRONMENTAL LIMITATIONS	DISTANCE FROM HILLARYS BEACH
Marmion Beach	Clontarf St.: 13 parking bays.	Swimming.	None.	Approximately 3.5 kms.
Sorrento Beach	Sorrento Beach Surf Lifesaving Club: 135 parking bays. Sorrento Beach Redevelopment Area: 94 available bays.	Very popular swimming beach.	None.	Approximately 2kms.
Whitfords Beach	Pinnaroo Point: 121 parking bays. Whitfords Beach: 76 parking bays.	Waterskiing, kitesurfing and swimming.	None.	Approximately 1-1.5 kms.
Mullaloo Beach	Tom Simpson Park: 305 parking bays. Mullaloo Surf Lifesaving Club: 94 parking bays.	Swimming, surf-lifesaving.	None.	Approximately 2.5 kms.
North Mullaloo Beach	West View Blvd: 66 parking bays.	Swimming and surfing.	None.	Approximately 3.5 kms.
Ocean Reef	Key West Drive: 65 parking bays. Shenton Ave. South: 15 parking bays.	Walking, fishing.	Encroaching reef, tide often too high, limited beach access.	Approximately 4 kms.
Iluka	Shenton Ave. North: 42 parking bays.	Walking, fishing.	Encroaching reef, tide often too high, limited beach access.	Approximately 7.5 kms.
Burns Beach	Ocean Parade: 92 parking bays.	Walking, fishing, snorkelling.	Encroaching reef, tide often too high.	Approximately 9 kms.

This table shows that no beach north of the Hillarys Animal beach meets all of the essential criteria. Whitfords Beach is constrained by popular activities and its proximity to the current Animal Beach; Mullaloo and North Mullaloo are constrained by popular activities; while Ocean Reef, Iluka and Burns Beach are constrained by popular activities, environmental limitations and parking to a degree. The southern beaches of Sorrento and Marmion are very popular swimming beaches and too close in proximity to the City of Stirling Castle Street dog beach.

Burns Beach potentially meets the four essential criteria most closely, however, a major constraint is the fact that users of the Jack Kikeros Community Hall occupy many of the parking bays during events staged at the facility. This would significantly reduce the amount of available parking for potential dog beach users, as the Hall is booked for events most days of the year.

Link to Strategic Plan:

Key Focus Area: Organisational Development

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

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not providing an additional dog beach may contribute to current congestion problems at the Hillarys Animal Beach continuing.

Financial/Budget Implications:

Not Applicable.

Policy implications:

Not Applicable.

Regional Significance:

An additional dog beach may well be used by many people from outside the City.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Should the Horse Beach at Hillarys be eventually relocated to the City of Wanneroo, (*CJ068-04/07* refers), it is anticipated that the area will be used to extend the current dog beach facilities north by 160 metres. This should ease some of the congestion problems at Hillarys without the need to provide an additional dog beach.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the report and RESOLVES against introducing an additional dog exercise beach area within the City of Joondalup.

ITEM 6 CITIES FOR CLIMATE PROTECTION PROJECT – DRAFT GREENHOUSE ACTION PLAN 2007-2010 - [00906] [59091]

WARD: All

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

PURPOSE / EXECUTIVE SUMMARY

To present the City of Joondalup draft Greenhouse Action Plan 2007-2010.

The City finalised a Milestone 5 Report in 2006, which completed the initial Cities for Climate Protection (CCP) program. Council received the Milestone 5 report in August 2006 and resolved to proceed with the next stage of the program namely CCP Plus.

In order to progress CCP Plus the City is required to review its Greenhouse Action Plan (GAP), review its progress of past actions and undertake re-inventory processes.

The review of the Greenhouse Action Plan 2003 has been completed. This has resulted in the development of the draft Greenhouse Action Plan 2007–2010.

This report is seeking Council endorsement for the adoption of the revised Greenhouse Gas Action Plan 2007-2010 shown as Attachment 1 to this report.

BACKGROUND

The CCP program is a high profile international program, which has 80% of local governments participating nationally (82% in WA) and 600 local governments worldwide.

The City of Joondalup formally joined the Cities for Climate Protection (CCP) Program on 30 October 1999. The CCP Program is administered by ICLEI-A/NZ – Local Governments for Sustainability in collaboration with the Australian Greenhouse Office – Department of Environment and Heritage. The Program is designed to assist local governments and their communities reduce their greenhouse gas emissions via monitoring and assessing environmentally sustainable initiatives.

The CCP program framework consists of a milestone process for participating local governments to achieve. The City has completed the first stage of the program and has been awarded against all five milestones. The City through its Greenhouse Action Plan 2003 has reduced greenhouse emissions by 8% and this was validated by ICLEI-A/NZ through the Milestone 5 process.

DETAILS

The Council at its meeting in August 2006 resolved that the City would continue with the CCP Program by participating in the CCP Plus program.

CCP Plus will focus on building the City's capacity to broaden, accelerate and strengthen its greenhouse gas emissions reduction program. The CCP Plus Planning and Review stage is an extension of the planning and review that was undertaken in the initial CCP Program. CCP Plus requires the City to undertake a review of its Greenhouse Action Plan and to produce a planning and review report, which will be considered by ICLEI-A/NZ.

This draft City of Joondalup Greenhouse Action Plan 2007 - 2010 (GAP) has been developed to pursue ongoing reduction of greenhouse gasses across the City of Joondalup's corporate and community sectors in line with previous target set by Council in 2002.

The draft GAP fulfils a preliminary part of the CCP Plus Planning stage of the program. The draft GAP will be incorporated into a CCP Plus Planning and Review Report, which will be considered by ICLEI-A/NZ once, all re-inventory (resource consumption data entered into CCP database) and quantification requirements have been met. Following the acceptance of this report by ICLEI-A/NZ the City will be required to continue with its annual quantification and measuring process to assess annual abatement of greenhouse gases. The annual measures are incorporated into the ICLEI-A/NZ National Measures Report.

Issues and options considered:

The Council has the following options:

- 1 ACCEPT the revised Greenhouse Action Plan 2007 – 2010 shown at Attachment 1;
- 2 MODIFY the revised Greenhouse Action Plan 2007 – 2010 shown at Attachment 1;
- 3 REFUSE to accept the revised Greenhouse Action Plan 2007 – 2010 shown at Attachment 1.

Refusal of the Plan will indicate that the Council will not continue its participation in the CCP ICLEI-A/NZ program which would be contrary to the resolution made in August 2006.

Link to Strategic Plan:

The CCP program has provided the City with a structured approach to implement the *Key Focus Area 2: Caring for the Environment* objectives of the City of Joondalup Strategic Plan 2003 – 2008:

2.1: *“To plan and manage our natural resources to ensure environmental sustainability”* and

2.2: *“To manage waste effectively and efficiently in alignment with environmentally sustainable principles”*.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management Considerations:

The key risk associated with continuation of the CCP program relates to the organisation's ability to effectively provide resources for program implementation.

If the City chose to discontinue with the program it:

- risked being identified as a local government not taking adequate steps to reduce greenhouse gas emissions;
- will lose opportunities to receive grants associated with the program e.g. Australian Greenhouse Office, Sustainable Energy Development Office;
- will not have a structure with ongoing professional support and tools from ICLEI-A/NZ to guide it with planning, assessing and reviewing resource efficiency /greenhouse gas reduction measures;

Financial/Budget Implications:

The draft GAP contains actions that will have significant financial consequences. For example the budget for 2007-08 includes funding for the following initiatives:-

- \$45,000 for buildings 2007/08 energy audits
- \$15,000 for community awareness programs
- \$18,000 for Carbon Neutral program

Policy Implications:

Undertaking community and corporate resource efficiency initiatives using the CCP framework enables the City to meet Policy 5.4 – Sustainability objective and strategies.

Regional Significance:

The Cities of Wanneroo and Stirling are participating in the CCP Plus program, which provides regional opportunities for collaborative efforts particularly for undertaking community initiatives.

In 2006-07 a partnership with the neighbouring Cities of Stirling and Wanneroo resulted in a \$28,000 grant being secured to provide a regional eco-business program. The program has resulted in significant greenhouse gas reduction for the community sector, which will be used as abatement in each City's annual measures report for 2006-07.

The Cities of Joondalup and Wanneroo have recently partnered to undertake a feasibility study for solar lighting in the Yellagonga Regional Park and have lodged a funding submission for \$50,000 to undertake this work. These funding opportunities have arisen through participation in CCP Plus.

Sustainability Implications:

Through the CCP program the City has met and will continue to meet its sustainability goals.

Consultation:

Not Applicable.

COMMENT

To ensure continuity and progress of the Cities for Climate protection program the Greenhouse Action Plan 2007-2010 builds on what has been achieved. The Plan will be reviewed annually, updated and reported to Council to ensure the City is meeting its obligations to reduce greenhouse gas emissions and reduce the impact of climate change.

ATTACHMENTS

Attachment 1 Draft City of Joondalup Greenhouse Action Plan 2007 -2010

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council ADOPTS the City of Joondalup Greenhouse Action Plan 2007 – 2010 shown as Attachment 1 to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf180907.pdf](#)

ITEM 7 BRISBANE CITY COUNCIL'S CLIMATE CHANGE REPORT - [12542]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

The purpose of this report is to review Brisbane City Council's Climate Change and Energy Taskforce Report "A Call for Action".

BACKGROUND

At the Council Meeting held on 7 August 2007 the Council resolved:

"That Council requests a report from the Chief Executive Officer to Council on the Brisbane City Council's Climate Change and Energy Taskforce Report "A Call for Action", and if the Brisbane Report can be of use to the City of Joondalup in planning its long term future".

DETAILS

In August 2006 Brisbane City Council (BCC) convened a Climate Change and Energy Taskforce to advise Council in preparing Brisbane for climate change and peak oil.

The taskforce was an independent body comprising:

- Professor Ian Lowe, President of the Australian Conservation Foundation (Chairperson)
- Jim McKnoulty, Chairman of Conics Ltd. and President of Greening Australia
- John McEvory, Managing Director, Peron Group
- Petrice Derrington, Chief Executive Officer, Campus Living (retired from Taskforce)
- Scott Losee, Principal Consultant – Sustainability, Maunsell Australia Pty. Ltd. (replacing Patrice Derrington).

The taskforce report recommended 31 actions across the eight strategy areas of:

- Leadership and Partnering;
- Decision Making;
- Communication and Education;
- Strategic and Land Use Planning;
- Sustainable Transport;
- Preparedness for Change, Emergencies and Surprises;
- Diversification and Conservation of Natural Resources; and
- Research.

This report was submitted to Council and the recommendations debated at a special Council meeting in April 2007. The majority of the recommendations in the report had bipartisan support and were adopted by Council. Seven actions were not adopted. The adopted recommendations were compiled as BCC's "Plan for Action on Climate Change and Energy" and represent the direction BCC will be taking to respond to climate change (Attachment 1 refers).

Issues and options considered:

Brisbane City Council

BCC is the largest local government in the Asia-Pacific region. Its permanent workforce of 6083 employees delivers core local government services such as water and sewerage, public transport, urban management and city administration to a culturally diverse population of almost one million people. Twenty-six councillors and a Lord Mayor govern the operations of Council. During 2005-06, Council managed a budget of almost \$1.5 billion and assets in excess of \$15 billion.

BCC has jurisdiction for the entire metropolitan area of Brisbane and delivers key services that in Western Australia are the responsibility of State Government rather than local government. In addition to its six corporate divisions the BCC has three commercial business units:

- Brisbane CityWorks - is one of Queensland's largest civil construction and maintenance organisations.
- Brisbane Water - provides water and wastewater services to almost one million consumers.
- Brisbane Transport - is the main provider of bus services in the Brisbane region.

Having responsibility for these service areas enables BCC to take stronger and more comprehensive actions for climate change such as water pricing, recycling of wastewater, and provision of public transport services. As a much larger local government it also has more influence and resources to lobby State Government, research environmental issues and encourage and educate the community.

Opportunities for City of Joondalup

The City of Joondalup, while the second largest Council in Western Australia, does not provide many of the services that BCC provides. Responsibility for public transport, water and sewage and large-scale construction, resides with the State Government. Thus a number of the actions within the BCC "Plan for Action on Climate Change and Energy" are not within the jurisdiction of the City of Joondalup to replicate. Of the actions that are within the City's scope, many align with actions that are already being taken or have been planned by the City.

The City is in the process of finalising and adopting two key environmental documents: the Draft Environment Plan 2007 – 2011 and the Draft Greenhouse Action Plan 2007 – 2010. The Environment Plan provides an overarching framework for the City's environmental strategies and actions to ensure environmentally sustainable management of its natural assets. The Greenhouse Action Plan provides specific direction for reducing the City's greenhouse gas emissions and includes actions for both the corporate and community sectors. These two Plans address many of the issues presented in the BCC Plan for Action.

A preliminary assessment of actions within the BCC Plan for Action has been undertaken. The table below provides a summary of what actions are not within the City's power to replicate, are already covered or partly covered in either the Draft Environment Plan (EP) or Draft Greenhouse Action Plan (GAP), or are not covered in either of these plans.

Not within City's power	3, 15, 21, 27, 28, 29
Covered or partly covered in EP, GAP or other policy or plan (developed or proposed)	1, 2, 4, 5, 7, 8, 10, 11, 12, 13, 16, 18, 19, 31
Not covered	6, 22, 23, 30

The majority of the actions identified as being within the City's power but not currently covered in the City's existing plans relate to increasing the City's ability to adapt to likely climate changes. The International Council for Local Environmental Initiatives (ICLEI) has recently identified that while many local governments have devoted significant time and resources to reducing greenhouse gas emissions, they have only recently begun efforts to adapt infrastructure or internal risk management systems in preparation for climate change.

In recognition of this ICLEI launched the Cities for Climate Protection (CCP) Adaptation Initiative in May 2007. ICLEI is soon to commence the piloting of this initiative with a small number of Australian local governments. As with all CCP programs this will involve the development of tools and resources. As a participant in the CCP Plus program the City will remain cognisant of the Adaptation Initiative, its progress and outcomes, in order to improve its own actions in this regard. The City will consider participation in the Adaptation Initiative when it becomes available.

The BCC Plan for Action (as well as relevant plans and strategies from other Australian local governments) can provide an important source of information, for the City, when developing specific projects as part of its implementation of the Environment Plan and Greenhouse Action Plan.

Link to Strategic Plan:

Key Focus Area: Caring for the Environment

Objective 2.1 To plan and manage our resources to ensure environmental sustainability.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

For the City to undertake a similar project using an independent and external taskforce would have considerable financial implications.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

The implementation of the Environment Plan 2007 – 2011 and the Greenhouse Action Plan 2007 - 2010 will have a significant impact on the sustainability of the Joondalup environment.

Consultation:

Not Applicable.

COMMENT

Brisbane City Council's Climate and Energy Taskforce Report is a comprehensive report that assesses Brisbane's vulnerabilities to climate change and provides a strategy and recommendations for responding to the climate change threat.

In Western Australia, many of the issues covered in BCC's Climate and Energy Taskforce Report are the responsibility of State Government rather than local government. The City has already undertaken significant planning for the environment, within the scope of its responsibilities, through the Draft Environment Plan and Draft Greenhouse Action Plan.

ATTACHMENTS

Attachment 1 Brisbane's Plan for Action on Climate Change and Energy

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the report on Brisbane's Plan for Action on Climate Change and Energy forming Attachment 1 to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf180907.pdf](#)

ITEM 8 PUBLIC ACCESS METRO WI-FI NETWORK FOR JOONDALUP CITY CENTRE - [50587]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To explore the merit of a public access Wi-Fi network for the Joondalup City Centre and outline possible options of providing such a network.

EXECUTIVE SUMMARY

The City was approached, through the Joondalup Stakeholders Group, by the Joondalup Business Association to assess the possibility of establishing a public access metro Wi-Fi network for the Joondalup City Centre.

A metro Wi-Fi network is cost-effective communications infrastructure typically provided over a specific geographical area, such as a City Centre. A metro Wi-Fi network typically provides an alternate method of connecting to the Internet where traditional networks (such as fibre optic, ADSL and ISDN) are not available.

There are various drivers, models and revenue streams that support metro Wi-Fi networks. However, these networks typically include some form of Government subsidisation to support the geographical area they service. Several networks are currently known in the Perth metropolitan area, which include St Georges Terrace, Western St Georges Terrace and City of Fremantle.

This report recommends pursuing a metro Wi-Fi network across the Joondalup City Centre by calling for Expressions of Interest (EOI) from suitable service providers. This EOI will require providers to specify how they will:

- Supply, install and maintain a Wi-Fi network across the Joondalup City Centre, which initially prioritises service delivery to the Central Business District
- Provide a free basic Wi-Fi service delivery and provide the City with costing information for subsidisation purposes
- Provide a high performing Wi-Fi service based on a user-pays model
- Provide a plan for growing the network to other precincts across the City Centre (e.g. Joondalup Business Park, Joondalup Learning Precinct, City North Precinct, etc)

This report also acknowledges that there is no allocation in the 2007/08 budget to fund a Wi-Fi network for the City Centre. As a result the EOI process will clearly indicate that providers would be expected to meet all infrastructure and operational costs associated with the network.

BACKGROUND

The City was approached, through the Joondalup Stakeholders Group, by the Joondalup Business Association to assess the possibility of establishing a public access metro Wi-Fi network for the Joondalup City Centre. This enquiry was initiated through an article on a similar network in the WA Business News (Attachment 1 refers).

DETAILS

A metro Wi-Fi network is cost-effective communications infrastructure typically provided over a specific geographical area, such as a City Centre. It can be designed to allow both public and/or secured private communications. There are many applications for this type of infrastructure, however it is most commonly used to provide an alternate method of connecting to the Internet where traditional methods are not available. Traditional methods include fibre optic and phone-line based connections such as ADSL and ISDN.

There are many drivers for a metro Wi-Fi network. Typically these include one or more of the following:

- Low-cost broadband internet access
- Alternate broadband internet access to areas with no coverage through traditional methods
- Redundancy for mainstream broadband internet networks
- Differentiation of an area to support investment & business attraction strategies
- Cost minimisation for local government functions
- Digital inclusion – i.e. providing access specifically for low socio-economic households and/or small businesses
- Dedicated private networks
- Ad-hoc short-term access

The value of wireless communications infrastructure can be somewhat abstract and therefore hard to assess. However, value can be demonstrated through some of the common applications. The following applications have been sourced from relevant international and domestic case studies:

Government

- Wireless remote CCTV monitoring
- Wireless parking station monitoring
- Real-time access to business systems such as Proclaim for officers in the field – Rangers, Parking Inspectors, Planning and Approvals Officers and Engineers
- As part of Investment and Industry attraction strategy

Business

- Low-cost/Free broadband access
- Roaming broadband Internet Access across the geographic area
- Voice over IP and Mobile Voice over IP telephone calls
- Short-term broadband Internet access

Public

- Ad-hoc free/low-cost broadband internet access for visitors (this has often been bundled with advertising of local tourism attractions)
- Ad-hoc broadband internet access supporting cafés, parks and hospitality precincts
- Voice over IP and Mobile-based Voice over IP telephone calls

Potential Business Models

There are various business models that exist to implement a metro Wi-Fi network. These have typically involved varying degrees of participation by the residing local government authority. Broadly there are four main models, which include:

1. Privately owned
2. Non-profit owned (local cooperative through an incorporated body)
3. City owned and privately operated
4. City owned and operated

These generic models provide varying degrees of risk and flexibility. The opportunities to value add the service from the local government's perspective becomes less with less ownership or involvement. There is also a range of revenue models that tend to underpin public access Wi-Fi networks. These typically include one or more of the following:

- Subscription-based – Users subscribe for extended periods of access
- Ad-hoc Pay-per use – Access is available on demand and is charged on short periods of use. Typically this type of payment model is found in café strips and airport check-in lounges.
- Free access (partial) – A low-performing free service with options for higher performing pay-per use services. Free services are typically partially or fully subsidised by public funds through a sponsorship arrangement.
- Free access (full) – This is provided as a community service to support visitors, local businesses and the community. This service relies on total subsidisation by advertising and/or public funds.

Given the various ownership models and applications it is not uncommon for metro Wi-Fi networks to incorporate various review streams.

Wireless networks in Joondalup

Within the City of Joondalup there are several organisations that are known to currently provide public access or private broadband wireless networks. These include:

1. Edith Cowan University – Private broadband Internet access for campus staff and students. This has also been extended to the WA Police Academy to provide similar access to their staff and recruits.
2. West Coast TAFE – Private broadband Internet access similar to ECU. TAFE are currently liaising with ECU to merge the network into one signal wireless network. This will allow students to maintain Internet access across the whole Joondalup Learning Precinct
3. iWireless - Public broadband Internet providers that provide a subscription-basis service to areas within Sorrento, Marmion, Hillarys.
4. Assorted businesses – There are a range of businesses that currently offer wireless access to their clients. These typically include restaurants and hotels such as the Joondalup Resort.
5. Ocean Broadband - A new Wi-Fi service currently being released in the suburbs of Greenwood, Heathridge and Duncraig to address localised broadband access issues.

Public Access Wi-Fi Networks: Perth Metropolitan area

Within the Perth Metropolitan area there are three significant networks that are known. These include:

- **MetroMesh (Perth)** – This network is centred on St Georges Terrace and provides ad-hoc short-term and longer-term access to broadband Internet on a pre-paid basis.
- **ResourcesNet** – Provided as a free service with options to upgrade to higher performing services. This network is targeted at the western end of St Georges Terrace (known as the Resources Quadrant) and is subsidised by a collaborative of resources companies.

- **MetroMesh (Fremantle)** – This network is scheduled for release over the next month. The service will be provided as a free service for the initial 6 months through a sponsorship arrangement with the Fremantle City Council. After the initial 6 months the network will revert to ad-hoc short-term and longer-term access on a pre-paid basis. This follows the other MetroMesh service model in Perth CBD. All infrastructure required for the network was provided at no cost to the Fremantle City Council. The only support provided was the access to space on public infrastructure and buildings where necessary.

All the above Metro Wi-Fi networks were installed by aCure Technologies Pty Ltd under the MetroMesh brand. Ongoing support and servicing for users of the network is provided by aCure. This company maintains ownership of the networks with the revenue driven by subscriptions. All infrastructure maintenance is also carried out by aCure. For additional information on the MetroMesh service please refer to Attachment 2.

Issues and options considered:

Council could:

- Agree to progress the idea of a Wi-Fi network; or
- Reject the idea of progressing a Wi-Fi network.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

There are no financial implications associated with seeking Expressions of Interest.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Preferred Model

The optimum model for a metro Wi-Fi network for the Joondalup City Centre would be to follow that used in the City of Fremantle. This would involve a low-grade free access service and a high-grade user-pays service. The service provision would initially focus on the Central Business District and based on demand would grow to other districts in the City Centre.

The Fremantle model is ideal as it provides the service with no upfront installation expenditure for the City and eliminates the need for any ongoing servicing of network users or maintenance of infrastructure. The City is effectively at arms length to the service and only stands to benefit from supporting its availability.

In terms of service provision it would be in the City's interests if a free access Wi-Fi network were available within the City Centre. This would support access by visitors and ad-hoc users in areas such as cafes, restaurants and parks. It would also differentiate the City Centre from other outer metropolitan Cities in Perth. This approach however would require some form of subsidisation, which may involve City funds but can also be supported by contributions from other sources. These may include local business associations, Joondalup Learning Precinct partners and private sector sponsorship.

To ensure the needs of long-term and high-volume users are also provided for, it would be relevant for the Wi-Fi network to incorporate a user-pays service. This would be a higher performing service based on a subscription model between the network user and the service provider. The opportunity to generate revenue in this way also provides an incentive for prospective service providers to invest in the required infrastructure.

Expression of Interest

In order to pursue a Wi-Fi network for the City Centre it is considered prudent for the City to call for expressions of interest (EOI) from suitable service providers. This EOI would be based on the preferred model highlighted above.

The EOI is intended as a mechanism for the City to attract the service to the area. It is not the intention for the City to pay for its installation or be responsible for its delivery. Furthermore there is no allocation in the 2007/08 budget to fund a Wi-Fi network for the City Centre. As a result the EOI process will clearly indicate that providers would be expected to meet all infrastructure and operational costs associated with the network.

However, the EOI would require service providers to indicate the cost of subsidising the free access service. The City would then be in a position to decide how this subsidisation could be structured with or without other relevant Joondalup stakeholders.

It is also noteworthy that no planning approvals were deemed necessary by the City of Fremantle for the required infrastructure due to its low visual impact.

ATTACHMENTS

Attachment 1	Miners back free Internet service in Perth CBD
Attachment 2	MetroMesh (Perth) Information Pack

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 NOTES the various models for a Metro Wi-Fi network for the City Centre;**
- 2 ENDORSES the call for Expressions of Interest in the provision of a Metro Wi-Fi Network for the City Centre, following the preferred model highlighted in this Report.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf180907.pdf](#)

ITEM 9 TENDER 037-06/07 PROVISION OF ORACLE DATABASE AND UNIX ADMINISTRATION SUPPORT SERVICES - [80601]

WARD: All

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

PURPOSE

This report is to seek approval of Council to accept the tender submitted by Integranet Technology Group Pty Ltd for the provision of Oracle database and Unix administration support services (Tender 037-06/07).

EXECUTIVE SUMMARY

Tenders were advertised on Wednesday, 27 June 2007 through statewide public notice for the provision of Oracle database and Unix administration support services. Tenders closed on Thursday, 12 July 2007 and three submissions were received from:

- Integranet Technology Group Pty Ltd;
- Total Risc Technology Pty Ltd; and
- On-Call DBA.

On-Call DBA were considered non-compliant as they did not meet two elements of the specification; the City's required response times and the provision of Oracle applications and Unix hardware ad hoc support. Total Risc Technology Pty Ltd did not demonstrate sufficient experience in Oracle support services, a critical component of the Contract, whereas Integranet Technology Group Pty Ltd clearly demonstrated a thorough understanding of the City's requirements and their staff are well-experienced in providing both Unix and Oracle support services and are therefore recommended.

It is recommended that Council:

“ACCEPTS the tender submitted from Integranet Technology Group Pty Ltd for the provision of Oracle database and Unix administration support services in accordance with the requirements as stated in Tender 037-06/07 for \$264,840 for the fixed monthly maintenance component and the Schedule of Rates for the provision of ad hoc services for a three (3) year period with provision for the service requirements to be reduced or ceased prior to the three year term at the discretion of the City.”

BACKGROUND

Two (2) of the City's corporate information systems, Oracle Applications and the Records Management System (RMS), store their data within Oracle databases that reside on computers running the Unix operating system. These databases contain the City's vital financial and operational information as well as corporate documents and correspondence. To ensure that these corporate systems continue to operate effectively, ongoing monitoring and maintenance of those underlying databases is required.

As well as the ongoing monitoring and preventative maintenance, there is also a need from time to time for ad hoc services such as applying maintenance fixes, assisting in troubleshooting the computer applications that use the databases, and other system support tasks.

This requires appropriately qualified technical resources. The City has limited internal capability to perform this work to the required level and seeks an appropriate external service provider.

DETAILS

Tenders were advertised on Wednesday, 27 June 2007 through statewide public notice for the provision of Oracle database and Unix administration support services. Tenders closed on Thursday, 12 July 2007 and three submissions were received from:

- Integranet Technology Group Pty Ltd;
- Total Risc Technology Pty Ltd; and
- On-Call DBA.

The fee component of the tender required a response in two parts. The first, a fixed monthly maintenance fee to provide specified monitoring and preventative maintenance for Oracle and Unix. The second, a schedule of rates for the provision of ad hoc services on an as required basis.

The evaluation panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner, and concluded the Offer representing best value to the City is that submitted by Integranet Technology Group Pty Ltd.

Integranet Technology Group Pty Ltd (ITG) demonstrated a thorough understanding of the City's requirements, with particular reference to meeting the required response times and providing a pro-active approach to service delivery. Their staff are well-experienced in Unix and Oracle database administration services and the nominated sub-contractor for Oracle application support, Delexian, should be sufficient for the City's requirements for this component of the Contract. The tendered fixed fee to provide the specified services that are proposed to be accepted (two of the services included in the tender are now intended to be done inhouse) was \$264,840 over three years. A schedule of hourly rates was provided for the provision of ad hoc services.

Total Risc Technology Pty Ltd have substantial experience in Unix administration support and demonstrated sufficient I.T. service management processes, but did not demonstrate adequate experience in the provision of Oracle support. Only one member of staff had demonstrated experience in this area, and for such a critical component of the services, this is considered insufficient. The tendered fixed fee to provide the same specified services as proposed to be accepted from ITG was \$214,560. In addition to the factors described above the hourly rate for ad hoc services from Total Risc Technology Pty Ltd was substantially greater than for the other respondents.

On-call DBA did not comply with the Specification, as they would not agree to meet the City's nominated response times and other requirements. They were however considered further and their responses to the qualitative criteria were evaluated. They did not demonstrate adequate I.T. service management processes and their offer only provided for Oracle technical support services and Unix system administration support services, but did not include any applications support or Unix hardware support. These were defined requirements within the specification and therefore On-call DBA was not considered further.

Based on previous experience with key personnel nominated by ITG to undertake the City's requirements, the City is confident that ITG can deliver the services in a cost-effective and reliable manner whilst providing added value services.

Issues and options considered:

Should the Contract not proceed the risk to the City will be high as without these services the City runs the risk of systems failure and outages across the core systems of financial management, purchasing, records and assets.

Link to Strategic Plan:

3. City Development.

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

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

4. Organisational Development.

Objective 4.2 To provide quality services with the best use of resources.

Strategy 4.2.1 Provide efficient and effective service delivery.

Legislation – Statutory Provisions:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders up to \$250,000.

Risk Management considerations:

It is considered that awarding the contract to the recommended Respondent will represent a low risk to the City based on their experienced personnel and previous satisfactory performance in providing services of a similar nature.

Financial/Budget Implications:

The new tender is at a slightly lower cost than the previous expired contract, however, the City is currently undertaking a replacement programme to upgrade several corporate systems that will progressively remove the requirement for these services. The Contract has been set up to cater for this and it is likely that it will not run for the full three-year period. If the replacement programme is completed over the next eighteen months as planned then the Contract value may be reduced by up to 50%.

The City has sufficient allocated funds in its I.T. Management operations budget for this appointment to proceed. During the 2006/07 financial year, the City incurred \$151,910.00 (ex GST) for the provision of Oracle database and Unix administration support services for both the fixed component and for the provision of ad hoc services.

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

Policy implications:

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

The successful Respondent Integranet Technology Group Pty Ltd is a West Australian company located in West Perth.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The offer representing best value to the City is that submitted by Integranet Technology Group Pty Ltd at the offered schedule of rates for a period of three (3) years.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the tender submitted from Integranet Technology Group Pty Ltd for the provision of Oracle database and Unix administration support services in accordance with the requirements as stated in Tender 037-06/07 for \$264,840 for the fixed monthly maintenance component and the Schedule of Rates for the provision of ad hoc services for a three (3) year period with provision for the service requirements to be reduced or ceased prior to the three year term at the discretion of the City.

ITEM 10 LIST OF PAYMENTS MADE DURING THE MONTH OF AUGUST 2007 - [09882]

WARD: All

RESPONSIBLE: Mr Mike Tidy
DIRECTOR: Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of August 2007 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of August 2007, totalling \$7,052,487.23.

It is recommended that Council NOTES the CEO's list of accounts for August 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$7,052,487.23.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of August 2007. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 79449 - 79667 EFT 12660 - 13048 Net of cancelled payments	\$4,536,052.83
	Vouchers 298A , 300A & 302A – 308A	\$2,385,714.40
Trust Account	Cheques 201547 - 201596 Net of cancelled payments	\$130,720.00
Total		\$7,052,487.23

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 or approved in advance by Council.

Policy Implications:

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

Sustainability Implications:

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

Consultation:

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

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2007/08 Annual Budget as adopted by Council at its meeting of 3 July 2007, or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A	CEO's Delegated Municipal Payment List for the month of August 2007
Attachment B	CEO's Delegated Trust Payment List for the month of August 2007
Attachment C	Municipal and Trust Fund Vouchers for the month of August 2007

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the CEO's list of accounts for August 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$7,052,487.23.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf180907.pdf](#)

ITEM 11 USE OF DIFFERENTIAL RATING TO DISCOURAGE THE HOLDING OF UNDEVELOPED LAND - [21458]

WARD: All

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

PURPOSE

For the Council to consider the application of differential rating in order to discourage the private holding of land in an undeveloped state for extended periods of time in the Joondalup CBD and residential areas of the City.

EXECUTIVE SUMMARY

Council resolved at its meeting on 19 June 2007 to request the Chief Executive Officer to prepare a report on the options available to the City to use the differential rating provisions of the Local Government Act 1995 (the Act) as a means to discourage the private holding of land in an undeveloped state for extended periods of time in the Joondalup CBD and residential areas of the City.

The differential rating provisions of the Act are set out in Section 6.33. There are a variety of different grounds on which differential rating could be applied including whether or not land is vacant. The provisions, however, only take account of whether land is vacant or not and there is no ability to take account of the length of time that it has been vacant or owned by a particular owner. As an example therefore, the City cannot rate differently, land that has been owned and vacant for ten years as opposed to land that has been owned and vacant for six months.

It is recommended that Council not support differential rating being used to separately rate undeveloped land as a means of discouraging the holding of land in an undeveloped state for extended periods of time.

BACKGROUND

At its meeting of 19 June 2007 Council resolved -

“That Council REQUESTS the Chief Executive Officer to prepare a report on the options available to the City to apply the differential rating provisions of the Local Government Act 1995 (as amended) as a means to discourage the private holding of land in an undeveloped state for extended periods of time in the Joondalup CBD and residential areas of the City.”

The issue of encouraging and promoting development within the City, in particular within the Joondalup CBD, and subdivided land that has been vacant for extended periods of time has been raised at a number of Council forums in recent times. Part of the discussion has been about how the development of vacant land can be encouraged as well as how the holding of vacant land in an undeveloped state for long periods can be actively discouraged.

DETAILS

Issues and options considered:

At the time of rate billing for the 2007/08 financial year there were 1,713 vacant properties within the City of Joondalup. Of these the vast majority are residential although in some areas such as the CBD there is potential for some lots to be either residential or commercial. Commercial and industrial lots only account for about 35 of those vacant lots depending on what form some lots may ultimately be developed as. In relation to the industrial lots they are all located within the Winton Road light industrial area. In the case of commercial vacant lots, while the largest concentration is in Joondalup there are other vacant commercial lots in Warwick, Currabine, Duncraig and Ocean Reef.

As indicated the Act, under Section 6.33, sets out the basis on which a local government may impose differential general rates and reads as follows -

6.33 *Differential general rates*

- (1) *A local government may impose differential general rates according to any, or a combination, of the following characteristics -*
 - (a) *the purpose for which the land is zoned under a local planning scheme in force under the Planning and Development Act 2005;*
 - (b) *the predominant purpose for which the land is held or used as determined by the local government;*
 - (c) *whether or not the land is vacant land; or*
 - (d) *any other characteristic or combination of characteristics prescribed.*
- (2) *Regulations may —*
 - (a) *specify the characteristics under subsection (1) which a local government is to use; or*
 - (b) *limit the characteristics under subsection (1) which a local government is permitted to use.*
- (3) *In imposing a differential general rate a local government is not to, without the approval of the Minister, impose a differential general rate which is more than twice the lowest differential general rate imposed by it.*
- (4) *If during a financial year, the characteristics of any land which form the basis for the imposition of a differential general rate have changed, the local government is not to, on account of that change, amend the assessment of rates payable on that land in respect of that financial year but this subsection does not apply in any case where section 6.40(1)(a) applies.*

It should be noted that although section 6.33 makes reference to the possibility of regulations there have been no regulations made in relation to the application and use of differential rating.

The provisions in relation to differential rating as specified in sub-section (1) offer a variety of characteristics by which differential rates may be imposed one of which is vacant land. All of

these characteristics are based on land usage whether it be, actual usage, intended usage or predominant usage. There are no characteristics in the differential rating provisions that allow the City to differentially rate on the basis of tenure or the length of time that land has been owned or has been retained in a particular state.

In essence, if the City considered a differential rate to separately rate vacant land then it would apply to all vacant land regardless of whether it came into existence six months ago or ten years ago and regardless of how long the owner has held it.

Residential Vacant Land

A more detailed examination of the 1,713 vacant properties identified approximately 1,678 that could be classified as residential. Some of these are located in the Joondalup CBD and have a potential for commercial use as well but for the sake of this exercise they have been deemed to be residential. Of these residential properties 998 or almost 60% are located within new subdivisions in Burns Beach, Hillarys and Iluka. Joondalup, Ocean Reef and Sorrento account for another 282 properties or 16%. The remaining vacant land is scattered across the remaining suburbs of the City.

If a differential rate were to be levied to discourage people from holding on to vacant residential land it would need to be reasonably significant to act as a deterrent. The difficulty with vacant residential land is that as indicated 60% of it is made up of new subdivisions in Burns Beach, Hillarys and Iluka. These are the higher valued areas of the City and this is reflected in the Gross Rental Valuations (GRV's) used for rating purposes. The overall average GRV across the City, for both developed and vacant land, is approximately \$10,138. The average of the GRV's for the 1,678 nominally residential properties is \$13,822. Even though they are undeveloped and vacant only 208 lots out of the 1,678 are minimum rated. Many of the vacant lots are rated well in excess of what the average rates for a developed residential block are rated at.

If a differential was to be applied there are two basic ways that this could be done.

One would be to charge rates at the same rate in the dollar, but charge a higher minimum for vacant land. The downside of this is that increasing the minimum does not apply the same penalty equally to all properties. If the minimum was set at \$1,000, a property currently rated at \$700 receives a \$300 penalty while a property currently rated at \$950 experiences a penalty of only \$50. As mentioned only 208 of the properties are currently on the minimum and even if the minimum was increased by 50% this would still only increase the number on the minimum to 934, ie 744 properties would see no change after a 50% increase in the minimum.

The other way to apply a differential is to set a different rate in the dollar. This could either be done while keeping the minimum the same as for developed residential land or alternatively the minimum could also be increased. There is no definitive methodology for determining what the amount of any differential would need to be to act as a deterrent to holding land in a vacant state. It is quite arbitrary and what will be a deterrent for some will have little impact on others. This is particularly the case with residential properties where the financial considerations of a private owner are more about personal preferences and desires rather than hard economic or financial justification.

It could well be argued that for genuine home builders who buy a block and subsequently build on it one, two or even three years later, any increase in the rates for vacant land is not going to make any significant difference to that situation. A higher differential rate is not going to increase the speed with which the house is constructed. It could be that the only deterrent impact is likely to be on those owners of vacant land who have no immediate intention of developing the property. As previously mentioned the bulk of the undeveloped vacant land, almost 60%, is due to three areas of major subdivision. While there are probably

some land buyers within those areas that do not have immediate intentions of development the vast majority probably do and therefore a differential rate is not going to have a significant impact on the vast majority of the amount of vacant land.

Amongst the vacant land there are still some large lots, particularly in Burns Beach, which are part of the original broad acre holdings and have slowly reduced in size as they have been subdivided. Again, a higher differential on these lots is unlikely to have a significant impact on the developer who will ultimately be recovering all of his costs through future subdivisions.

Commercial/Industrial Vacant Land

Separate from the vacant properties that are essentially residential in nature are the 35 vacant properties in the industrial area bounded by Winton Road and in the commercial areas of the Joondalup CBD, Warwick, Currambine, Duncraig and Ocean Reef. Because these are generally far bigger than residential lots, they naturally have a higher than average GRV. The key comparison however is not to compare these to the average of the GRV across the City but to the GRV of comparative developed commercial and industrial land.

Davidson Terrace, in the Joondalup CBD, presents some good examples. The table below compares four vacant properties in Davidson Terrace to three other properties in Davidson Terrace that are developed. In each case the table shows the land area, the GRV and the 2007/08 rates.

Comparison of Joondalup CBD Properties

	Property	Area	GRV	No of Units	Rates
	Vacant				
53	Davidson Tce	1,438	\$19,000		\$1,476
35	Davidson Tce	1,334	\$17,750		\$1,379
27	Davidson Tce	1,102	\$15,000		\$1,165
30	Davidson Tce	1,277	\$17,750		\$1,379
	Developed				
52	Davidson Tce	1,162	\$333,500	12	\$25,902
47	Davidson Tce	1,277	\$93,900	4	\$7,293
43	Davidson Tce	1,276	\$94,600	1	\$7,347

In relation to these properties there is a significant difference between the GRV for undeveloped land and the GRV for developed land. While 52 Davidson Terrace is a multi storey development, 47 and 43 are only ground level developments and even these dramatically increase the GRV and the amount of rates generated. The undeveloped vacant land has only a moderately higher GRV than the undeveloped residential land of \$13,822 referred to previously. Of the lots that could be identified as commercial or industrial of which there were 35 used for analysis, the average GRV is \$15,820.

Unlike the situation for residential land, the GRV for commercial and industrial vacant land is generally well below the GRV for developed land. There could be a significant differential applied to vacant industrial or commercial land and it would still be rated at less than if it were developed. Again there is the question of whether this would actually act as a deterrent to holding land in an undeveloped state. Unlike the residential situation there are no major new subdivisions of industrial or commercial land and the current properties have in many cases been in existence for quite a number of years already.

It is also more likely that the nature of the decision making process by the owner as to whether to develop or not develop a commercial or industrial piece of land is different to that for the individual owner of residential land. In the case of commercial and industrial land it will be very much driven by commercial analysis and considerations of the relative costs of holding the land as undeveloped land versus the costs of developing. In these cases a differential that penalised the holding of vacant undeveloped land may well have an influence. On the other hand, a development that is driven by the necessity to offset holding costs such as a differential rate may not result in the best development outcome. It could be argued that the Joondalup CBD is already suffering from developments that were more driven by the requirement to meet short-term purchase covenants rather than achieving a long-term substantive development.

What Others are Doing

Despite the provisions of the Act setting out extensive requirements for differential rating, there are very few local governments that are applying it in any significant way. One of the biggest difficulties has been arriving at cogent arguments as to why a differential should be the amount that it is proposed to be. While it has been possible to articulate the philosophy of why there should be a differential, justifying the amount of it has proved particularly difficult.

In terms of local governments using a differential rate to encourage the development of undeveloped vacant land there is at least one instance of this having been used in the past. In that particular instance there was no shortage of willing developers. It was just that they didn't own land that they could develop and the existing property owners who were holding land in an undeveloped state wouldn't develop it and wouldn't sell to somebody who would. In that particular situation a differential was used to charge a higher rate to either encourage the current owner to develop or as an alternative, to encourage them to sell to another person who was prepared to develop it. This situation does not appear to exist within the Joondalup CBD or the industrial area. Broadly speaking there is vacant land in the market place if there is a developer that has a development idea they wish to pursue.

A differential rate is a big stick approach and is unlikely to work on its own. It is more likely to work in a situation where not only are property owners being encouraged not to sit on undeveloped vacant land but there is also a ready and willing supply of developers who would undertake developments if they could acquire vacant land. This situation does not exist in the Joondalup CBD or industrial area.

Link to Strategic Plan:

The City of Joondalup has well-maintained assets and built environment.

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

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.

The City of Joondalup recognises the changing demographic needs of the community.

3.3 To continue to meet changing demographic needs.

The City of Joondalup is recognised for investment and business development opportunities.

3.5 To provide and maintain sustainable economic development.

Legislation – Statutory Provisions:

Section 6.33 of the Local Government Act 1995 applies in relation to the application of differential and general rates.

Risk Management considerations:

If a differential rate were going to be applied then there would need to be careful thought given to what the potential outcomes might be particularly in relation to the Joondalup CBD. It might result in development but will it be development that the City really wants.

Financial/Budget Implications:

If a differential rate were applied this would result in additional revenue so there are no negative financial or budget implications. The application of differential rating does impose some statutory obligations in terms of setting differentials, advertising etc, which can potentially extend the budget process.

Policy implications:

Not Applicable.

Regional Significance:

The City of Joondalup strives to be a regional hub and in particular the Joondalup CBD is seen as the second CBD to Perth but there are potential consequences if a differential rate is applied that has a negative impact on development and detracts from the regional significance of the Joondalup CBD.

Sustainability Implications:

Additional development particularly in the Joondalup CBD would have a flow on effect leading to increased activity that would generate economic benefits and improve the sustainability of new and existing businesses alike.

Consultation:

Not Applicable.

COMMENT

While the motives for wanting to encourage development in the City of Joondalup and to discourage property owners from holding land in an undeveloped state for extended periods of time are supported and understood the use of differential rating is unlikely to have a significant positive impact. A differential rate would act as a big stick approach and it cannot be targeted at the real problem being those that have no real intention of developing their land holding. It will penalise all owners of vacant land regardless of their intentions or the length of time that they have owned it or it has been vacant.

While it may well be the case that property owners are able to hold on to vacant undeveloped land because the holding costs are relatively low, it is also the case that without significant opportunities/potential, simply increasing their holding costs alone will not drive them to do the kinds of developments that the City really wants to see undertaken. In a worst case scenario a differential rate could potentially have a negative impact if the response was a very basic short-term development designed, simply to relieve the impact of financial holding costs that have been increased by the application of a differential rate.

Differential rating is therefore not a recommended course of action.

ATTACHMENTS

Not Applicable.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOT support differential rating being used to separately rate undeveloped land as a means of discouraging the holding of land in an undeveloped state for extended periods of time.

ITEM 12 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 16 AUGUST 2007 – [74574]

WARD: All

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

PURPOSE

To submit the minutes of the Chief Executive Officer Performance Review Committee meeting to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Chief Executive Officer Performance Review Committee was held on 16 August 2007.

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

- | | |
|--------|----------------------------------------------------------------------------------------------------------|
| Item 1 | Preliminary Discussions with Consultant, setting of formal interview date with CEO and revised timetable |
| Item 2 | Process for review of the CEO'S Key Performance Indicators |

It is recommended that Council NOTES the unconfirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 16 August 2007, forming Attachment 1 to this Report.

BACKGROUND

The Chief Executive Officer Performance Review Committee is formed for the purpose of conducting the annual performance reviews of the CEO in accordance with the following terms of reference:

- (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;*
- (e) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*

- (f) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.*

The CEO's annual performance review is required to be undertaken in August of each year or as soon thereafter as is possible. The 2007 review is currently underway.

DETAILS

Issues and options considered:

The Motion carried at the Chief Executive Officer Performance Review Committee meeting held on 16 August 2007 is shown below, together with officer's comments.

Item 1 - Preliminary Discussions with Consultant, setting of formal interview date with CEO and revised timetable and Item 2 - Process for review of the CEO'S Key Performance Indicators

Items 1 and 2 were considered together.

The following motion was carried at the Committee meeting on 16 August 2007:

"That the CEO Performance Review Committee:

- 1 *NOTES the discussions with John Phillips from Workplace Solutions as the consultant appointed to assist the Committee with the CEO's Performance Review;*
- 2 *SETS Thursday 27 September 2007 at 5 pm as the date and time for the conduct of the formal performance interview with the CEO;*
- 3 *ENDORSES the revised timetable for the performance review of the CEO, with the following changes:*

9	<i>Committee meets to consider CEO Report and form consensus view on performance</i>	<i>Monday 24 September 2007 at 5.30 pm</i>
10	<i>Interview CEO</i>	<i>Thursday 27 September 2007 at 5.00 pm</i>
11	<i>Committee meets to determine and conclude its review</i>	<i>Tuesday 2 October 2007 at 5.30 pm</i>
13	<i>Committee meets to discuss and finalise consultant's report.</i>	<i>Thursday 4 October 2007 at 5.30 pm</i>
- 4 *ENDORSES the process of seeking input into the CEO's key performance indicators from Elected Members at the same time as feedback is provided in relation to the CEO's performance review and that input also be sought from the CEO with the new key performance indicators assessed and determined by the CEO Performance Review Committee prior to the interview with the CEO in relation to his annual performance."*

Officer's Comment

The review process is underway and the actions required by the above resolution are being implemented.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

Section 5.38 of the Local Government Act 1995 (the Act) states that each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of employment.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on an annual basis. The requirement for the performance review is a contractual one between the Chief Executive Officer and the Council. The Contract provides for the review to be conducted by the Chief Executive Officer's Performance Review Committee. Failure to undertake the review as required in the contract terms would risk a breach of contract.

Financial/Budget Implications:

The provisions of the Chief Executive Officer's Employment Contract in relation to performance reviews requires that the Performance Review Committee engage an independent consultant to advise it and assist it in undertaking the Chief Executive Officer's performance review. Provisions have been made within the City's consultancy budget for the engagement of a suitable consultant to assist the Committee in the performance review process.

Policy Implications:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The process of reviewing the CEO's performance is underway. The Committee's resolution largely deals with housekeeping issues, setting dates and the appropriate process.

ATTACHMENTS

Attachment 1 Minutes of the Chief Executive Officer Performance Review Committee meeting held on 16 August 2007

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 16 August 2007, forming Attachment 1 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf180907.pdf](#)

ITEM 13 ENTRY STATEMENTS FOR THE CITY OF JOONDALUP - [37196] [44697]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To seek Council direction for developing and implementing entry statements for the City of Joondalup in the 2007/08 financial year as part of the City's Capital Works Program.

EXECUTIVE SUMMARY

Elected Members were issued with a report demonstrating examples of existing Entry Statements within the City of Joondalup and throughout Perth. Responses were sought to base the future direction of the Entry Statement development.

The visual report was distributed in December 2006 and feedback was due for return by 9 March 2007 (Attachment 1 refers). The recommendations in this report are based on the responses received.

That Council:

- 1 *AGREES to the development of the Entry Statement hard landscaping component using the original Landcorp signage as depicted at Attachment 3 to this Report;*
- 2 *AGREES to the development of the Entry Statement soft landscaping component in alignment with the Master Landscape Plan utilising native plant species;*
- 3 *AGREES to the installation of two entry statements at the northern and southern extremities within Marmion Avenue as part of the 2007/08 Capital Works Program;*
- 4 *AGREES to the removal of the prototypes 1 and 2 located at the intersection of Hepburn Avenue and Whitfords Avenue as depicted at Attachment 2 to this Report.*

BACKGROUND

As part of the 2001/2002 adopted Five Year Capital Works Program, \$75,000.00 was allocated for the Entry Statement Works at various locations throughout the City. Consultants were engaged to prepare concept proposals incorporating a hard landscape structure.

In 2002, endorsement was gained for two Entry Statement types, selected as prototypes to be installed to demonstrate form and scale for public comment and feed back.

A budget of \$75,000.00 was allocated in the 2002/2003 adopted Five Year Capital Works Program for that financial year and the following four years for the Entry Statement installation program to be undertaken.

Installation of the prototypes was undertaken in June and July 2003 in conjunction with a marketing program including a press release, advertisements and feedback forms. Consultants were engaged to analyse the community response and provide a report to Council on the findings.

The findings showed that the prototypes were not supported by the public and the report to Council made the recommendation that the Entry Statements not be installed in the proposed form (being prototypes 1 and 2) (Attachment 2 refers).

The Entry Statement installation program was subsequently put on hold until the financial year 2006/2007. Then Elected Members were canvassed for feedback on various entry statement options by way of a visual report between December 2006 and March 2007.

The results drawn from the feedback sheets are varied and a general consensus is reflected as follows:

- The City of Stirling and the City of Bayswater Entry Statements were both seen as good free flowing designs.
- Box like, block or square Entry Statements were not supported.
- A majority response indicated the requirement for a clean, simple design with clear signage.
- Consideration to be given for cost effectiveness.
- A desire to keep the existing Joondalup feeling in the design was expressed.
- The majority of responses supported the prioritised locations identified on the map.
- The majority of responses support the varied use of West Australian plants in the Entry Statement installation design.

A suggestion to hold a design competition was put forward in two responses.

The budget from 2006/07 for this work has been carried forward to the 2007/08 adopted Capital Works Program.

DETAILS

Issues and options considered:

The visual report given to the Elected Members in December 2006 demonstrated a variety of options for Entry Statements outside the City of Joondalup and included existing signage within the City of Joondalup.

Prototypes 1 and 2 have been subject to public consultation during 2003 and while prototype 1 was the preferred structure neither proposal was publicly supported.

Link to Strategic Plan:

Complies with Strategic Plan; Objective 4.4 To develop community pride and identity. Strategy 4.4.1 Build and develop marketing opportunities to promote the City.

Financial/Budget Implications:

The current financial year has \$75,000 in the Capital Works Program for the installation of Entry Statements to the City of Joondalup.

Sustainability implications:

The Entry Statement will be constructed using appropriate materials for the location and associated planting is to use water wise West Australian species.

Consultation:

Community consultation has previously been undertaken with regard to Entry Statements Prototype 1 and 2.

COMMENT

The feedback outcomes have been evaluated and one conclusion that can be drawn is that the original Landcorp design used as directional signage may be the most appropriate solution for the Entry Statements. The random limestone base combines a free flowing element that is already synonymous with Joondalup, with clear, simple signage. The Joondalup feeling is retained and construction is simple and cost effective (Attachment 3 refers).

A design competition would entail a prolonged public engagement and may not produce the desired results. The expenditure of the current budget allowance for 2007/2008 would be inhibited.

It is essential that development of Entry Statements and associated soft landscaping is carried out in conjunction with and aligned to, the Master Landscape Planning and Streetscape Plant Species List currently being prepared.

In order to progress this project, it is suggested that two sites be selected at each end of Marmion Avenue.

An entry statement design for these two locations can be developed in keeping with the themes of the Master Landscape Plan, utilising West Australian Native Species and in line with the outcomes of the feedback from Elected Members.

ATTACHMENTS

Attachment 1	Entry Statements 2006/2007
Attachment 2	Prototypes 1 & 2
Attachment 3	Entry Statement Example

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1** **AGREES** to the development of the Entry Statement hard landscaping component using the original Landcorp signage as depicted at Attachment 3 to this Report;
- 2** **AGREES** to the development of the Entry Statement soft landscaping component in alignment with the Master Landscape Plan utilising native plant species;
- 3** **AGREES** to the installation of two entry statements at the northern and southern extremities within Marmion Avenue as part of the 2007/08 Capital Works Program;
- 4** **AGREES** to the removal of the prototypes 1 and 2 located at the intersection of Hepburn Avenue and Whitfords Avenue as depicted at Attachment 2 to this Report.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf180907.pdf](#)

ITEM 14 ASSESSMENT OF SHEOAKS WITHIN THE CITY'S PARKS - [41676]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

Council has requested a report identifying locations where Sheoaks are in close proximity to children's playground areas, costs associated with their removal and alternative native trees to replace the Sheoaks.

BACKGROUND

At the Council Meeting held on 27 March 2007, it was resolved that a report be prepared that:

- 1 Identifies locations within the City of Joondalup where Sheoaks are located in close proximity to children's playground equipment.
- 2 Recommends an alternative native tree suitable for planting adjacent to children's playground equipment.
- 3 Provides cost estimates to remove all Sheoaks located in close proximity to children's playground equipment and replace them with a suitable native tree.
- 4 Seek comment from the Conservation Advisory Committee on 1, 2 and 3 above prior to the presentation of the report to Council.

The basis of the concerns appear to be that the seed cones that are produced on Sheoaks can cause discomfort and possible injury to the bare feet of children that come into contact with them.

It is recommended that Council:

- 1 *DOES NOT SUPPORT the removal of Sheoaks on the basis that they present a low risk in accordance with the Department of Environment and Conservation's guidelines.*
- 2 *REFERS this report to the Conservation Advisory Committee for comment.*

DETAILS

Sheoak seed capsules are spiky in nature and can often be found in large numbers below the trees from which they have been shed. (Attachment 1 refers). It is noted that the term "Sheoak" includes all members of the casuarina and also casuarina botanical families.

Sheoaks have been planted extensively within the City's Parks for the following reasons:

- Sheoaks have a compact growth habit
- Visually attractive
- They do not shed limbs
- They provide good shade
- They are easily grown and purchased
- Rapid growth
- Their seeds provide an available food source for native birds
- Are tolerant of coastal conditions

As Council has requested that the report identifies Sheoaks within close proximity to playground areas, an arbitrary 10 metres has been chosen on the basis that the tree canopy would unlikely exceed this diameter, therefore have little impact beyond this distance.

Currently twenty-four of the City's Parks have Sheoaks within ten metres of play equipment and, in total, seventy-eight Sheoaks are located within close proximity to play equipment. In these circumstances the Sheoaks have been planted to give shade to the children using the play equipment and are listed below:

Park	Suburb	Number of Trees
Lysander	Heathridge	2
Faversham	Heathridge	6
Picnic Cove	Edgewater	1
Trigg Point	Ocean Reef	1
Gunida	Mullaloo	1
MacDonald	Padbury	2
Flinders	Hillarys	7
Pinnaroo Pt	Hillarys	12
Whitford Nodes	Hillarys	3
Tom Simpson	Mullaloo	2
Korella	Mullaloo	1
Triton	Mullaloo	1
Aristride	Kallaroo	1
Montague	Kallaroo	7
Gradient	Beldon	1
Hilton	Duncraig	2
Galston	Duncraig	2
Finney	Marmion	2
Braden	Marmion	5

The cost to remove all the Sheoaks within the vicinity of play equipment inclusive of felling, removal of tree material and grinding out of the remaining tree stumps would be approximately \$31,000.

There is a range of native trees that could be planted to replace the Sheoaks should Council consider removal as the appropriate course of action, and contained in the following table is a list which consists of native species. All have a low water requirement and their seeds do not have the same characteristics as the Sheoaks.

Botanical Name	Common Name
Agonis flexuosa	WA Peppermint
Banksia grandis	Bull banksia
Eucalyptus decipiens	Limestone Marlock
Eucalyptus nichollii	Narrow Leaved Peppermint
Eucalyptus gomphocephala	Tuart
Eucalyptus sideroxylon	Red Ironbark
Melaleuca preissiana	Moonah
Eucalyptus tottiana	Prickly Bark
Eucalyptus leucoxylon	Yellow Gum
Eucalyptus marginata	Jarrah
Corymbia ficifolia	Red Flowering Gum
Grevillea robusta	Silky Oak
Eucalyptus forrestiana	Fuschia Gum

Issues and options considered:

The options available to Council are as follows:

- 1 Do nothing;
- 2 Remove Sheoaks and replant with suitable native species;
- 3 Progressively replant suitable species and remove Sheoaks at a later suitable time;
- 4 Remove only all Sheoaks.

Link to Strategic Plan:

Strategies

1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.4.2 Contribute to the protection of human health.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The risks associated with the presence of Sheoaks in close proximity to play ground equipment have been assessed using the Department of Environment and Conservation's (DEC) Individual Hazard Risk Assessment Matrix. This methodology has been developed by DEC to determine visitor risk when using DEC managed parks.

The DEC Matrix is a tool that is used to determine risk levels, and examines a range of risk factors, including accident event probability, exposure frequency and the possible consequences of an accident event. The risk score obtained using the Matrix is used to determine whether a risk level is acceptable or not. Using this method, City Officers determined that the risk of injury to children when using play equipment in the vicinity of Sheoaks in the City's Reserves is considered low. A search of the City's records has not revealed any incidents relating to Sheoak trees.

Financial/Budget Implications:

There is an estimated cost of \$31,000 to remove seventy-eight Sheoaks located adjacent to play ground equipment. This cost includes the provision to grind out remaining tree stumps. The cost to purchase plant and maintain replacement trees for a period of two years is \$450 per tree or \$35,100 for the seventy-eight trees. The total budget required to replace the Sheoaks would be \$66,100. The budget for this work would come from the maintenance budgets of the affected parks.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The removal of seventy-eight Sheoaks from twenty-four of the City's reserves would remove a valuable food source for the native parrots that use the trees seeds for this purpose.

Consultation:

In considering this matter, it is important for Council to take a position with the Advisory Committee then commenting on that position.

COMMENT

It is considered that the risk to children's health from injury caused by the seed capsules from Sheoaks is low, based on the DEC Visitor Risk Management assessment methodology. It was also considered that the practice of not wearing shoes in a public park is not advisable as a safety precaution.

ATTACHMENTS

Attachment 1 Photograph of a Sheoak seed capsule

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 DOES NOT SUPPORT the removal of Sheoaks on the basis that they present a low risk in accordance with the Department of Environment and Conservation's guidelines;**
- 2 REFERS this Report to the Conservation Advisory Committee for comment.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf180907.pdf](#)

ITEM 15 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 29 AUGUST 2007 - [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Conservation Advisory Committee was held on 29 August 2007.

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

- City of Joondalup Environment Plan 2007 - 2011

It is recommended that Council NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 29 August 2007 forming Attachment 1 to this Report.

BACKGROUND

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

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

DETAILS

Issues and options considered:

1 City of Joondalup Environment Plan 2007 - 2011

At the meeting of the Conservation Advisory Committee held on 29 August 2007 a number of changes were made to the Environment Plan. The full Motion is contained within the Minutes of that meeting.

Officer's Comment

The suggested amendments will be considered for incorporation into the draft Environment Plan prior to Council endorsement of the plan.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION:

The following reports were requested at the meeting of the Conservation Advisory Committee:-

1 Herbicides in sumps

A report was requested on information which can be released in regards to the herbicides in the sumps issue.

Officer's Comment

The current investigations into the use of herbicide within the City's sumps effects the City's and other party's legal rights. The City has been advised that would be inappropriate at this stage for the City to produce a report that may compromise these legal rights.

Link to Strategic Plan:

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

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

Strategies

2.1.1 Maintain and protect natural assets to retain biodiversity.

2.1.2 Further develop environmentally effective and energy-efficient programs.

2.1.3 Develop a coordinated environmental framework, including community education.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:**Environmental**

Conservation Advisory Committee objective - “To make recommendations to Council for the Conservation of the City’s natural biodiversity”.

Social

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

Consultation:

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

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Conservation Advisory Committee meeting held on 29 August 2007

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 29 August 2007 forming Attachment 1 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf180907.pdf](#)

ITEM 16 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JULY 2007 [07032] [05961]

WARD: All

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

PURPOSE

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

EXECUTIVE SUMMARY

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

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications;
- 2 Residential Design Codes;
- 3 Subdivision applications.

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of July 2007 (see Attachments 1 and 2 respectively) for those matters identified in points 1-3 above.

BACKGROUND

The number of development and subdivision applications determined for July 2007 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of July 2007		
Type of Approval	Number	Value (\$)
Development Applications	49	6,314,299
R-Code variations (Single Houses)	87	6,766,602
Total	136	13,080,901

The number of development applications received in July 2007 was 106. (This figure does not include any applications that may become the subject of the R-Code variation process).

Subdivision Approvals Processed Under Delegated Authority Month of July 2007		
Type of Approval	Number	Potential new Lots
Subdivision Applications	6	6
Strata Subdivision Applications	3	6

Suburb/Location: All
Applicant: Various – see attachment
Owner: Various – see attachment
Zoning: **DPS:** Various
MRS: Not Applicable

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 17 July 2007 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

DETAILS

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

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

Of the 49 development applications determined during July 2007, consultation was undertaken for 23 of those applications. Of the 9 subdivision applications determined during July 2007, no applications were advertised for public comment.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

COMMENT

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

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

It is noted that one subdivision application was deferred to enable the applicant to obtain development approval for an additional dwelling, as a lot that was less than 350m² and irregular in shape. Three applications were not supported as the proposals did not conform to the minimum and/or average lot size requirements of the R-Codes.

ATTACHMENTS

Attachment 1	July 2007 decisions - Development Applications
Attachment 2	July 2007 Subdivision Applications processed

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

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

- 1 Development Applications described in this Report for July 2007;**
- 2 Subdivision Applications described in this report for July 2007.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf180907.pdf](#)

ITEM 17 YOUTH FORUM - [07116]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Director Planning & Community Development

PURPOSE

To provide an update on the Youth Forum Report outlining the outcomes from the “Speak Out” Youth Forum held on 7 March 2007.

EXECUTIVE SUMMARY

The Youth Forum Report provides information and analysis from the “Speak Out” Youth Forum held on Wednesday 7 March 2007. Attending the Youth Forum were 110 young people from 13 secondary schools in the City of Joondalup. The forum aimed at identifying Local Government issues that are important to young people and how the City can communicate with young people regarding those issues.

The Youth Forum report covers the 13-17 age group and further work is currently under way with the 18-25 age group.

Recommendations and proposed strategies have been developed as a result of the forum and will form part of the overall report on engaging young people in the City of Joondalup, which will be presented to Council in December 2007.

It is recommended that Council:

- 1 *NOTES the Youth Forum Report shown as Attachment 1 to this Report;*
- 2 *REQUESTS that the report is sent to all High Schools for information within the City of Joondalup indicating that additional forums will be held in the future.*

BACKGROUND

At the Council Meeting held on 27 June 2006 (CJ107-06/06 refers) resolved to:

- 1 *DISBAND the Youth Advisory Council effective from July 2006;*
- 2 *DISBAND the Youth Affairs Advisory Committee effective from July 2006;*
- 3 *ENDORSE the implementation of a working group comprised of six young people and two Elected Members;*
- 4 *NOTE that a report will be provided to Council after three months recommending an alternative method for engaging with young people in the future.*

A working group was established comprising six young people with Mayor Troy Pickard and Councillor Albert Jacob. The working group met on six occasions to plan, implement and review the Youth Forum held on 7 March 2007.

DETAILS

Issues and options considered:

The forum was held at Craigie Leisure Centre and involved 110 representatives from 12 secondary schools across the City. The session was designed to be engaging to encourage feedback across a range of topics and questions. The data was then collated and analysed by City staff.

A number of recommendations have resulted from the report, which will be combined with the analysis currently being collected from the youth group aged 18-25 within the City. Obtaining relevant information from this group has proved more difficult, however, it is anticipated that sufficient data will have been obtained to enable a final report to be presented to Council in December.

Link to Strategic Plan:

Objective 1.3	To continue to provide services that meet changing needs of a diverse and growing community
Strategy 1.3.1	Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.
Strategy 1.3.2	Provide quality-of-life opportunities for all community members
Strategy 1.3.3	Provide support, information and resources
Objective 4.3	To ensure the City responds to and communicates with the community
Strategy 4.3.1	Provide effective and clear community consultation
Strategy 4.3.2	Provide accessible community information
Strategy 4.3.3	Provide fair and transparent decision-making processes
Objective 4.4	To develop community pride and identity
Strategy 4.4.1	Build and develop marketing opportunities to promote the City.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Any future budget requirements will be listed for consideration in the 2008/09-budget deliberation process.

Policy implications:

The recommendations from the Youth Forum are aligned with the existing Youth Policy, Youth Plan and Community Development Strategy.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The Youth Forum is part of a wider consultation process with young people aged between 13-25 to identify opportunities and strategies for the City to engage and consult on Local Government issues.

COMMENT

The Speak Out Youth Forum was a successful event as it provided the opportunity for young people (aged 13-17) to have their say on Local Government related issues and for the City to gain a better understanding of the ideal methods to communicate with young people. The proposed recommendations in the report will be considered as part of the overall strategy and will be presented to Council in December 2007.

The City believes that regular youth forums on a range of issues, utilising the same format for the 'Speak Out' Youth Forum will be advantageous in the future.

ATTACHMENTS

Attachment 1 Youth Forum Report

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 NOTES the Youth Forum Report shown as Attachment 1 to this Report;**
- 2 REQUESTS that the report is sent to all High Schools for information within the City of Joondalup indicating that additional forums will be held in the future.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf180907.pdf](#)

ITEM 18 CITY OF JOONDALUP ENVIRONMENT PLAN 2007-2011 - [28601]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Ian Cowie Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To seek Council endorsement for the adoption of the Draft City of Joondalup Environment Plan 2007-2011 (The Plan). The Draft Plan is provided as Attachment 1.

Council, at its meeting on 22 May 2007, requested the City's Conservation Advisory Committee and Sustainability Advisory Committee to review the Draft Environment Plan 2007-2011 and provide advice and comment on the Plan to Council.

This report outlines the comments made by those Advisory Committees and provides a final modified version of the Environment Plan for Council to adopt.

BACKGROUND

Development of the City of Joondalup Environment Plan began in November of 2006. The development process included:

- General research of similar Plans adopted by other local governments
- Development of a structure for the Plan
- Preliminary meetings with relevant Business Unit Managers to obtain ideas that would inform the eventual content of the Plan, on a cross-organisational basis
- Development of draft actions and strategies for inclusion in the Plan
- The facilitation of an "Environment Plan Workshop" with attendance of staff across the organisation to comment upon the aforementioned actions and strategies
- Continued liaison with staff after the workshop to assist in revising the Plan's actions and strategies
- Drafting of the Plan
- Consideration of the Draft Plan at the March Council Strategy Session
- Amendments made to the Draft
- Draft Plan presented to Council 22 May 2007
- Draft Plan presented to Sustainability Advisory Committee 19 July 2007
- Draft Plan presented to Conservation Advisory Committee 30 August 2007.

The final draft of the Environment Plan considers the five focus areas of land, water, air quality, biodiversity and waste management over a four-year span. Each focus area includes an overarching objective, introductory comments and an outline of previous achievements, actions and strategies table and an additional table that summarises significant strategic objectives across the spheres of Government. This additional table will serve to keep the City aware of the actions of others and will enable the City to develop partnerships or open up communication channels to ensure that any external parties are keeping the City informed and engaged with any activities that may impact on the local Joondalup environment.

Four assumptions are used to underpin the actions and strategies contained in the focus area tables of the Plan. These assumptions relate to the themes of: partnerships, education, regular reviews and effective implementation. The key environmental project for the City, (the construction of a Yellagonga Regional Park Environment Centre), encompasses all four of these assumptions and seeks to represent a pinnacle for environmental achievement within the Environment Plan.

DETAILS

In accordance with Council's resolution to seek comment from the Sustainability Advisory Committee (SAC) and the Conservation Advisory Committee (CAC), Attachments 2 and 3 summarise the Committees' suggestions for change and the actions that City Officers took to incorporate them into the Final Draft. A final, modified version of the Environment Plan is provided as Attachment 1, with yellow highlighted areas denoting SAC amendments and green highlighted areas denoting CAC amendments.

Issues and options considered:

Council can resolve to:

- Accept the Draft Plan;
- Amend the Draft Plan;
- Reject the Draft Plan.

Link to Strategic Plan:

Key Focus Area 2 - Caring for the Environment.

Objective 2.1 – To plan and manage our natural resources to ensure environmental sustainability.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The Environment Plan will enable the City to better plan and manage its environmental risks.

Financial/Budget Implications:

There are no financial implications arising from the adoption of the Environment Plan, however actions and initiatives mentioned in the Plan will have significant financial implications in the future, with each activity being subject to the annual budget planning and approval processes of the City.

Policy Implications:

The City's Sustainability Policy 5-4 will guide the implementation of the Plan and a review schedule and reporting mechanism is incorporated as the Plan's conclusion.

Other City policies relating to the environment will need to be reviewed following the implementation of the Environment Plan, to ensure consistency. These matters will be referred to the Policy Committee of Council.

Regional Significance:

Many regional partnerships will be developed or reinforced through the Environment Plan's implementation.

Sustainability Implications:

The Environment Plan will assist in providing an overarching framework for specific City environmental strategies and actions with the aim of ensuring environmentally sustainable management of the City's natural assets.

Consultation:

The City's Sustainability Advisory Committee and Conservation Advisory Committee considered the Draft Plan and those comments are shown as Attachment 2 and 3 to this Report.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1	Draft City of Joondalup Environment Plan 2007-2011
Attachment 2	Comments from the Sustainability Advisory Committee
Attachment 3	Comments from the Conservation Advisory Committee

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 ADOPTS the City of Joondalup Draft Environment Plan 2007-2011 forming Attachment 1 to this Report;**
- 2 REQUESTS that a State of the Environment Report is produced annually for Council to assess progress being achieved against the Plan.**

Appendix 14 refers

To access this attachment on electronic document, click here: [attach14brf180907.pdf](#)

ITEM 19 TENDER 008-05/06 EXTENSION OF CONTRACT AND WIDENED SCOPE OF REQUIREMENTS FOR GRAFFITI CONTROL SERVICES - [11573]

WARD: All

RESPONSIBLE DIRECTORS: Mr David Djulbic/Mr Mike Tidy
Infrastructure Services/Corporate Services

PURPOSE

This report is to seek approval of Council to extend Contract 008-05/06 with Graffiti Systems Australia with a widened scope of requirements for the final twelve (12) month period in accordance with existing terms and conditions.

EXECUTIVE SUMMARY

Council at its ordinary meeting of 20 September 2005 (Item CJ191-09/05 refers) resolved to accept the tender submitted by Graffiti Systems Australia in accordance with the Schedule of Rates for the first twelve (12) month period and further two (2) twelve-month extension periods, subject to satisfactory performance reviews. The contract has been extended once already and is now due for the second and final extension.

The performance of the Contractor has been reviewed and on this basis the contract is recommended for approval for extension, which the CEO would normally consider under delegated authority. In this instance, however, due to the issues of increased graffiti activity within the City, it is proposed not only to extend the contract but also widen the range of services by mutual agreement with the Contractor beyond the scope of the original requirements. The change in scope will potentially result in a significant increase in expenditure under the contract in the final year. Given the change in scope, the consequential potential increased expenditure beyond what was originally approved by Council this extension is now submitted for Council consideration.

It is recommended that Council:

- 1 *DELEGATES authority to the Chief Executive Officer to finalise negotiations with Graffiti Systems Australia for a widened scope of requirements for the final year extension of Contract 008-05/06 under the current terms and conditions;*
- 2 *Subject to 1, AUTHORISES the final extension of Contract 008-05/06 with Graffiti Systems Australia from 1 September 2007 to 31 August 2008.*

BACKGROUND

At its meeting held on 21 November 2006, Council approved the revised delegated authority manual (CJ208-11/06 refers), under which the CEO is authorised to accept tenders and award contracts up to a value not exceeding \$250,000 and to extend any contract, within the original terms and conditions approved by Council, subject to satisfactory performance and to report on such extensions to the Audit Committee.

In this particular instance while not a new Contract it is proposed to widen the scope of the requirements beyond that proposed when Council resolved to accept the original Contract as part of the Contract extension. In addition the potential increase in expenditure in the final year of the extension due to the widened scope is likely to exceed \$250,000.

DETAILS

The original scope of requirements limited this Contract to graffiti control services for Council buildings and associated structures within the City of Joondalup including removal of graffiti and anti-graffiti sealing.

Issues and options considered:

With a marked increase in graffiti activity the City has reviewed its response to this problem. The contract with Graffiti Systems Australia is part of the overall response, which includes an internal graffiti removal service and the use of volunteers. The review has identified a range of issues in relation to the use and allocation of resources. In particular if the current scope of the contract with Graffiti Systems Australia were extended beyond merely Council buildings and associated structures this would provide greater flexibility and facilitate the use of resources to achieve a better outcome.

It is proposed therefore to widen the scope, in broad terms, to;

- Include removal of reported graffiti on private residential and commercial property within the City,
- The expansion of the criteria for priority graffiti removal with the inclusion of a 'high profile' classification in addition to the existing 'obscene or sensitive graffiti' classification,
- A stated means and timeframe by which the contractor must provide information back to the City advising on specific details of reported graffiti that has been removed, and
- An agreed inherent flexibility component to allow the City and the Contractor to develop suitable strategies, as required, to manage emerging graffiti damage trends and localised problems.

Discussions have already taken place with the Contractor in relation to the proposed changes to the scope.

The City will advise the Contractor (Graffiti Systems Australia) and confirm the final extension, upon approval by Council and the specific details of the change in scope will be set out in the formal letter of extension.

Link to Strategic Plan:

3. City Development.

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

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

4. Organisational Development.
- Objective 4.2 To provide quality services with the best use of resources.
- Strategy 4.2.1 Provide efficient and effective service delivery.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

It is considered that extending this Contract with the widened scope of requirements will represent a low risk to the City based on the Contractors experienced personnel and previous satisfactory performance in providing graffiti removal services.

Should the Contract not be extended with the widened scope of requirements, the risk and impact to the City will be very high given that it has already been identified that the City's resources are not being used in the most effective manner and that the current scope of the contract with Graffiti Systems Australia is a constraint.

Financial/Budget Implications:

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

The expenditure per contract period is as follows.

The cost is part of the operating budgets of respective business units.

Contract Period	Contract Period Dates		Actual Expenditure (Ex GST)	Budget (Ex GST)	Estimated Expenditure for Final Period (Ex GST)
	From	To			
Year 1	1/09/2005	31/08/2006	\$159,405.91		
Year 2	1/09/2006	31/08/2007	\$211,831.00	\$209,000	
Year 3	1/09/2007	31/08/2008			* \$266,900
* Estimated expenditure for the final period is indicative due to a review of the City's requirements and the Contractor undertaking additional work due to the increase in graffiti.					

The above budget and expended values are for the removal of graffiti based on the original scope of requirements. With the widened scope of requirements proposed, the actual expenditure for the period of 1/09/2007 to 31/08/2008 will increase but the amount can only be estimated subject to the increased volume of graffiti activity and level of services provided by the Contractor.

As part of the normal contract extension process the Contractor has applied for an increase in prices (3.5%) in accordance with CPI (All Groups) for Perth and in accordance with contract terms. This has been included in the above figures.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

During the final extension period the City will closely monitor and report on all issues in detail in order to measure the Contractor's performance, cost effectiveness of the Contract and impact and response of the community. The resultant outcomes of the review for the final period of the Contract will be incorporated into any future contracts of this type, with the aim of improving graffiti removal services delivered to the community and tailoring any new contract of this type to better cater for the needs of the City.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY, DELEGATES authority to the Chief Executive Officer to finalise negotiations with Graffiti Systems Australia for a widened scope of requirements for the final year extension of Contract 008-05/06 under the current terms and conditions;**
- 2 Subject to 1, AUTHORISES the final extension of Contract 008-05/06 with Graffiti Systems Australia from 1 September 2007 to 31 August 2008.**

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

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

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

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

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

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



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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

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

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

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

STATEMENT

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Please submit this form at the meeting or:

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Please note that:

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- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called.