

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, 13 NOVEMBER 2007

PUBLIC QUESTION TIME



Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday, 12 November 2007.

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



GARRY HUNT
Chief Executive Officer
9 November 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, 13 NOVEMBER 2007** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session on 9 October 2007:

Mrs L Brandsch, Burns Beach:

- Q1 *If the current daily traffic flow on Second Avenue is already approximately 750 vehicles a day, what will be the impact of the proposed five additional driveways in the short space to the corner of Second Avenue and Ocean Parade?*
- A1 Each dwelling is projected to create between 5 and 6.5 vehicle trips per day (in the case of the Traffic Impact Statement, the higher estimate has been used to provide a worst case scenario). Therefore, the communal driveway could generate between 30 and 39 vehicle trips per day, with the individual crossovers each providing 5.0 – 6.5 vehicle trips per day.
- Q2 *Has the City of Joondalup considered its duty to provide the best road safety to all existing residents, especially the direct neighbours and children affected as well as the future residents of the proposed new development?*
- A2 The Traffic Impact Statement provides an independent assessment of the proposal and concludes that it meets various safety standards.
- Q3 *Has the City of Joondalup considered long-term planning of the increasing resident density of Burns Beach (old and new) which would possibly mean that an extra access road needs to be opened to deal with increased traffic flow, emergency vehicle access etc to provide the best safety for the residents in the daily traffic flow as well as in the event of an emergency?*
- A3 This question relates to broader planning issues in Burns Beach. The development and assessment of the Burns Structure Plan has incorporated the most up to date standards and design techniques to ensure that it will provide an appropriate high quality level of service.

- Q4 *Has the City of Joondalup considered other design options of this proposed development so as to alleviate possible traffic and visitors parking safety problems, by having the main entrance and some driveways in a different location (eg onto Burns Beach Road) or by reducing the density of the development?*
- A4 It is not the province of the Council to direct the designer to consider other options. By law, the Council is compelled to consider the development application which is designed and submitted by the applicant, although other options have been looked at with the developer.
- Q5 *How will visitors parking on hot days, public holidays and abalone season (amongst others) be affected and dealt with in the ever-increasing well-visited Burns Beach attraction?*
- A5 People often utilise kerbsides for parking for rare and infrequent events such as the abalone season. Conditional kerbside parking has been incorporated in the design of the Burns Beach subdivision.
- Q6 *Has the City of Joondalup been satisfied that the proposed development density is not of the nature that will adversely effect the new residents within the development, as well as of the immediate neighbours and existing residents in terms of privacy, space, safety and building codes?*
- A6 Yes.

Mr C Brandsch, Burns Beach:

- Q1 *Have any results been received from the traffic study done with regards to vehicle volumes along Second Avenue, Burns Beach? If so would it be possible to receive the results?*
- A1 The Traffic Impact Statement says that the total development will add 91 vehicles per day to the traffic flow on Second Avenue, representing an increase from 740 vehicles per day to 831 vehicles per day, based on a conservative estimate.

Mr M Caiacob, Mullaloo:

Re: Proposed Taxi Rank – Mullaloo Beach Hotel

- Q1 *Has there been any problems associated with taxis at this location prior to the redevelopment of the Mullaloo Tavern?*
- A1 There is no record of any past problems. As previously stated, this report deals with a current issue, not what has happened in the past.

Re: Amendment No 38 to District Planning Scheme No 2 – Consideration following Advertising

Q2 *The summary attributed to my submission does not reflect the points raised in my submission. Could I please have it reconsidered or a copy provided to each individual Elected Member?*

A2 *Response by Mayor Pickard:* I have clarified with the CEO that when a submission is made, only the facts that relate to the matter before the Council are incorporated into the Report. Matters related to historical issues are not included in the Report. Copies of full submissions are provided in the Reading Room for Elected Members.

Mrs M Zakrevsky, Mullaloo:

Re: Amendment No 38 to District Planning Scheme No 2 – Consideration following Advertising

Q1 *Why does the submission from Ken Zakrevsky not appear in Attachment 3?*

A1 Stamped page 83 includes the submission from Mr Zakrevsky.

Mr B Ward, Joondalup:

Q1 *Are there plans for a change of road, or is this for the one road into the village?*

A1 *Response by Mayor Pickard:* The report that has been presented and prepared by the traffic consultant has indicated that it is not necessary to have an ingress/egress into old Burns Beach. The current network is more than capable of handling the increase in vehicular movements. The crossovers for each house also comply with all relevant Standards.

Mrs L Brandsch, Burns Beach:

Q1 *Has each residence been given sufficient space for a garden and privacy?*

A1 The residential design codes set provisions for each dwelling. Page 91 of the report lists the variations for each dwelling that are being sought. Three of the dwellings are seeking a variation to the open space standard. The nature of that variation is expressed in percentage terms in the Schedule.

4 PUBLIC STATEMENT TIME

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr M Macdonald	21 November 2007 to 30 November 2007 inclusive
Cr S Hart	17 December 2007 to 17 January 2008 inclusive

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.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item 18 – Minutes of the Chief Executive Officer Performance Review Committee Meetings – September/October 2007
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

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.

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Item 2 – Minutes of the Audit Committee Meeting held on 9 October 2007 - (Item 1 – 2006/07 Annual Financial Report)
Nature of interest	Interest that may affect impartiality
Extent of interest	CEO is a signatory to the Annual Financial Statements

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	Item 18 – Minutes of the Chief Executive Officer Performance Review Committee Meetings - September/October 2007
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

7 REPORTS

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9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 131107.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 19 October 2007 to 30 October 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 been executed by affixing the Common Seal.

Document:	Amendment No 38 to District Planning Scheme No 2
Parties:	City of Joondalup and WA Planning Commission
Description:	Finalisation of Amendment No 38 to District Planning Scheme No 2 as resolved at Council Meeting held Tuesday, 16 October 2007 – CJ214-10/07 refers
Date:	19.10.07
Signed/Sealed:	Sealed

Document:	Temporary Withdrawal of Caveat
Parties:	City of Joondalup, Angel Pty Ltd and D A Jambu ATF The Jambu Family Trust
Description:	To allow land transfer due to sale of land – Strata Lot 7/8 Dugdale Street, Warwick
Date:	19.10.07
Signed/Sealed:	Sealed

Document:	Consent to Section 136C – Easement for Right of Carriage-Way Deed
Parties:	City of Joondalup, Roman Catholic Archbishop of Perth and Davidson Pty Ltd
Description:	Consent to Section 136C – Easement for right of carriage way as created on Deposited Plan 56886 to enable right of access between Lot 929 (Currambine Shopping Centre) and Lot 5001. Property Lot 929 Marmion Avenue and Lot 5001 Delamere Avenue, Currambine
Date:	30.10.07
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 been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 19 October 2007 to 30 October 2007 executed by means of affixing the Common Seal.

ITEM 2 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 9 OCTOBER 2007 - [50068]

WARD: All

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

PURPOSE

To submit the unconfirmed minutes of the Audit Committee to Council for noting and recommend appropriate action in relation to the decision of the Committee.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 9 October 2007.

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

- Item 1 2006/07 Annual Financial Report

The Committee's recommendation was considered by Council at its meeting of 16 October 2007.

It is recommended that Council NOTES the unconfirmed minutes of the Audit Committee Meeting dated 9 October 2007 forming Attachment 1 to this Report;

BACKGROUND

The Council's Audit Committee was established in May 2001 to oversee the internal and external Audit, Risk Management and Compliance functions of the City. The City has also employed an internal auditor since May 2002.

DETAILS

The Motion carried at the Audit Committee meeting held on 9 October 2007 is shown below, together with officer's comments:

Item 1 2006/07 Annual Financial Report

The following motion was carried:

"That the Audit Committee RECOMMENDS that Council BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying audit report for the financial year 2006/07 forming Attachment 1 to this Report."

Officer's comment

No further action is required in relation to the 2006/07 Annual Financial Report as this matter was presented to the Council meeting held on 16 October 2007.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Strategy 4.1 of the City's Strategic Plan 2003-2008:

"To manage the business in a responsible and accountable manner"

Legislation – Statutory Provisions:

Local Government (Financial Management) Regulation 51(2) states:

"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the auditor's report on that financial report."

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (f) *the financial report for the financial year;*

Section 5.54 of the Local Government Act 1995 states:

6.4 Financial report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*

- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
- (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

Risk Management considerations:

The risk associated with not accepting the Annual Financial Report for the financial year 2006/07 is that it could lead to failure to set a date for the Annual General Meeting of Electors resulting in non-compliance with the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 9 October 2007 are submitted to Council for noting.

ATTACHMENTS

Attachment 1 Unconfirmed minutes of the Audit Committee meeting of 9 October 2007

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Audit Committee Meeting dated 9 October 2007 forming Attachment 1 to this Report.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf131107.pdf](#)

ITEM 3 SETTING OF MEETING DATES – 2008 - [08122]

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

PURPOSE

To set Council's meeting dates for the 2008 calendar year.

EXECUTIVE SUMMARY

In accordance with the Local Government Act 1995, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended that the current four-weekly rolling cycle of meetings be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

Prior to 2007, Council's decision-making process consisting of a 'rolling' three weekly cycle of meetings, with the Council recessing for the Christmas/New Year period, being:

Week 1:	Strategy Session;
Week 2:	Briefing Session, with deputation sessions held at the commencement of Briefing Sessions;
Week 3:	Council meeting.

At its meeting held on 12 December 2006, Council set its meeting dates for 2007 and introduced a rolling four-weekly cycle, which enabled the fourth week to be used to hold additional information sessions or for scheduling various committee meetings.

DETAILS

Issues and options considered:

Council is in recess during January each year, and meetings are set from February to December to be held on a Tuesday evening.

During Local Government Weeks in August 2005 and August 2006, the commencement time of Council meetings were amended to accommodate attendance by students from high schools within the City of Joondalup. At the Council meeting held on 18 July 2006, Council resolved to:

“REQUEST the CEO to arrange a rescheduling of the ordinary meeting of Council in 2007 during Local Government Week where Council can invite a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend a Council meeting commencing at 12 noon.”

Whilst no formal resolution of Council is in place for 2008, it is recommended that Council continues the practice of inviting students to its meeting during Local Government Week. Advice has been received that Local Government Week is proposed to be held from Friday 2 August 2008 to Monday 4 August 2008, and accordingly it is recommended that the Council meeting on Tuesday 5 August 2008 be scheduled to commence at 12 noon.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.3 of the Local Government Act 1995 states:

Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

Public Notice of Council or Committee meetings

- 12 (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) *the ordinary Council meetings; and*
 - (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

are to be held in the next 12 months;
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1);*

Risk Management considerations:

Failure to set and advertise Council's meeting dates will contravene the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The rolling four-weekly cycle of meetings worked well in 2007 and it is suggested that this system be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

In order to accommodate the Christmas holidays, a three-weekly cycle is recommended for the December 2008 meeting cycle.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 SETS the following meeting dates and times for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:**

Briefing Sessions - to be held at 6.30 pm	Council meetings - to be held in the Council Chamber.
Tuesday 12 February 2008	7.00 pm on Tuesday 19 February 2008
Tuesday 11 March 2008	7.00 pm on Tuesday 18 March 2008
Tuesday 8 April 2008	7.00 pm on Tuesday 15 April 2008
Tuesday 6 May 2008	7.00 pm on Tuesday 13 May 2008
Tuesday 3 June 2008	7.00 pm on Tuesday 10 June 2008
Tuesday 1 July 2008	7.00 pm on Tuesday 8 July 2008
Tuesday 29 July 2008	12 noon on Tuesday 5 August 2008

Tuesday 26 August 2008	7.00 pm on Tuesday 2 September 2008
Tuesday 23 September 2008	7.00 pm on Tuesday 30 September 2008
Tuesday 21 October 2008	7.00 pm on Tuesday 28 October 2008
Tuesday 18 November 2008	7.00 pm on Tuesday 25 November 2008
Tuesday 9 December 2008	7.00 pm on Tuesday 16 December 2008
January 2009 - Recess	

- 2 AGREES to hold deputation sessions in conjunction with the Briefing Sessions;**
- 3 in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, GIVES local public notice of the meeting dates detailed in (1) above;**
- 4 INVITES a maximum of ten (10) students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12 noon on Tuesday 5 August 2008.**

ITEM 4 MINUTES OF EXTERNAL COMMITTEES - [02153] [41196] [18879]

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 Western Australian Local Government Association North Metropolitan Zone held 27 September 2007
- Meeting of Tamala Park Regional Council held 11 October 2007

ATTACHMENTS

Attachment 1 Minutes of Western Australian Local Government Association North Metropolitan Zone held 27 September 2007

Attachment 2 Minutes of Meeting of Tamala Park Regional Council held 11 October 2007
(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Minutes of the:

- 1 Western Australian Local Government Association North Metropolitan Zone Meeting held on 27 September 2007 forming Attachment 1 to this Report;**
- 2 Tamala Park Regional Council Meeting held on 11 October 2007 forming Attachment 2 to this Report.**

Appendices 2 and 3 refer

*To access this attachment on electronic document, click here: [Attach2brf131107.pdf](#)
[Attach3brf131107.pdf](#)*

ITEM 5 ANNUAL PLAN 2007-2008 AND QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2007 - [20560]

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

PURPOSE

To present the Annual Plan 2007-2008 and Quarterly Progress Report for the Period 1 July – 30 September 2007.

EXECUTIVE SUMMARY

The Annual Plan details the priorities for the 2007-2008 financial year, and the Quarterly Progress Report provides information on the progress of projects and programs completed within the July to September quarter of the Annual Plan. The Annual Plan is shown as Attachment 1 to this report.

It is recommended that Council RECEIVES the Quarterly Progress Report for the period 1 July – 30 September 2007, shown as Attachment 2 to this Report.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council at its meeting of 14 December 2004, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis. (Item CJ307-12/04 refers)

DETAILS

Issues and options considered:

The Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the 2007-2008 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

The milestones being reported this quarter are the shaded sections of Attachment 2.

Link to Strategic Plan:

This item links to the Strategic Plan through Focus Area 4 – Organisational Development.

Outcome: The City is a sustainable and accountable business.
Objective 4.1 To manage the business in a responsible and accountable manner.
Strategy 4.1.2 Develop a corporate reporting framework based on sustainable indicators.

Legislation – Statutory Provisions:

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

This Act is intended to result in:

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Elected Members receive regular reports against the Capital Works Program which supplement the information contained in the Annual Plan Progress Report.

ATTACHMENTS

Attachment 1 Annual Plan 2007-2008
Attachment 2 Annual Plan Quarterly Progress Report for the period 1 July – 30
September 2007.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 July 2007 – 30 September 2007, forming Attachment 2 to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf131107.pdf](#)

ITEM 6 DRAFT LOCAL LAW AMENDMENT – ANIMALS LOCAL LAW 1999 - [00819]

WARD: All

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

PURPOSE/EXECUTIVE SUMMARY

To provide Council with a draft copy of the *City of Joondalup Animals Amendment Local Law 2007* and to recommend that Council resolves to release the draft for a statewide public consultation period of 44 days, in line with the requirements of section 3.12 of the *Local Government Act 1995*.

BACKGROUND

At the Meeting of 25 September 2007, Council resolved, inter alia, to:

AGREE to amend the Animals Local Law 1999 to ensure that all reserve numbers referred to in the document are correct.

A copy of the proposed Local Law Amendment has since been drafted.

DETAILS

The amendment seeks to address issues relating to incorrect reserve and lot numbers in the current Local Law.

For the purposes of section 3.12(2), the purpose and effect of the proposed amendment are as follows:

Purpose: To ensure that provisions within the Local Law are up-to-date with prevailing land descriptions, including reserve and lot numbers.

Effect: The Animals Local Law 1999 is current and accurate.

Issues and options considered:

Option 1: Council approves the content of the draft amendment and agrees to release it for a 44-day public consultation period

This option *is* recommended.

Option 2: Council does not approve the draft amendment

This option is *not* recommended given the relatively minor nature of the changes included in the amendment.

Link to Strategic Plan:

Key Focus Area: Organisational Development

Outcome: The City of Joondalup is an interactive community.

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

Legislation – Statutory Provisions:

City of Joondalup *Animals Local Law 1999*

- Clause 10(2) – Dog Exercise Areas
- Clause 26(6) – Horse Exercise Area
- Second Schedule – Prohibited Dog Exercise Areas
- Second Schedule Diagram 1 – Dog Exercise Area
- Third Schedule – Horse Exercise Area
- Third Schedule Diagram 2 – Horse Exercise Area

Local Government Act 1995

- Section 3.12

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Should Council choose to pursue Option 1, a statewide community consultation process will be required to ensure compliance with Section 3.12(3) of the *Local Government Act 1995*. The approximate cost of undertaking a consultation process is \$2,000.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

This report seeks approval to undertake consultation with the community as a part of the Local Law amendment process.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 City of Joondalup Animals Amendment Local Law 2007

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES the content of the City of Joondalup Animals Amendment Local Law 2007 forming Attachment 1 to this Report and AGREES to release the document for a 44-day statewide community consultation period as part of the overall local law amendment process.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf131107.pdf](#)

ITEM 7 ABANDONED SHOPPING TROLLEYS LOCAL LAW AMENDMENT CONSULTATION RESULTS - [22513]

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

PURPOSE/EXECUTIVE SUMMARY

To present Council with public feedback on the proposed amendment to the Local Government and Public Property Local Law 1999 and to recommend that Council adopts the City of Joondalup Amendment Local Law 2007 by resolution.

BACKGROUND

At the Meeting of 19 June 2007, Council resolved, inter alia to:

“ENDORSE option 2: reducing the removal period for abandoned shopping trolleys from 24 to 3 hours and AGREE to commence the process for amending the City’s Local Government and Public Property Local Law to achieve this outcome.”

A local law amendment was subsequently drafted and released for a local community consultation on 26 July and for an additional 44-day statewide consultation period, which closed on 22 October 2007.

DETAILS

The consultation process was undertaken on a local basis and also statewide as required under section 3.12 of the *Local Government Act 1995* (the “Act”).

To ensure that those directly affected by the amendment were provided with an opportunity to comment, the following initiatives were undertaken:

- Direct mail to retailers within the City of Joondalup who provide trolleys for their customers, inviting them to make a submission;
- Direct mail to residents and ratepayers groups inviting them to make a submission on the matter;
- Advertisements in local community newspapers;
- 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 form and information on the proposed amendment was available on request at these facilities;
- Website facilities, including information on the proposed amendment and an online survey, were advertised for people to make electronic submissions, and
- Statewide notification in *The West Australian*.

Outcomes of the Consultation

The City received a total of 30 submissions, with 12 in favour of the proposed amendment and 18 opposed. Eighty-three per cent of submissions opposed to the amendment were provided by retailers or associations supporting retailers.

Hardcopy surveys and emails were the two most popular methods of correspondence. This was an unusual feature of the process, as many of the City's most recent local law amendment consultations have seen online surveys as the most utilised method of correspondence.

Stakeholder Feedback

Overall, retailers were generally appreciative of the City opting to directly consult with them on the matter. Strong feedback from these particular stakeholders supports such sentiment, as a large percentage of those contacted returned the hardcopy survey forms sent to them by the City.

Large retailers voiced many concerns in their submissions; the two most common were as follows:

- Limitations in achieving trolley collections within 3-hour timeframe given the large area in which trolleys are left abandoned.
- Large retailers are starting to implement new measures to better manage their trolleys and request that Council work with them to re-educate the general public about shopping trolley use.

A common complaint from independent retailers, (namely IGA), was that smaller stores were being unfairly penalised by the City because, in reality, they were being implicated in an amendment that intended to target large shopping centre retailers. Independent retailers also informed the City that their resource base was significantly limited in comparison to larger retailers and would therefore find it extremely difficult to adjust to new processes.

Community perspectives on the issue were received mainly from City resident and ratepayer groups who were directly contacted as a part of the consultation process. Concerned residents also made submissions through online survey and email mechanisms. Overall, residents showed little objection to the proposed amendment and many held the view that abandoned shopping trolleys were an issue that required action by the City.

Common Suggestions/Concerns/Comments

A 3-hour removal period is physically impossible to achieve. The 24-hour period should remain.	16
Coin deposit systems should be introduced to self-regulate the return of trolleys by customers.	5
Retailers and the City should jointly undertake education campaigns to create greater awareness on the issue within the community.	8

Issues and options considered:**Option 1: Adopt the Local Law Amendment**

This option *is* recommended.

Analysis: Notwithstanding the comments received from affected retailers, the City is of the belief that the problem will most likely prevail if mechanisms are not introduced to encourage greater trolley management on behalf of trolley owners.

Recent enquiries with the Town of Vincent indicated that a reduction in time for the removal of abandoned shopping trolleys is ineffective if not supported by diligent enforcement. Town of Vincent introduced a similar removal period in 1998 and found that the number of trolleys left abandoned did not significantly drop due to stricter Local Law provisions alone.

For the amendment to be successful at the City of Joondalup it would be crucial for the City to dedicate resources to police the offence for change to ensue. This will be at a cost to the City in terms of operational resources, but is a necessary requirement to ensure the campaign's success.

The Town of Vincent also advised that education programs undertaken jointly by the Town and local major retailers were predominantly unsuccessful. Customers were generally apathetic to change and as such, awareness campaigns were unsuccessful. This sentiment has also been substantiated by other Local Governments who are currently undertaking similar campaigns. In light of this, it would seem unnecessary for the City to pursue the suggestion made by retailers; namely, that the City undertakes joint education campaigns to encourage behavioural change on behalf of customers utilising shopping trolley resources.

Option 2: Do *not* adopt the Local Law Amendment

This option is *not* recommended in light of the comments suggested above.

Analysis: Not adopting the amendment would ensure that City-Retailer relations remain unaffected, however, the problem of abandoned shopping trolleys will not be addressed.

Link to Strategic Plan:

Key Focus Area: Organisational Development

Outcome: The City of Joondalup is an interactive community.

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

Legislation – Statutory Provisions:

Relevant Local Law:

Local Government and Public Property Local Law 1999.

Section 59: Shopping trolley to be removed by owner

Relevant State legislation:

Section 3.12 of the *Local Government Act 1995*

Risk Management considerations:

Should the Council decide to pursue Option 1, there is a risk that local retailers will be disappointed in the City's approach to the issue. Smaller independent retailers may also feel they are being severely disadvantaged by the City's decision.

Financial/Budget Implications:

Should the Amendment proceed, the City will need to focus enforcement efforts on this legislative change to ensure it is successful.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Abandoned shopping trolleys are considered as a form of litter under the *Litter Act 1979* and as such, any initiative that aims to reduce the number of trolleys abandoned in the City's landscape will be beneficial both to the environment and to the community from a public safety perspective.

Consultation:

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

Received submissions have been collated and made available in the Councillors' Reading Room for Elected Members to consider.

COMMENT

Following communications with the Department of Local Government and Regional Development, (as required by Section 3.12(3)(b) of the *Local Government Act 1995*), the City was advised that the Joint Standing Committee on Delegated Legislation (JSCDL) would be unlikely to approve an amendment that deviated from the 24 hour removal period modelled in the WALGA "Activities in Thoroughfares and Public Places and Trading Model Local Law".

Notwithstanding the Department's comments, the advice did not take into account the 3-hour precedent set by the Town of Vincent.

The City contacted the JSCDL to confirm the Department's comments but was advised that guidance on the matter could not be provided prior to the Committee officially considering the amendment as a part normal local law amendment processes.

ATTACHMENTS

Attachment 1	Tabulated consultation submissions.
Attachment 2	City of Joondalup Local Government and Public Property Amendment Local Law 2007

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY, pursuant to section 3.12(4) of the Local Government Act 1995, ADOPTS the Local Government and Public Property Amendment Local Law 2007 in the manner prescribed in Attachment 2 of this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf131107.pdf](#)

ITEM 8 PROPOSED PARKING LOCAL LAW AMENDMENT - [24185]

WARD: All

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

PURPOSE/EXECUTIVE SUMMARY

To provide Council with a draft copy of the *City of Joondalup Parking Amendment Local Law 2007* and to recommend that Council resolve to release the draft for a statewide public consultation period of 44-days, in line with the requirements of section 3.12 of the *Local Government Act 1995*.

BACKGROUND/DETAILS

A recent review of the City's *Parking Local Law 1998* was undertaken. Numerous minor amendments were identified as important to enhance the law and improve City procedures and processes in relation to parking.

Notwithstanding that Council has yet to resolve on the Business Plan for establishing fee-paid parking within the City Centre, the review was also seen as an opportune time to consider any amendments that may support the introduction of a paid parking system at the City. This was to ensure that the local law has provision for the implementation of paid parking in the future, whether that be in the short or long term.

A review of current modified penalties was also undertaken. This report recommends that a general rise of 50% should apply to all parking penalties.

Issues and options considered:

Option 1

Council approves the content of the draft amendment and agrees to release it for a 44-day public consultation period

This option *is* recommended given the minor nature of the proposed amendments.

Option 2

Council does not approve the draft amendment

This option is *not* recommended.

Option 3

Council approves some of the content of the draft amendment

This option is *not* recommended, as all of the proposed amendments are considered reasonable and worthy of approval.

Link to Strategic Plan:

Key Focus Area: Organisational Development

Outcome: The City of Joondalup is an interactive community.

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

Legislation – Statutory Provisions:

- City of Joondalup *Parking Local Law 1998*
- *Local Government Act 1995* – Section 3.12

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Should Council choose to pursue option 1 or 3, a statewide community consultation process will be required to ensure compliance with Section 3.12(3) of the *Local Government Act 1995*. The approximate cost of undertaking a consultation process is \$2,000.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

This report seeks approval to undertake consultation with the community as a part of the Local Law amendment process.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1: Draft City of Joondalup Parking Amendment Local Law 2007

Attachment 2: City of Joondalup Parking Local Law 1998

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the content of the City of Joondalup Parking Amendment Local Law 2007, forming Attachment 1 to this Report and AGREES to release the document for a 44-day statewide community consultation period as a part of the overall local law amendment process.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf131107.pdf](#)

ITEM 9 PROPOSED YELLAGONGA REGIONAL PARK ENVIRONMENT CENTRE - [60510]

WARD: All

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

PURPOSE/ EXECUTIVE SUMMARY

To provide the Council with an overview of the Yellagonga Regional Park Environment Centre Feasibility Study public consultation process and outcomes as well as the responses received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment.

Taking into consideration the comments, issues and concerns arising from the public consultation process and the feedback from the State and Federal Governments, recommendations are made for furthering the development of the proposed Yellagonga Regional Park Environment Centre.

BACKGROUND

The City of Joondalup and the City of Wanneroo have formed a partnership to undertake a feasibility study for an Environment centre within the Yellagonga Regional Park. A detailed background to this project is provided in Attachment 1.

The feasibility study was concluded in February 2007 and the final draft report was presented to both Councils in March 2007. Each Council resolved inter alia to:

“APPROVE the draft Yellagonga Environment Centre Feasibility Study to be released for broad public consultation for a period of 6 weeks”.

On 19 June 2007, a report was presented to Council on the outcomes of the public consultation process with regard to the feasibility study for an Environment Centre within the Yellagonga Regional Park. At that meeting it was resolved:

“That consideration of Yellagonga Regional Park Environment Centre Feasibility Study – Presentation of Public Submissions be DEFERRED pending feedback from State and Federal Governments on their preferred site location and an indication of funding opportunities”.

This report will therefore present the public submissions from the public consultation process as well as the responses received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment.

DETAILS

At its meeting on 27 March 2007, Council resolved that the Feasibility Study report be advertised for public comment for a period of 6 weeks. (*CJ041 – 03/07 refers*).

Calls for public submissions were advertised in the local community news, an online submission facility was made available on the City of Joondalup website and letters were sent to directly affected residents living in close proximity to the proposed sites. Hard copies of the study were also made available at all library facilities, customer service centres and administration buildings throughout both the Cities of Wanneroo and Joondalup.

Public submissions closed on 9 May 2007 and the report, which provides an analysis of the submissions received, is shown as Attachment 2 to this report. Details of individual submissions are shown in Attachment 3. The submissions were analysed by independent consultants to ensure objectivity in the qualitative analysis of all the public submissions received.

In summary a total of 45 independent submissions were received. In the analysis these were divided between positive and negative comments. Twenty-five respondents were classified as positive while 18 were classified as negative. One submission was classified as a mixture of positive and negative comments. The final submission was not classified as the respondent was referring to the previous steering committee report.

It should be noted that one of the negative submissions provided a petition with 31 names strongly opposing the site at Reserve 43290 (formerly known as Lot 1). Four of the signatories to this petition also submitted individual responses making for 27 unique signatories. Three respondents provided multiple submissions.

Submissions were invited from residents of both the City of Joondalup and the City of Wanneroo with 29 submissions being received from City of Joondalup residents, 13 from City of Wanneroo residents, one respondent reported paying rates to both Cities and one response was from the National Trust. It was not possible to categorise one submission, as an address was not provided.

The key comments and issues raised from the submissions are summarised as follows:

Summary of Reasons for Support:

- The predominant reasons given for supporting the proposed Environment Centre could be attributed to the perceived educational benefits such a facility would provide including:
 - As an attractor for people visiting the Yellagonga Regional Park to learn about the native flora and fauna.
 - As a place where school children (and others) could learn about the cultural and indigenous heritage of the region.
 - As a model for addressing environmental issues in a demonstrably unique and fragile environment.

- Positive reference was made to the environmental centres at Herdsman Lake and Piney Lake and the benefit they provided to the local communities.
- The proposed Environment Centre was viewed as an asset that would provide a benefit to the local community by enhancing the existing park.
- Existing facilities would be enhanced by the inclusion of an Environment Centre.
- Proper development of the area would result in a decrease in anti-social behaviour.
- Several submissions indicated their general support for the concept. These respondents provided no concrete reason for providing positive support, although several did provide comments along the lines of *“we are pleased that the Centre is finally being built”* and *“the community has waited a long time for this project and now is the time to move forward.”*

Summary of Reasons for Non-Support:

- Increased traffic was one of the most common reasons for not supporting the development at Reserve 43290 (formerly known as Lot 1). Eight submissions mention the issue of traffic conditions and the subsequent increase in noise and disturbance to the wildlife.
- An expectation that traffic would increase due to the hospital expansion was expressed and this would only be compounded by the proposed development.
- There were negative references to Neil Hawkins Park with regards to vandalism, car hooning, graffiti and general anti-social behaviour. Several respondents noted that they expected the same *“drug users and hoons”* to avail themselves of the proposed facilities. Mention was also made of the provision of *“a public use area for mischief making”* by people and the effect the increased litter would have on natural wildlife.
- Some respondents felt the development will interfere with the natural flora and fauna of the A class reserve.
- There was a view that property value would decrease.
- A long term nearby resident felt that *“our beautiful view (which was the main reason for purchasing our block) of the lake, bushland and native flora and fauna would be replaced by concrete, car parks and buildings”*.
- Other respondents noted that it was important to maintain the natural bush setting and landscape and that building an Environment Centre could negatively impact on that amenity.
- The financial viability and sustainability of the proposed centre was questioned by nine submissions. The feasibility study financial projections were questioned as being too low. Reference to the Herdsman Environment Centre as not being self-sustaining was used as an example of the potential outcome for the proposed development. This was seen as a potential drain on City resources.
- Some expressed concern that the support required from volunteers may not eventuate, causing a cost blow out of the estimates.

Response from the State and Federal Governments

In July 2007, letters were sent to both the Federal Minister for the Environment and Water Resources and the State Minister for the Environment requesting feedback on their preferred site location and an indication of funding opportunities.

Responses have now been received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment (Attachments 4 and 5 refer). The Federal Minister does not indicate whether he has a preference for Lot 1 or Scenic Drive and indicates some sources for grant money.

Similarly, the State Minister does not indicate a preference but suggests “the final location be supported by the local community”. (Ostensibly this means Lot 1 which did receive community support). The State Minister’s letter also notes that there is no funding currently available for the construction of a centre. However, it also indicates that the Government would work with the City in this regard.

Issues and options considered:

Each submission received, as part of the public consultation process, has been summarised in the Table shown as Attachment 3 to this report. Where appropriate, officer’s comments have been provided to expand further on some of the issues raised. Most issues, which concern environmental impact, traffic impact, noise, antisocial behaviour and financial viability, can be addressed during the further development of the concept.

Both the Federal Minister for the Environment and Water Resources and the State Minister for the Environment provided general support for the concept of an environment centre within Yellagonga Regional Park. The next phase of the project, if supported, will include development of a business plan and the detailed design of the Environment Centre. This will enable the City to undertake, when appropriate, detailed applications to the State and Federal Governments for capital funding support.

It should be noted that Joondalup Drive is a district distributor A class road and that Lakeside Drive is a district distributor B class road. Both roads were designed to take high traffic volumes given the growth that was predicted would occur within the Joondalup City centre.

Council has the following options in relation to the proposed Environment Centre: -

- 1 To support the development of a detailed concept design and business plan for an Environment Centre at Reserve 43290 (formerly known as Lot 1).
- 2 To support the development of a detailed concept design and business plan for an Environment Centre at Scenic Drive Wanneroo.
- 3 Not to pursue the development of an Environment Centre within the Yellagonga Regional Park at this stage.
- 4 To undertake further studies and consultation to look at other options that may have not been considered to date.

Link to Strategic Plan:

The undertaking of a feasibility study for an Environment Centre links to the City of Joondalup Strategic Plan 2003-2008 under the following areas:

Community Well Being - The City of Joondalup is a cultural centre

- 1.2 *To meet the cultural needs and values of the community*
 - 1.2.1 *Continue to enhance and create new cultural activities and events*
 - 1.2.2 *Create cultural facilities*

Caring for the Environment - The City of Joondalup is environmentally responsible in its activities

- 2.1 *To plan and manage our natural resources to ensure environmental sustainability*
 - 2.1.1 *Maintain and protect natural assets to retain biodiversity*

Organisational Development - The City of Joondalup is a an interactive community

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

4.3.1 Provide effective and clear community consultation.

Legislation – Statutory Provisions:

Land Tenure and uses – Either site if selected will need approval from the Western Australian Planning Commission (WAPC) before any development can proceed.

1. Reserve 43290 (formerly known as Lot 1)

This site is currently vested in the Conservation Commission of WA. It is zoned recreational use in the Yellagonga Regional Park Management Plan, is a Class A reserve as per Section 5 of the CALM Act.

It is recommended that in order for development of an Environment Centre to occur on this site, the process of vesting the reserve (or part of the reserve) commence to allow for the proposed uses, namely environmental education, research and associated services. The City should also be given the power to lease on this site.

Enacting this vesting will require legislative change through State Parliament. This process may take up to 2 years to enact and will be initiated by the City of Joondalup Council resolving to request the Department of Environment and Conservation (DEC) to commence the legislative change process.

2. Scenic Drive

The Scenic Drive site is located on several parcels of land all vested in the City of Wanneroo under a management order. This order is currently waiting to be approved by the Council. The area is currently zoned for Sport and Recreation in the Yellagonga Regional Park Management Plan. The City would need to seek 'power to lease' authority under its management order to accommodate the concept of an Environment Centre facility. In addition the island is currently owned freehold by the WAPC and managed by DEC. DEC would need to agree to locate a boardwalk in the area to give access to the island. The Conservation Commission would also need to be consulted on this aspect.

Risk Management considerations:

A number of risks have been identified that may need mitigation should the project be supported to the next stage of development. These include:

- Potential opposition from local residents not wishing any development to be undertaken in the regional park;
- Potential to impact on cultural sensitivities with the Nyoongar people relating to the site that will be selected for development;
- Potential for competition from the National Trust's redevelopment of Luisini's Winery;
- Potential to raise community expectations without secured funding or commitment for the establishment of the Environment Centre;
- Potential conflict over the preferred location of the centre;
- Potential for future external grant assistance to achieve the next stage of the project is unknown.

Financial/Budget Implications:

The feasibility study contains detailed costings for the design and construction stages for an Environment Centre.

It should be noted that with respect to the development of the site at Reserve 43290 (formerly known as Lot 1), the feasibility study suggests that the centre is projected to run at a operating loss for the first five years of its operation as follows: -

Year 1	Year 2	Year 3	Year 4	Year 5
-\$47,250	-\$73,500	-\$115,800	-\$48,600	-\$43,000

Detailed design work and a business plan, as recommended by this report, will refine the financial costs associated with this project.

Following the completion of detailed design work and the development of a business plan further approaches for capital funding support from the State and Federal Governments can be sought. The City has budgeted \$50,000 for this detailed design work.

Policy Implications:

Not Applicable

Regional Significance:

The Yellagonga Regional Park is by nature a strategic regional natural asset for the two Cities and the State of Western Australia. It is imperative that the Yellagonga Regional Park wetlands are managed effectively and protected. The development of an Environment Centre is in keeping with the Yellagonga Regional Park Management Plan 2003-2013 and to this end the development of an Environment Centre has immense regional significance. The project represents an important demonstration of cross local government cooperation and participation.

Sustainability Implications:

An Environment Centre would be designed to enhance sustainability of the wetlands by providing ongoing education, care and monitoring processes.

Consultation:

This report explains the outcomes of the recent consultation and feedback received from the State and Federal Governments.

The next phase of the project will be to develop a detailed concept design and a business plan for the centre. Given the significant interest and concerns of adjoining land owners to the proposed site, it would be appropriate to engage with the residents once a more detailed concept design has been developed to ensure their concerns are taken into account and mitigated where reasonable.

COMMENT

In determining the way forward on this project, Council will need to consider and balance the opposing views of local residents with the desires and aspirations of the wider community. The regional benefits that can be derived from having a centre that can pursue environmental excellence is attractive and to date has been positively supported by the State Government.

If the Cities of Joondalup and Wanneroo are to make a truly concerted effort to address the future environmental challenges that the community will face, particularly with the onset of climate change, then the local government and its community will need a strong and transparent interface for the environmental work to be coordinated and resourced.

ATTACHMENTS

Attachment 1	Background to the Yellagonga Regional Park Environment Centre Feasibility Study
Attachment 2	Report: A Qualitative Evaluation of Resident Responses to the Proposed Yellagonga Environment Centre Feasibility Study
Attachment 3	Summary Table of Resident Submissions and Officer Comments
Attachment 4	Letter from Federal Minister for the Environment and Water Resources, Mr Malcolm Turnbull
Attachment 5	Letter from State Minister for the Environment, Mr David Templeman MLA

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the comments, issues and concerns being raised from the public, shown as Attachments 2 and 3 to this Report;**
- 2 NOTES the responses from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment, forming Attachments 4 and 5 to this Report;**
- 3 SUPPORTS the establishment of the Yellagonga Environment Centre on Reserve 43290, Lot 12050, 580 Joondalup Drive (formerly known as Lot 1);**
- 4 SEEKS endorsement for development of an Environment Centre on Reserve 43290 (formerly known as Lot 1) from both the City of Wanneroo and the Department of Environment and Conservation;**

- 5 **REQUESTS that the Department of Environment and Conservation initiate the process for vesting Reserve 43290, Lot 12050, 580 Joondalup Drive (formerly known as Lot 1) or a portion of the reserve to allow for the proposed land uses being: environmental education, research and associated services and for power to lease;**
- 6 **REQUESTS that further work be undertaken to develop a more detailed design of the concept including a business plan and funding opportunities;**
- 7 **NOTES that further consultation, particularly with residents adjoining the proposed site be undertaken once a more detailed concept design is developed.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf131107.pdf](#)

ITEM 10 AUSTRALIAN GREENHOUSE OFFICE REPORT - CLIMATE CHANGE IMPACTS AND RISK MANAGEMENT - [59091]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

The purpose of this report is to review the Australian Greenhouse Office Report titled 'Climate Change Impacts and Risk Management, A Guide for Business and Government'. The potential for the City of Joondalup to utilise this information is also assessed.

BACKGROUND

At its Council Meeting held on 28 August 2007, Council resolved to:

“REQUEST a report, from the Chief Executive Officer on the report of the Australian Greenhouse Office, in the Department of the Environment and Heritage, titled “Climate Change Impacts and Risk Management, A Guide for Business and Government” dated 2006, for the purpose of ensuring that this organisation is aware of the risks from climate change impacts and that suitable management responses are put in place”.

DETAILS

In 2006 the Australian Greenhouse Office released the report 'Climate Change Impacts and Risk Management, A Guide for Business and Government' (Attachment 1 refers). The report provides a guide to integrating climate change impacts into risk management and other strategic planning activities in Australian public and private sector organisations for the purpose of assisting Australian businesses and organisations to adapt to climate change. Specifically the Report aims to help businesses and organisations to:

- Enumerate risks related to climate change impacts;
- Prioritise risks that require further attention; and
- Establish a process for ensuring that these higher priority tasks are managed effectively.

The Report consists of three parts:

- Part A: Introduction and fundamentals of risk assessment and management;
- Part B: How to undertake an initial strategic assessment using a workshop process; and
- Part C: Outlines considerations for more detailed analysis.

The framework outlined in the report for undertaking climate change risk assessment is detailed below:

- 1 Establish the Context – objectives, stakeholders, criteria, key elements, climate scenarios;
- 2 Identify the Risks – what could happen, how could it happen;
- 3 Analyse the Risks – review controls, likelihoods, consequences, level of risk;
- 4 Evaluate the Risks – evaluate risks, rank risks, screen minor risks; and
- 5 Treat the Risks – identify options, select the best, develop plans, implement.

The Report recommends that *“if your organisation has an existing risk management framework, use this or stay as close to it as possible, so that output of the climate analysis is comparable with other risk assessments that you carry out”*.

Issues and options considered:

Local Government and Climate Change Adaptation

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.

In conjunction with this new initiative the Australian Greenhouse Office released the report ‘Climate Change Adaptation Actions for Local Government’ (Attachment Two refers). This report on climate change adaptation actions outlines the potential impacts of climate change on local government functions, and provides a toolkit of responses including information on their benefits and costs. It was written to complement the report ‘Climate Change Impacts & Risk Management – A Guide for Business and Government’.

The effects of climate change will have direct and indirect implications for local governments. Aside from any regional variations in impacts across parts of Australia, there will also be differences in the extent to which these impacts are felt by the communities of a local government area. A summary of potential climate change impacts that can have implications for local governments is provided in Attachment Three.

Current City of Joondalup Risk Management Practices

Under the Emergency Management Act (2005) specific responsibilities for emergency management planning and the coordination of the emergency recovery process have been allocated to Local Government. These responsibilities include:

- Development and maintenance of effective Local Emergency Management Arrangements (Plans);
- Establishment of a Local Emergency Management Committee;
- Appointment of a Local Recovery Coordinator and identification of the structure of a Local Recovery Committee; and
- Coordination of the emergency recovery process following a community emergency/disaster affecting the Local Government area.

To this effect the City has undertaken a number of activities in relation to emergency management planning with the aim of raising awareness within the community about emergency management issues and having appropriate plans in place to deal with emergency hazard sources.

The City participates in a number of external groups through which it coordinates its emergency planning activities with other relevant stakeholders, many of whom are responsible for emergency response, emergency welfare or other functions. These groups include the:

- City of Wanneroo – Joondalup Local Emergency Management Committee;
- North West Metropolitan District Emergency Management Committee;
- Metropolitan North and East Recovery Group; and
- Local Welfare Planning Committee (State Government).

Local and regional emergency management plans covering the North West Emergency Management District have been developed through these groups including:

- City of Joondalup Local Community Emergency Management Arrangements (Attachment 4 refers);
- City of Wanneroo Local Emergency Management Plan
- Cities of Wanneroo/ Joondalup Local Emergency Management Plan (regional) (Attachment 5 refers).

The City also has a Local Recovery Plan in place outlining how community recovery from an emergency event will be coordinated. This document is currently being reviewed and will designate a Local Recovery Coordinator and the structure of the Local Recovery Coordinating Committee.

The City, in partnership with the City of Wanneroo, have completed phases 1-3 of the All Western Australians Reducing Emergencies (AWARE) emergency risk management process which has identified significant sources of emergency risk and potential strategies for reducing the likelihood of such events and the community's vulnerability to them. The following hazards have been identified as being of priority to the City:

- Urban bushland fire;
- Structural (building) fire;
- Storm damage to local areas; and
- Hazardous material release.

The City is currently working to appoint an Emergency Management Officer (shared with the City of Wanneroo) to progress the emergency risk management process further. Money was allocated for this in the 2007/2008 budget.

Local Adaptation Pathways Grants Programme

The Australian Greenhouse Office has recently announced the 'Local Adaptation Pathways Grants Program'.

This Program provides grants to support local government bodies, regional organisations/ consortiums of councils to implement of a risk management process to deal with the impacts of climate change, including initial context analysis, risk evaluation workshops and / or adaptation action plans. The process needs to align with that outlined in the 'Climate Change Impacts & Risk Management: A Guide for Business and Government' report.

The Program will provide local governments grants of up to \$30 000 (GST exclusive) for conducting a risk management process and up to \$20 000 (GST exclusive) for developing adaptation action plans using an approved service provider. The Department will establish a panel of approved service providers to this effect.

Applications for the first round of grants close on 3 December 2007. The Program will provide grants totaling up to \$2 million over a period of four years (2007/08 to 2011/12). Applicants are encouraged to explore co-investment opportunities (either levered cash or in-kind contribution).

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

None Applicable.

Risk Management considerations:

Predicted climate change including more frequent and severe weather events, is likely to have significant implications for the City's risk management procedures.

Financial/Budget Implications:

Nil.

Policy Implications:

Nil.

Regional Significance:

Not Applicable.

Sustainability Implications:

Predicted climate change will have significant impact on the City of Joondalups local environment, communities and economy. Having appropriate adaptation and mitigation systems in place will ensure that the City and its communities can adapt to these changes.

Consultation:

Nil.

COMMENT

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 City will be better placed to apply for a Local Adaptation Pathways Grant when it is formally participating in the CCP Plus Adaptation Initiative.

The City's Strategic Development and Infrastructure Management Services business units will liaise to ensure the City's existing emergency management processes are cognisant of heightened risks due to climate change.

ATTACHMENTS

Attachment 1	Climate Change Impacts and Risk Management, A Guide for Business and Government
Attachment 2	Climate Change Adaptation Actions for Local Government
Attachment 3	Summary of potential climate change impacts that can have implications for local governments
Attachment 4	City of Joondalup Local Community Emergency Management Arrangements
Attachment 5	Cities of Wanneroo and Joondalup Local Emergency Management Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the Australian Greenhouse Office report 'Climate Change Impacts and Risk Management, A Guide for Business and Government' forming Attachment 1 to this Report;**
- 2 NOTES the Australian Greenhouse Office report 'Climate Change Adaptation Actions for Local Government' forming Attachment 2 to this Report;**
- 3 NOTES the City's current Emergency Management planning and processes;**
- 4 AGREES to participate in the CCP Plus Adaptation Initiative when it becomes more widely available;**
- 5 AGREES to apply for a Local Adaptation Pathways Grant if/when it participates in the CCP Plus Adaptation initiative.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf131107.pdf](#)

ITEM 11 STATE GOVERNMENT'S GRAFFITI VANDALISM REDUCTION STRATEGY 2007-2010 - [09907] [03111]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To inform the Council on the City's response to the State Government's Graffiti Vandalism Reduction Strategy 2007-2010.

EXECUTIVE SUMMARY

The WA Local Government Association (WALGA) requested feedback from all Local Governments on the State Government's Graffiti Vandalism Reduction Strategy 2007-2010. The City's response to the Strategy is contained in Attachment 1 to this report.

BACKGROUND

The State Government's Graffiti Vandalism Reduction Strategy 2007-2010 was released in August 2007. WALGA undertook to consult with Local Governments and to facilitate feedback to State Government on the key issues within the Strategy to ensure that the recommendations met the needs of Local Government. The deadline for providing comments to WALGA did not allow sufficient time for the City's response to be provided to Council prior to submission.

DETAILS

Issues and options considered:

The State Government's Graffiti Vandalism Reduction Strategy 2007-2010 promotes a co-ordinated and collaborative approach to dealing with graffiti across the community. The Strategy outlines actions aimed at reducing the current level of graffiti vandalism. These actions include:

- **People Power** – improving the volume and quantity of information reported on graffiti offences and offenders by encouraging members of the public to report graffiti.
- **Getting the Facts** – establishing and maintaining accurate data through improved graffiti reporting and recording.
- **Cooling down Hot Spots** – improving the time taken to remove graffiti damage in local communities.
- **Safe and Smart** – ensuring the safest techniques and products are used in graffiti removal.

- **DIY Designing Out Graffiti** – making it more difficult for graffiti to occur due to the design of buildings and surrounding areas, and by using anti-graffiti materials.
- **Breaking Bad Habits** – reducing the number of juveniles engaged in graffiti vandalism through educational programs.
- **Grants for Innovation** – providing financial assistance to local innovative graffiti reduction strategies.
- **Hot Spot Watching** – increasing surveillance, eg mobile cameras to gain more reliable evidence for the Police to investigate offences.
- **The 3Rs – Respect, Responsibility and Restoration** – making juvenile graffiti offenders accountable for their actions by effective punishment and rehabilitation which may include by referral to the Department of Corrective Services and involvement in ‘clean-up’ orders.

A copy of the Strategy will be placed in the Councillors’ Reading Room for reference.

WALGA’S Survey to Local Governments comprised a series of questions relating to:

- Consultation on the Strategy;
- Identification of the key areas from the Strategy;
- Effectiveness of the initiatives in reducing or preventing graffiti;
- Resourcing and costing between State and Local Governments;
- Issues in implementing the initiatives;
- Reporting and recording of graffiti;
- Service Level Agreements between State and Government agencies and Local Government;
- Designing out graffiti;
- Surveillance of hot spots; and
- Clean up orders.

A copy of the City’s response is included as Attachment 1.

Link to Strategic Plan:

Management of graffiti vandalism links to the Strategic Plan through Focus Area 1 – Community Wellbeing.

Outcome:1	The City of Joondalup is a safe and healthy city.
Objective 1.4	To work with the community to enhance safety and security in a healthy environment.
Strategy 1.4.2	Continue to implement the Safer Community Program.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The City welcomes a co-ordinated approach to deal with graffiti vandalism, and generally supports the initiatives outlined within the Graffiti Vandalism Reduction Strategy 2007-2010. Some of the actions outlined within the Strategy are activities which the City has identified as priorities and is already undertaking in many cases. A few initiatives are outside the scope of Local Government.

The City's main concerns are outlined in the City's response and include:

- The need to develop a fair pricing structure for Standard Service Level Agreements when Local Governments undertake to remove graffiti for State Government Agencies;
- The need for more information from State Government regarding resourcing and timeframes of initiatives;
- The need for more responsiveness from the Police in following up graffiti offenders;
- The effectiveness of current Juvenile Justice Team measures to deal with offenders;
- The consideration of insurance and health and safety issues in supervising 'clean up' orders; and
- The question of whether funding should be dependent on Local Governments forming partnerships with State Government.

While these concerns are articulated, the City has expressed willingness to be involved in the further development of the key initiatives.

Should Council have any further comments regarding the Graffiti Vandalism Reduction Strategy 2007-2010, these will be forwarded to WALGA.

ATTACHMENTS

Attachment 1 City's response to the WA Local Government Association on the State Graffiti Vandalism Reduction Strategy 2007-2010

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ENDORSES the report on the City's response to the Graffiti Vandalism Reduction Strategy 2007-2010 forming Attachment 1 to this Report.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf131107.pdf](#)

ITEM 12 WEST COAST DRIVE DUAL USE PATH CONCEPT PLAN – OUTCOMES OF COMMUNITY CONSULTATION - [01302] [06527] [08069] [51588]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide Council with information on the consultation process on the Concept Plan for the upgrade of the West Coast Drive Dual Use Path and the results of the analysis of the community feedback.

BACKGROUND

The West Coast Drive Dual Use Path runs parallel with the Indian Ocean along West Coast Drive (also known as the Sunset Coast Tourist Drive) for 1.8km. The path is in high demand for public recreation activities such as walking, running and cycling. Upgrading the path as a project was identified as a priority for the 2006/07 Capital Works Program and funds were allocated to undertake a feasibility study of the proposed project.

In September 2006, Cardno BSD Engineers were commissioned as consultants for the project. The first draft of a Concept Plan was workshopped in November 2006. The Revised Concept Design incorporating additional environmental assessments and mapping by the consultant team was presented to Council on 22 May 2007. The consultant's report was endorsed and Council approved progress with the project to the community consultation stage, which began with an Open Night held at the Sorrento Surf Life Saving Club on 9 August 2007.

DETAILS

The purpose of the consultation process was to obtain feedback from the community on the concept design for the West Coast Drive Dual Use Path with respect to:

- The overall design
- Components of the design including:
 - Fencing
 - Lighting
 - Width
 - Use of Vertical Sculptural Markers at "Opportunity Sites"
 - Relocation of the ablution block

A survey was developed for the purposes of the community consultation process (Attachment 1 refers).

Community representation

To ensure that adequate representation of local opinion was achieved, participation targets based on the Public Participation Strategy 2006 were identified as follows:

- 30 Sorrento residents
- 30 Marmion residents

Both suburbs are immediately adjacent to the West Coast Drive Dual Use Path. However, it should be noted that the targets were set only to maximise efforts to encourage local participation and were not intended to exclude participation by others with an interest in the Concept Plan.

The public were made aware of the consultation process via:

- Press release
- Signage at a number of places along the Path
- Advertisements in the Public Notices section of local community newspapers
- Posters at all local libraries and at the Customer Service Centres at Whitford City Shopping Centre and the City Administration Centre, Boas Avenue, Joondalup
- Letters to all residents/ratepayer groups within the City
- Letters to local businesses along the path
- Letters to stakeholders including the Marmion Angling and Aquatic Club, the Sorrento Surf Life Saving Club and the Joondalup Community Coast Care Forum
- Letters to randomly selected local residents living within the vicinity of the path in the suburbs of Marmion and Sorrento.

The public provided their feedback on the design in a number of ways:

- By completing and returning hard copies of the survey
- By completing an online version of the survey at the City's website on www.joondalup.wa.gov.au

There was considerable interest in the concept plan and several members of the community took responsibility for distributing additional copies of the survey to their friends and neighbours so they had an opportunity to comment.

Analysis of community feedback

The statistical feedback from the 150 submissions received from the community is summarised in a Tables A, B, C and D below.

Table A – Statistical summary of 150 submissions

Survey Item	Overall ratings
Overall support for Concept Plan	79.9% - Strongly approve or Approve
Fencing	80.7% - Love it or like it
Bollard lighting	76.5% - Love it or like it
Path	89.4% - Love it or like it
Vertical Sculptural Marker	50.7% - Love it or like it 21.8% - Not sure
Relocation of ablution block	47.5% -Hate it or don't like it 19.9% - Not sure

Table B – Statistical Summary of Suburbs from which submissions were made

Suburb	No. of participants	Percentage response
Burns Beach	2	1.3
Connolly	1	.7
Craigie	2	1.3
Currambine	1	.7
Duncraig	13	8.7
Edgewater	2	1.3
Greenwood	2	1.3
Heathridge	3	2.0
Hillarys	2	1.3
Iluka	1	.7
Marmion	40	26.7
Mullaloo	3	2.0
Ocean Reef	3	2.0
Sorrento	54	36.0
Woodvale	3	2.0
Kingsley	7	4.7
Other	2	1.3
Total	141	94.0
Unidentified	9	6.0
TOTAL	150	100.0

Targeted suburbs – Sorrento and Marmion

Residents in the suburbs of Marmion and Sorrento – the suburbs adjacent to the path – were specifically targeted to encourage community participation in the consultation process. The follow table provides statistical information on their collective responses to the Concept Plan.

Table C – Statistical Summary of 94 Submissions from Marmion and Sorrento

Survey Item	Overall ratings
Overall support for Concept Plan	79.9% - Strongly approve or Approve
Fencing	80% - Love it or like it
Bollard lighting	73% - Love it or like it
Path	73% - Love it or like it
Vertical Sculptural Marker	48% - Love it or like it 22.8% - Not sure
Relocation of ablution block	68% -Hate it or don't like it

A detailed analysis of the qualitative data received from the Marmion and Sorrento residents is provided in Attachment 2 to this report. It should be noted that the focus of the qualitative analysis was to identify commonalities rather than polarised differences of opinion, which could represent minority views.

Consultation Outcome

In summary, there is widespread community support for the Concept Plan as it is seen as necessary for improving the coastal 'look and feel' of West Coast Drive and for upgrading a path that is viewed as unsafe in its present form as a result of user-congestion.

The feature in the Concept Plan, which has not received support, has been the relocation of the ablution block. Information from the community has clearly identified the existing ablution block as a hub of local activity as it is adjacent to a safe swimming area and in addition to changing and toilet facilities, provides some shelter from prevailing winds and provides a space where people meet and talk on their way to and from the beach. The main request from the community is that the existing ablution block remains in situ and is upgraded with particular consideration being given to people with disabilities and/or experience difficulties in accessing the facility.

Issues and options considered:

Council could agree to:

- Progress all components of the Concept Plan – principally those that received majority support
- Progress all components of the Concept Plan with the exception of the relocation of the existing ablution block which is to be maintained in its present position and upgraded in accordance with community requirements
- Not progress the Concept Plan

Link to Strategic Plan:

Key Focus Area 3: City Development

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

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Failure to take note of and respond to the community feedback received with respect to specific aspects of the Concept Plan e.g., relocation of the ablution block may result in public disaffection with the City's participative process.

Financial/Budget Implications:

Changes in the Concept Plan may result in changes in cost estimates.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Consideration of preserving the dunes and dunal vegetation has received consideration in the consultation process with particular input from representatives of the Joondalup Community Coast Care Forum.

Consultation:

In total 150 submissions were received, not only from the residents of Marmion and Sorrento but also from other suburbs in the City. The breakdown on the pre-set participation targets is reported in the table below.

Table D – Participation Targets

Suburb	Participation Target	Participation Achieved
Sorrento	30	54
Marmion	30	40
	60	94

Further, meetings with representatives of the Sorrento Surf Life Saving Club, the Joondalup Community Coast Care Forum and the Marmion Angling and Aquatic Club were convened during the consultation process.

COMMENT

There has been considerable public interest in the Concept Plan, particularly with respect to the proposed relocation of the ablution block, which has now been identified as a community hub where many local people of all ages meet to swim and then socialise. Given the community's overwhelming rejection of the proposal and subsequent requests for the upgrading of the existing facility in its current location, it would be appropriate for the Concept Plan to be revised accordingly.

ATTACHMENTS

Attachment 1 Survey
Attachment 2 Analysis of community feedback from the residents of Marmion and Sorrento

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES feedback from the community in relation to the West Coast Drive Dual Use Path Concept Plan;**
- 2 AGREES to progress all components of the Concept Plan with the exception of the proposal to relocate the ablution block.**

Appendix 28 refers

To access this attachment on electronic document, click here: [Attach28brf131107.pdf](#)

ITEM 13 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2007 - [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2007, totalling \$10,076,091.55.

It is recommended that Council NOTES the CEO's list of accounts for September 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 \$10,076,091.55.

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 September 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 79668 - 79894 EFT 13049 - 13440 Net of cancelled payments	\$7,792,345.92
	Vouchers 309A-310A, & 313A – 316A	\$2,262,694.59
Trust Account	Cheques 201613 - 201654 Net of cancelled payments	\$21,051.04
Total		\$10,076,091.55

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 2007/08 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 September 2007 |
| Attachment B | CEO's Delegated Trust Payment List for the month of September 2007 |
| Attachment C | Municipal and Trust Fund Vouchers for the month of September 2007 |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the CEO's list of accounts for September 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 \$10,076,091.55.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf131107.pdf](#)

ITEM 14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2007 - [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The August 2007 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The August 2007 year to date report shows an overall shortfall in budgeted surplus of \$(630K) when compared to the budget approved by Council at its meeting of 3rd July 2007 (JSC01-07/07 refers).

This variance can be analysed as follows:

- The **Operating** surplus at the end of August 2007 is \$(63k) below budget, being \$(818K) from lower Revenue, which in turn is largely offset by a saving of \$755K from lower operating expenditure. Revenue variances are mainly attributable to lower than expected refuse charges and interest on investment earnings.

Expenditure variances arose from lower Employee Costs and Materials and Contracts expenditure.

- **Capital Expenditure** is \$956K against the year to date budget of \$382K. The adverse variance of \$(574K) relates mainly to earlier than expected expenditure on the Joondalup Works Depot project (\$434K) and Road Preservation programme under the Federal Local Roads Grant Scheme 06/07.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2007.

BACKGROUND

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

DETAILS

Issues and options considered:

The financial activity statement for the period ended 31 August 2007 is appended as Attachment A.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy implications:

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

Regional Significance:

Not applicable.

Sustainability implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 29 April to 29 May 2006.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A - Financial Activity Statement for the period ended 31 August 2007.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 August 2007, forming Attachment A to this Report.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf131107.pdf](#)

ITEM 15 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2007 - [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The September 2007 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The September 2007 year to date report shows an overall increase in budgeted surplus of \$1,793K when compared to the budget approved by Council at its meeting of 3rd July 2007 (JSC01-07/07).

This variance can be analysed as follows:

- The **Operating** surplus at the end of September 2007 is \$1,239K above budget, comprising a shortfall in Revenue of \$(422K), offset by a saving in operating expenditure of \$1,661K. Revenue variances are mainly attributable to lower than expected refuse charges and interest on investment earnings.

Expenditure variances arose from lower Employee Costs and Materials and Contracts expenditure.

- **Capital Expenditure** is \$920K below the year to date budget of \$2,533K. The favourable variance relates mainly to lower than expected expenditure on the Joondalup Works Depot project \$439K, Ocean Reef Development delayed expenditure of \$300K and delayed vehicle replacement of \$206K.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2007.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 30 September 2007 is appended as Attachment A.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 29 April to 29 May 2006.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 30 September 2007.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 September 2007 forming Attachment A to this Report.

Appendix 29 refers

To access this attachment on electronic document, click here: [Attach29brf131107.pdf](#)

**ITEM 16 2007/08 SEPTEMBER MINI-BUDGET REVIEW -
[61597]**

WARD: All

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

PURPOSE

The purpose of this report is to present the outcome of a preliminary review of the 2007/08 Budget.

EXECUTIVE SUMMARY

The review cycle of the 2007/08 Annual Budget has commenced with a mini-review of the City's budget based on the September quarter actual results.

The intent of the mini-review is to identify those income and expenditure areas where, with the knowledge now available, the outcome will be different from what was expected in the original budget.

The review generally identified certain Capital items that are unlikely to be completed this financial year resulting in \$4m reduction in the capital budget, reduced fee income, increased interest income and additional operating expenditure. Offsetting a significant part of this are consequential adjustments to loan borrowings and transfers to and from reserves. The net result of the review is a potential cash surplus of \$358,026 over what was estimated in the original budget.

It is recommended that Council NOTES the outcome of the preliminary review of the 2007/08 annual budget.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires that the Annual Budget be reviewed at least once a year between 1 January and 31 March. A local government may, however, as part of its performance monitoring review its budget as often as deemed necessary.

DETAILS

As a part of the review cycle, a mini-budget review has been conducted based on September quarter actual results in order to inform Council of predicted early changes to the financial position.

In the first few months of the financial year it is difficult to judge the final expenditure outcome of projects that may have a significant period to run or are not intended to start till a later part of the year. The review has not gone into the depth of analysis that would apply to the review normally conducted in January/February. The review has focussed on the known major changes.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

Regulation 33A of the Local Government (Financial Management) Regulations 1996 as amended, requires a local government to carry out a review of its annual budget at least once during the financial year between 1 January and 31 March.

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:

The amended Rate Setting Statement, Schedules and accompanying Notes to the review are appended.

Policy Implications:

Not Applicable.

Sustainability Implications:

The Council has as a key financial objective, the long-term financial sustainability of the City of Joondalup in order to give it the capacity to achieve its key corporate objectives as specified in the Strategic Plan. The Strategic Financial Plan 2006/07 – 2009/10 has set the parameters for the Annual Budget and has been developed to ensure that current trends, including the rate of growth for revenue and expenditure, are sustainable.

Maintaining financial sustainability is important in order to avoid the impact on the local community of disruptive spending cuts or sudden and excessive rate increases, and to ensure fairness in rating between current and future ratepayers.

Consultation:

The Budget 2007/08 is based on the Strategic Financial Plan for 2006/07 - 2009/10, which was adopted after public consultation.

COMMENT

The preliminary review of the 2007/08 annual budget based on the September actual results shows a possible additional cash surplus of \$358,026. The review did not entail an in-depth analysis of the financial position of the City and the result is indicative at this stage pending the outcome of the mid year budget review scheduled for January/February 2008.

ATTACHMENTS

Attachment 1 September Mini-Budget Review for the 2007/08 Financial Year

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the outcome of the preliminary review of the 2007/08 annual budget, forming Attachment 1 to this Report.

Appendix 30 refers

To access this attachment on electronic document, click here: [Attach30brf131107.pdf](#)

ITEM 17 SYNERGY STREETVISION STREET LIGHTING AGREEMENT - [06009] [00311]

WARD: All

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

PURPOSE

For Council to approve the StreetVision Streetlighting Agreement with Synergy and to delegate authority to the Chief Executive Officer to deal with this and other similar agreements in the future.

EXECUTIVE SUMMARY

Synergy provides street lighting and owns and operates all of the street lighting infrastructure in the City of Joondalup. The provision of street lighting is covered by an agreement and the previous agreement was established prior to the split of Western Power. With the change to Synergy a new agreement is required. The same situation applies to other local governments and many had concerns with what was originally proposed in the new agreement. Over the last twelve months the West Australian Local Government Association (WALGA) has been in negotiations with Western Power and Synergy on behalf of member local governments to finalise the proposed agreement. The agreement is now complete and ready for approval.

This agreement is of an operational nature, however, as it is not part of any tendering process there is no specific delegation in place to enable the Chief Executive Officer to deal with this or similar agreements. It is therefore proposed to make an amendment to the existing delegation "Incurring of Liability and Making Payments" to include a provision to cover this type of situation.

It is recommended that Council:

- 1 *APPROVES the StreetVision Streetlighting Agreement with Synergy;*
- 2 *BY AN ABSOLUTE MAJORITY, DELEGATES to the Chief Executive Officer:*
 - (a) *authority to enter into an agreement with Synergy for the provision of street lighting to the City, and*
 - (b) *authority to approve an extension to an existing agreement with Synergy for the provision of street lighting to the City.*

BACKGROUND

Synergy supplies street lighting to the City of Joondalup and to other local governments. The provision of those services is governed by an agreement established with each local government. The core agreement is uniform for each local government. With the change in corporate structure that has seen the provision of street lighting services transferred from the old Western Power to the new Synergy, the previous agreement has expired and there is a need to put a new agreement in place.

When the new agreements were proposed the metropolitan local governments raised concerns about the draft agreements and the matter was referred to WALGA. WALGA convened and undertook discussions with all the relevant parties to reach an agreement that is satisfactory and workable. Those discussions have been going on for twelve months.

Synergy has now presented the negotiated agreement for approval and signoff by the City of Joondalup.

While the agreement is largely operational in nature it is a significant expenditure with \$1.6 million being expended on street lighting in 2006/07. While the extension of the deregulation of the energy market to include street lighting has been mooted this is not yet in place and as such there is no tender to support this purchasing arrangement and it is exempt from the tender requirements.

In terms of the current delegations that are in place there is no delegation that specifically covers a situation where a formal agreement is required to support a purchasing decision and the purchasing decision does not involve a tender.

DETAILS

Issues and options considered:

The agreement with Synergy is largely a service level agreement. It simply articulates the services that will be provided and the responsibilities and sets out the annual costs and the arrangements for billing etc.

The agreement is a standardised agreement with all metropolitan local governments being required to agree to the same core arrangements. Schedules attached to the agreement deal with issues specific to individual local governments such as identifying all of the suburbs that are covered and the hours that the lights are on. In the latter case no change is proposed to the current dusk to dawn illumination period in the City.

In the future it is envisaged that the City of Joondalup along with other local governments will have access to a deregulated market for power supplies for street lighting. At this stage however there is no alternative to Synergy. The agreement is for an initial one (1) year period and then continues for successive one (1) year periods subject to termination at the end of each period with ninety (90) days notice.

Link to Strategic Plan:

- 4 Organisational Development
- 4.1 To manage the business in a responsible and accountable manner.

Legislation – Statutory Provisions:

Regulation 11 of the Local Government (Functions and General) Regulations 1996 sets out the requirements for inviting tenders. Sub clause (2)(e) provides a specific exemption where "the goods or services are to be supplied by or obtained through the government of the State or the Commonwealth or any of its agencies, or by a local government or regional local government". Sub clause (2)(f) also provides an exemption where the "local government has good reason to believe that, because of the unique nature of the goods or services required or for any other reason, it is unlikely that there is more than one potential supplier".

There are therefore no requirements to call tenders for power supply for street lighting and no other legislative provisions apply.

Risk Management considerations:

The purpose of the agreement in addition to setting out the amounts to be paid is to set out the services which will be provided and where the responsibilities are for repairs, maintenance etc. Not entering into an agreement puts at risk the provision of street lighting to the City of Joondalup and even if the provision of street lighting was maintained in the absence of an agreement leaves the City exposed to potential conflict and dispute in relation to responsibilities and the level of service delivery.

Although Synergy is the only currently available supplier the agreement has been negotiated over a protracted period with WALGA acting on behalf of the member local governments across the metropolitan area and represents a good outcome for the City of Joondalup.

Financial/Budget Implications:

The value of the contract for 2007/08 is \$1,680,284, which represents an increase of 1.03% over the cost for 2006/07. This cost is fully covered in the City's 2007/08 budget.

Policy Implications:

Not Applicable.

Regional Significance:

Although this agreement is between the City of Joondalup and Synergy and the schedules specifically relate to the City of Joondalup, the main body of the agreement is common to all local governments across the metropolitan area and has been negotiated on an industry basis through WALGA.

Sustainability Implications:

The ability for the City to look at alternative sources of energy for street lighting will be a possibility in the not too distant future however at this point in time the City does not have any alternatives to the supply being offered by Synergy.

Consultation:

The present agreement has been negotiated on an industry basis with metropolitan local governments represented by WALGA in negotiations with both Western Power and Synergy. There has been consultation across the industry.

COMMENT

This new agreement with Synergy effectively replaces a previous agreement that existed with the corporate entity previously known as Western Power. The agreement has been updated and developed on a common use basis across all of the metropolitan local governments having been negotiated through WALGA. It effectively sets out on a service basis what the various responsibilities are and what the service deliverables are for the City in exchange for its payment for the provision of street lighting.

The arrangement is essentially operational in nature however there are no specific delegations in place to deal with this type of issue and hence the agreement has come to the Council. As part of dealing with this agreement it is also recommended that the City make an amendment to the existing delegation that is in place for "Incurring of Liability and Making of Payments" so that in future this type of arrangement can be dealt with at an administrative level.

ATTACHMENTS

Attachment 1 StreetVision Streetlighting Agreement with Synergy

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 APPROVES the StreetVision Streetlighting Agreement with Synergy forming Attachment 1 to this Report;**
- 2 BY AN ABSOLUTE MAJORITY, DELEGATES to the Chief Executive Officer:**
 - (a) authority to enter into an agreement with Synergy for the provision of street lighting to the City, and**
 - (b) authority to approve an extension to an existing agreement with Synergy for the provision of street lighting to the City.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf131107.pdf](#)

ITEM 18 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETINGS - SEPTEMBER/OCTOBER 2007 – [74574]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

Meetings of the Chief Executive Officer Performance Review Committee were held on the following dates:

Meeting Date:	Items of business considered by the Committee:
Monday 24 September 2007	Item 1 Chief Executive Officer Annual Performance Review Progress
	Item 2 Performance Review Committee – Chief Executive Officer – Resignation of Cr M John
Thursday 27 September 2007	Item 1 CEO Annual Performance Review Interview
Tuesday 2 October 2007	Item 1 Chief Executive Officer Interview Outcome and Preparation of Concluded Annual Performance Review Report
	Item 2 Chairman's Overview of Elected Members' Annual Assessment of CEO
Thursday 4 October 2007	Item 1 Chief Executive Officer Concluded Annual Performance Review

It is recommended that Council NOTES the following minutes of the Chief Executive Officer Performance Review Committee:

- 1 *confirmed minutes of the meeting held on 24 September 2007, forming Attachment 1 to this Report;*
- 2 *unconfirmed minutes of the meeting held on 27 September 2007, forming Attachment 2 to this Report;*
- 3 *unconfirmed minutes of the meeting held on 2 October 2007, forming Attachment 3 to this Report;*

- 4 *unconfirmed minutes of the meeting held on 4 October 2007, forming Attachment 4 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.

DETAILS

Issues and options considered:

The Motions carried at the Chief Executive Officer Performance Review Committee meeting held on 24 September 2007 are shown below, together with officer's comments.

ITEM 1 CEO ANNUAL PERFORMANCE REVIEW PROGRESS

"That The CEO Performance Review Committee:

- 1 *NOTES that the requirements of clause 11.3(e)(ii) of the CEO's contract in relation to inviting all Elected Members to make written comments on the CEO's performance have been met;*

- 2 *NOTES that the requirements of clause 11.3(c) of the CEO's contract in relation to the CEO completing a self-evaluation report assessing his performance against the prescribed Key Performance Indicators have been met;*
- 3 *RECEIVES the CEO's Self Evaluation Report on his performance;*
- 4 *RECEIVES the Consultant's Report on Elected Member Feedback, as amended, and the CEO's Self Evaluation Report and provides the CEO with a copy of the amended Feedback Report;*
- 5 *DISCUSSES with the CEO the inclusion of two KRA and/or KPIs into the contract, namely Major Projects and Sustainability."*

Officer's Comment

All of the required actions have been completed.

ITEM 2 PERFORMANCE REVIEW COMMITTEE - CHIEF EXECUTIVE OFFICER - RESIGNATION OF COUNCILLOR M JOHN

"That the resignation of Cr John from the Performance Review Committee - Chief Executive Officer be RECEIVED and it is RECOMMENDED to Council that it does not appoint a replacement to fill the vacancy on the Committee before 20 October 2007."

Officer's Comment

No action required.

The Motions carried at the Chief Executive Officer Performance Review Committee meeting held on 27 September 2007 are shown below, together with officer's comments.

ITEM 1 CEO ANNUAL PERFORMANCE REVIEW INTERVIEW

"That the Chief Executive Officer's report assessing his performance during the review period be RECEIVED."

"That the report dated 26 September 2007 submitted by the Presiding Person of the Chief Executive Officer Performance Review Committee (forming Attachment 1) dealing with an overview of the Elected Members' Annual Assessment of the Chief Executive Officer, be RECEIVED."

Officer's Comment

No action required.

The Motion carried at the Chief Executive Officer Performance Review Committee meeting held on 2 October 2007 is shown below, together with officer's comments.

ITEM 1 CHIEF EXECUTIVE OFFICER INTERVIEW OUTCOMES AND PREPARATION OF CONCLUDED ANNUAL PERFORMANCE REVIEW REPORT

"That subject to the CEO'S feedback on the proposed changes to the key result areas, the Consultant is REQUESTED to prepare a draft "Confidential Concluded Annual Performance Review Report" for the Committee's consideration at its next meeting that incorporates and reflects:

- 1 *The outcomes of the CEO's performance review meeting of 27 September 2007, and*
- 2 *The feedback, advice and input of the Committee."*

Officer's Comment

No action required.

ITEM 2 CHAIRMAN'S OVERVIEW OF ELECTED MEMBERS ANNUAL ASSESSMENT OF CEO

Officer's Comment

This matter was addressed as part of the interview process for the CEO held on 27 September 2007.

The Motions carried at the Chief Executive Officer Performance Review Committee meeting held on 4 October 2007 are shown below, together with officer's comments.

ITEM 1 CHIEF EXECUTIVE OFFICER CONCLUDED ANNUAL PERFORMANCE REVIEW

"That the Chief Executive Officer Performance Review Committee RECOMMENDS that Council ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for 2007/08, subject to the following amendments to the Confidential Concluded Annual Performance Review Report, forming Attachment 1 hereto:

- 1 *Page 9: KPI – Progress Development of the strategic plan: First dot point within Measure to be removed and replaced with:

"Presentation of the strategic plan to Council for final adoption.
Development of a practical methodology for its implementation."*
- 2 *Page 10: KPI – Investment of the City's financial assets: Wording of dot point to be amended to read:

"Develop a long term financial plan for City building and road assets."*

- 3 *Page 13: KPI – Implement Major Project phases in accordance with the strategic plan, annual plan and operational budget:*
- (a) *Amend the abbreviation ‘ORM’ to read ‘Ocean Reef Marina’;*
 - (b) *Amend the abbreviation ‘JCCDP’ to read ‘Joondalup City Centre District Plan’;*
- 4 *Page 13: KPI – Implement Major Project phases in accordance with the strategic plan, annual plan and operational budget: A point (c) be added to Joondalup CBD to read:*
- “(c) implementation of project plans in accordance with the project plans adopted by Council.” “*

“That the Chief Executive Officer Performance Review Committee:

- 1 *ADOPTS the Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating of ‘Meets the Performance Requirements’;*
- 2 *NOTES that the Chief Executive Officer has continued to provide excellent leadership, strategic management and governance for the City of Joondalup.”*

Officer’s Comment

All of the required actions have been completed.

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 CEO performance review was concluded by Council at its meeting of 16 October 2007.

ATTACHMENTS

Attachment 1	Confirmed Minutes of the Chief Executive Officer Performance Review Committee meeting held on 24 September 2007.
Attachment 2	Unconfirmed Minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 September 2007.
Attachment 3	Unconfirmed Minutes of the Chief Executive Officer Performance Review Committee meeting held on 2 October 2007.
Attachment 4	Unconfirmed Minutes of the Chief Executive Officer Performance Review Committee meeting held on 4 October 2007.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the following minutes of the Chief Executive Officer Performance Review Committee:

- 1 confirmed minutes of the meeting held on 24 September 2007, forming Attachment 1 to this Report;**
- 2 unconfirmed minutes of the meeting held on 27 September 2007, forming Attachment 2 to this Report;**
- 3 unconfirmed minutes of the meeting held on 2 October 2007, forming Attachment 3 to this Report;**
- 4 unconfirmed minutes of the meeting held on 4 October 2007, forming Attachment 4 to this Report.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf131107.pdf](#)

ITEM 19 TENDER 048/07 PROVISION OF PRELIMINARY WORKS PRIOR TO ROAD RESURFACING - [87603]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

This report is for Council to consider the tender received for the provision of preliminary works prior to road resurfacing.

EXECUTIVE SUMMARY

Tenders were advertised on 22 September 2007 through statewide public notice for the provision of preliminary works prior to road resurfacing. Tenders closed on 9 October 2007. One tender submission was received from Sparta Enterprises T/as Stirling Paving.

Stirling Paving is a highly experienced Contractor who has provided services to the City for the last six years at a consistently high standard in a both reliable and flexible manner. They have also made the commitment to make the City their number one priority as in their previous contracts.

It is recommended, that Council ACCEPTS the tender submitted by Stirling Paving for the provision of preliminary works prior to road resurfacing in accordance with the requirements as stated in Tender 048/07 and the Schedule of Rates for a period of three (3) years with two (2) one (1) year optional extensions.

BACKGROUND

Each year as part of the Capital Works Programme, the City completes road resurfacing projects. These projects require preliminary works that include, but are not limited to the following:

- Removal of kerbing;
- Kerb backfilling (sand and gravel);
- Removal of pram ramps;
- Removal of concrete and asphalt crossover sections; and
- Supply and installation of gully grates and industrial gully grates.

The City does not have the internal resources to complete these tasks and requires the services of an appropriately experienced external service provider.

DETAILS

Tenders were advertised on 22 September 2007 through statewide public notice for the provision of preliminary works prior to road resurfacing. Tenders closed on 9 October 2007. One tender submission was received from Sparta Enterprises T/as Stirling Paving.

The evaluation panel carried out the evaluation of the Submission in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer submitted by Stirling Paving represents value to the City at the offered schedule of rates.

Schedule of Rates

Item	Description	Unit	Rate (Ex. GST)
1	Removal of kerbing	Linear m	\$10.98
2	Kerb backfilling (Sand)	Linear m	\$7.36
3	Kerb backfilling (Gravel)	Linear m	\$12.30
4	Removal of pram ramps	Each	\$164.00
5	Cutting and removal of 600mm wide section of concrete crossover	Linear m	\$44.47
6	Cutting and removal of 600mm wide section of asphalt or brick paved crossover	Linear m	\$30.92
7	Supply and installation of standard gully grates	Each	\$588.00
8	Supply and installation of industrial gully grates	Each	\$688.00

The submitted prices on average are approximately 10% greater than the rates currently paid by the City. This increase directly reflects increased costs in fuel, materials and labour and is in line with current market conditions.

Stirling Paving is a highly experienced Contractor who has provided services to the City for the last six years in a reliable and flexible manner. They have demonstrated a thorough understanding of the requirements and provide their services at a consistently high standard. They have also made the commitment to make the City their number one priority as in their previous Contracts. The references provided confirmed their quality of work, commitment to service delivery and ability to work in conjunction with other Contractors.

Issues and options considered:

Should the Contract not proceed the risk to the City will be high as road resurfacing is a critical component of the City's Capital Works Programme for the maintenance of the road network in a safe and usable state for the community.

Link to Strategic Plan:

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

- 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.

Objective 3.4 To provide integrated transport to meet regional and local needs.

Strategy 3.4.1 Advocate and facilitate the creation of transport linkages.

Strategy 3.4.2 Align use of land and modes of transport.

Legislation – Statutory Provisions:

A state wide public tender was advertised, opened and evaluated in accordance with the Local Government (Functions & General) Regulations 1996, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders 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 on the basis that they are long-established company with extensive prior experience in completing.

Financial/Budget Implications:

The City has budgeted \$598,717 (excl. GST) for these services in 2007/08 and would expect to spend \$1,796,153 (excl. GST) for the three (3) year period as part of the City's Capital Works programme and \$2,993,588 (excl. GST) over the five (5) year period.

Policy implications:

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

The recommended Respondent, Stirling Paving is Western Australian company located in Stirling.

Regional Significance:

Not Applicable.

Sustainability Implications:

This Contract will ensure the City is able to upgrade and maintain the road network in a safe and usable state for the community.

Consultation:

Not Applicable.

COMMENT

The offer submitted by Stirling Paving represents best value to the City at the offered schedule of rates which are fixed and firm for the first twelve (12) months of the Contract, and thereafter, subject to variation in accordance with changes to the All Groups Consumer Price Index (CPI) for Perth as published by the Australian Bureau of Statistics.

ATTACHMENTS

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the tender submitted by Stirling Paving for the provision of preliminary works prior to road resurfacing in accordance with the requirements as stated in Tender 048/07 and the Schedule of Rates for a period of three (3) years with two (2) one (1) year optional extensions.

ITEM 20 TENDER 043/07 PROVISION OF TRAFFIC MANAGEMENT AND CONTROL SERVICES - [82603]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic
 Infrastructure Services

PURPOSE

This report is for Council to consider the tenders received for the provision of traffic management and control services.

EXECUTIVE SUMMARY

Tenders were advertised on 15 September 2007 through state wide public notice for the provision of traffic management and control services. Tenders closed on 3 October 2007. Five tender submissions were received from:

- Advanced Traffic Management WA
- Australian Traffic Engineering Pty Ltd
- Erections WA
- Total Road Services
- WARP Group Pty Ltd

The Evaluation Panel recommends that Total Road Services and WARP Group Pty Ltd are established as service providers on a Panel Contract to be used for the provision of traffic management and control services on an 'as and when required' basis at the rates submitted.

Both Respondents have extensive experience in supplying similar services and dealing with local governments, and will provide the City with flexible and reliable services to cater for the needs of the City's Capital Works Programme.

It is recommended that Council ACCEPTS the tenders submitted by Total Road Services and WARP Group Pty Ltd for the provision of traffic management and control services on a panel to be used on an 'as and when required' basis, in accordance with the requirements as stated in Tender 043/07 for a period of three (3) years with two (2) one (1) year optional extensions.

BACKGROUND

The Scope of Work is for the provision of traffic management and control services to areas within the City of Joondalup and includes but is not limited to labour, materials, plant and equipment, mobilisation, demobilisation and transport.

The City sought tenders from competent service providers to establish a panel of approved suppliers to provide traffic management and control services, on an "as and when required" basis, to meet the needs of the City's Capital Works Programme.

DETAILS

Tenders were advertised on 15 September 2007 through state wide public notice for the provision of traffic management and control services. Tenders closed on 3 October 2007. Five tender submissions were received from:

- WARP Group Pty Ltd
- Total Road Services
- Australian Traffic Engineering Pty Ltd
- Advanced Traffic Management WA
- Erections WA

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the offers representing value to the City were those submitted by Total Road Services and WARP Group Pty Ltd. The panel recommends that both Respondents are established as service providers on a Panel Contract to be used for the provision of traffic management and control services on an 'as and when required' basis.

WARP Group Pty Ltd achieved the highest score at 83% and was the third lowest priced offer received. The company has demonstrated good understanding of the requirements as it has 10 years industry experience and is currently providing contracted traffic management and control services for the Cities of Perth, Subiaco and Joondalup. It is a third party accredited company to ISO9001 and is the first traffic management company in Australia to achieve a third party accredited safety system to AS4801, therefore, ensuring the services it delivers will be completed in a safer, more consistent and effective manner.

Total Road Services scored highly at 76% and was the lowest priced offer received and has extensive experience in providing similar services for federal, state and local governments and private sector. The company is in the process of implementing its Quality Management System to ISO9001 and has an excellent safety record with no incidents since its inception.

Australian Traffic Engineering was not a strong contender as it scored only 57%. The company commenced trading in July 2005 and although its rates were competitive, the panel considered that it did not have sufficient industry experience, and therefore was not considered further.

Advanced Traffic Management WA and Erections WA were not considered, as their prices were not competitive. Advanced Traffic Management's average price offered was 103% and 11% more expensive than Total Road Services and WARP Group Pty Ltd, respectively.

Erections WA's average price offered was 447% and 200% more expensive than Total Road Services and WARP Group Pty Ltd, respectively.

NOTE: The table below provides a comparison of estimated expenditure between the recommended service providers based on historical requirements of usage for a typical mix of items. The quantities used are indicative and used for comparison only. Future mix of requirements will be based on demand and subject to change in accordance with operational needs.

INDICATIVE REQUIREMENTS PER ANNUM BASED ON PROPOSED SCHEDULE OF RATES				TOTAL ROAD SERVICES		WARP GROUP PTY LTD	
ITEM	DESCRIPTION	QTY PER ANNUM	UNIT	Rate (\$) Per Unit	Total Cost	Rate (\$) Per Unit	Total Cost
1	Prepare Traffic Management Plans as per Clause 2.4.1 of the Specification	10 plans	Hour	\$50.00	\$500	\$65.00	\$650
2	Crew of one (1) Traffic Controller, one (1) vehicle and all standard signs, Monday to Friday (Normal working hours)	650 hrs	Hour	\$40.00	\$26,000	\$47.60	\$30,940
2A	Extra Over (E/O) for Item 2 for nights, weekends and public holidays	160 hrs	Hour	\$5.00	\$800	\$4.23	\$676.80
3	Crew of two (2) traffic controllers, one (1) vehicle and all standard signs, Monday to Friday (normal working hours)	650 hrs	Hour	\$70.00	\$45,500	\$79.33	\$51,564.50
3A	E/O for Item 3 for nights, weekends and public holidays	150 hrs	Hour	\$10.00	\$150	\$15.58	\$233.70
4	Additional traffic controller only	450	Hour	\$30.00	\$13,500	\$31.74	\$14,283
4A	E/O for Item 4 for nights, weekends and public holidays	160	Hour	\$5.00	\$800	\$6.34	\$1,014.40
5	Traffic cones and highway bollards for after care	100 x 180 days	Each per Day	\$2.00	\$36,000	\$0.50	\$9,000
6	Signs, barrier boards, flashing yellow lamps for after care	20 x 180 days	Each per Day	\$4.00	\$14,400	\$2.64	\$9,504
7	Trailer mounted flashing arrow	90	Each per Day	\$75.00	\$6,750	\$74.05	\$6,664.50
8	Vehicle mounted flashing arrow	580	Hour	\$5.00	\$2,900	\$9.25	\$5,365
9	Variable message board (2400x1200 LED)	200	Each Day	\$180.00	\$36,000	\$235.00	\$47,000
10	Triton water filled barriers	900	Each Day	\$5.00	\$4,500	\$5.00	\$4,500
11	Pickup and drop-off for Triton water filled barriers	Based on 90 drop offs and 90 pick ups x 10 units.	Unit	\$10.00	\$18,000	\$396.00 for 1 x drop off and 1 x pick up of 1 to 20 units x 90	\$35,640

12	Submit a cost for a generic TMP that can be used for routine / repetitive type works such as minor pavement maintenance	5	Unit	\$50.00	\$250	\$0.00	Not Applicable
13	Specify the minimum time required for drawing up traffic management plans and documents including complex traffic management plans		Time Required	3 hours	Not Applicable	4 hours	Not Applicable
14	Site Inspection	10	Per Visit	\$40.00	\$400	\$0.00	Not Applicable
Total (Items 1 to 12 and 14)					\$206,450		\$217,043.90

The protocols that apply to this requirement will be that the Manager Operations Services will ensure that the service provider with the lowest project costing and availability of key personnel and resources necessary to meet the timeframe required to complete each project, will be contracted to provide its Services. If that service provider is not able to meet the required service timeframes, the Manager Operations Services will seek those required Services from the next service provider and each project cost will be based on the unit rates (GST Exclusive) as tendered by the approved service providers.

Although the rates proposed by WARP have significantly increased compared to those applicable under the expired Contract with the City, the proposed new rates are in line with those charged to other local government organisations for similar services and reflect market conditions.

Issues and options considered:

Should the Contract not proceed, the risk to the City will be high as the provision of traffic management and control services is essential in order for the City to complete the Capital Works and other Parks and Engineering Programmes.

Link to Strategic Plan:

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

- 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.
- Objective 3.4 To provide integrated transport to meet regional and local needs.
- Strategy 3.4.1 Advocate and facilitate the creation of transport linkages.
- Strategy 3.4.2 Align use of land and modes of transport.

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that awarding the Contract to the recommended Respondents will represent a low risk to the City on the basis that they are well-established companies with extensive experience in completing similar projects for local government and the private sector.

Financial/Budget Implications:

The City has budgeted \$221,869 (excl. GST) for these services in 2007/08 and would expect to spend \$665,606 (excl. GST) for the 3-year period as part of the City's Capital Works programme and \$1,109,090 (excl. GST) over the five (5) year period.

Policy Implications:

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

The successful Tenderers, Total Road Services and WARP Group Pty Ltd, are both Western Australian companies located in Hillarys and Maddington, respectively.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The offers representing value to the City are those submitted by Total Road Services and WARP Group Pty Ltd at the offered rates which are fixed and firm for the first twelve (12) months of the Contract, and will vary thereafter in line with changes to the All Groups Consumer Price Index (CPI) for Perth as published by the Australian Bureau of Statistics.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the tenders submitted by Total Road Services and WARP Group Pty Ltd for the provision of traffic management and control services on a panel to be used on an 'as and when required' basis, in accordance with the requirements as stated in Tender 043/07 for a period of three (3) years with two (2) one (1) year optional extensions.

ITEM 21 RENEWAL OF LEASE – SILVER CHAIN NURSING ASSOCIATION (INC) ON PART OF LOT 549 (11) MOOLANDA BOULEVARD, KINGSLEY - [00067]

WARD: South-East

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To seek Council's approval to renew the lease between the City of Joondalup and Silver Chain Nursing Association (Inc) (SCNA) for a facility on part of Lot 549 (11) Moolanda Boulevard, Kingsley.

EXECUTIVE SUMMARY

The City and SCNA have had a landlord/tenant relationship since 2002. The lease has been 'held over' (on the same terms and conditions) with the current period expiring on 31 December 2007. The annual rent, as at October 2007, is \$82,165, exclusive of GST. SCNA has recently requested that the City renew the lease for two-years with two options totalling up to five years and SCNA has agreed to pay commercial rent for this.

The use of the facility by SCNA at Lot 549 is predominantly administration for a diverse range of services including residential care, hospice care, emergency care, family health care, diabetes care and numerous other care services.

It is recommended that Council:

- 1 *SUPPORTS the renewal of a lease agreement with Silver Chain Nursing Association (Inc) from 1 January 2008 under the following main conditions:*
 - (a) *a two-year term commencing 1 January 2008;*
 - (b) *first option – two years and second option – one year;*
 - (c) *commencing rental of \$127,680 per annum (excl GST);*
 - (d) *annual CPI increments on anniversary of commencement of lease with review to market at the end of the second year;*
 - (e) *SCNA to undertake full internal and external maintenance of the facility including the patio and eaves and land directly underneath the patio and eaves;*
 - (f) *SCNA to pay all legal costs related to the preparation of the lease.*

- 2 *AUTHORISES signing and affixing of the Common Seal to the lease between the City of Joondalup and Silver Chain Nursing Association (Inc).*

BACKGROUND

Suburb/Location: Kingsley
Applicant: Silver Chain Nursing Association (Inc)
Owner: City of Joondalup
Zoning: **DPS:** Civic and Cultural
 MRS: Urban
Site Area: 1.0000 ha
Structure Plan: N/A

Lot 549 (11) Moolanda Boulevard, Kingsley is owned by the City in freehold and was acquired on 26 May 1986 from the then State Housing Commission. The title is encumbered by a caveat associated with a legal deed between the City and the adjacent shopping centre owners. It is in respect to the shopping centre's use of a 'strip' of Lot 549's car park. The commencement date of the agreement is 6 April 1989, and it has a term of 99 years.

Lot 549 currently has two buildings on the land, both of which are being leased. Community Vision Incorporated leases the smaller building at the front of Lot 549 and SCNA leases the rear building. SCNA's leased facility comprises a brick and iron property of approximately 1180m² of lettable area and is fully serviced and air-conditioned. The purpose of the building occupied by SCNA under the terms of the current lease is for nursing administration and community activities.

DETAILS

Issues and options considered:

The City has previously requested that a market rental valuation be undertaken on the facility leased by SCNA, and the valuation dated 16 April 2007, was \$127,680 exclusive of GST and outgoings. The valuation report states that there are few premises in the 'suburbs' north of Perth, that are the size of the subject property and that the interior of the facility and the location would appear to suit SCNA's operations. The valuation report also refers to the 78-car fleet that SCNA has and that parking appears to be limited, causing SCNA to have an agreement to use the adjacent church car park.

An offer to SCNA was made following receipt of this valuation but staff changes at SCNA have delayed a response until more recently.

The main terms and conditions of the lease will be:

- a two year term commencing 1 January 2008;
- first option – two years and second option – one year;
- commencing rental of \$127,680 per annum (excl GST);
- annual CPI increments on anniversary of commencement of lease with a review to market at the end of the second year
- SCNA to undertake full internal and external maintenance of the facility including the patio and eaves and land directly underneath the patio and eaves; and
- SCNA to pay all legal costs related to the preparation of the lease.

The main conditions detailed above are virtually the same as the current lease, except for the inclusion of the patio as part of SCNA's maintenance obligations and that a formal agreement be put in place identifying the car park area to be used by SCNA. The renewed lease will also be at a commercial rate rather than in the past, when it has been subsidised.

Link to Strategic Plan:

The City's continued relationship with SCNA supports the following Objectives and Strategies:

Objective 1.3

To continue to provide services that meet changing need of a diverse and growing community.

Strategy 1.3.2

Provide quality-of-life opportunities for all community members.

Strategy 1.3.3

Provide support, information and resources.

Objective 4.1

To manage the business in a responsible and accountable manner.

Legislation – Statutory Provisions:

A disposition of land is defined under Section 3.58 of the Local Government Act 1995 (LGA) to include selling, leasing or otherwise disposing of property whether it be the whole or part of the property. Section 3.58 states that unless the proposed disposition is an 'exempt' disposition as defined under Regulation 30 of the *Local Government (Functions and General Regulations) 1996* (Regulations), it should be disposed of by public auction or public tender - unless the proposal is advertised for public comment for a period of not less than two weeks.

As SCNA is an incorporated body, the objects of which are of a charitable nature, it qualifies the renewal of lease as an exempt disposition under Regulation 30(2)(b)(i) and (ii) and consequently, there is no need to comply with the disposal conditions detailed under Section 3.58 of the Act and public advertising is not required.

Risk Management considerations:

SCNA has proven to be a good tenant and there appears to be little risk with the organisation remaining at that site. If SCNA could no longer use the site, the City may find it difficult to obtain a new tenant and therefore lose income.

Financial/Budget Implications:

At commencement of the new lease, SCNA will be paying an annual rent of \$127,680 (excl GST) for at least two years, with the possibility of the lease being for five years. The SCNA's rent has been subsidised since SCNA has been a tenant of the facility at 11 Moolanda Boulevard, Kingsley and the rent for the renewed lease means an increase to the current rental of over \$45,515 per annum.

Policy Implications:

With regard to lease fees charged, the City's Policy 4.2 – Setting Fees and Charges, states that the Council recognises that not-for profit groups are generally providing a benefit to the community and are normally not in a position to pay commercial lease rates. The policy fixes the subsidised rental at 1% of the current capital replacement value of the leased facility and if this approach is taken with SCNA, as the (2006) replacement value of its leased building was some \$2.6 million, then the rental applicable would be \$26,000 per annum.

SCNA is a not-for-profit organisation and is one of the largest providers of community health services in Western Australia, and is capable of paying a normal commercial rent and is prepared to do so.

Regional Significance:

SCNA offers services, which are of benefit to those in need both in the City of Joondalup and beyond its boundaries.

Sustainability Implications:

SCNA's use of this facility assists in supporting members of the community with matters related to health care.

COMMENT

SCNA has been established at the Kingsley location since 2002 and the services operated from the location would certainly be of benefit to the local community and beyond. The City has had a good relationship with SCNA, with the only issue being related to its predominant use of the car park, causing some concern with the lessee of the neighbouring leased facility. This issue has been acknowledged by SCNA and SCNA are working towards rectifying this. This matter will be addressed in the revised lease by formalising the parking arrangements with SCNA.

It is recommended that Council supports the City entering into a lease with SCNA in accordance with the main conditions outlined within this report.

ATTACHMENTS

Attachment 1	Location plan of 11 Moolanda Boulevard, Kingsley
Attachment 2	Aerial photograph of 11 Moolanda Boulevard, Kingsley

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 SUPPORTS the renewal of a lease agreement with Silver Chain Nursing Association (Inc) pertaining to Lot 549 (11) Moolanda Boulevard, Kingsley from 1 January 2008 under the following main conditions:**
 - (a) a two-year term commencing 1 January 2008;**
 - (b) first option – two years and second option – one year;**
 - (c) commencing rental of \$127,680 per annum (excl GST);**
 - (d) annual CPI increments on anniversary of commencement of lease, with a review to market at the end of the second year;**
 - (e) Silver Chain Nursing Association to undertake full internal and external maintenance of the facility including the patio and eaves and land directly underneath the patio and eaves;**
 - (f) Silver Chain Nursing Association (Inc) to pay all legal costs related to the preparation of the lease;**
- 2 AUTHORISES signing and affixing of the Common Seal to the lease between the City of Joondalup and Silver Chain Nursing Association (Inc).**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf131107.pdf](#)

ITEM 22 COMMUNITY SAFETY AND CRIME PREVENTION PARTNERSHIP AGREEMENT WITH GOVERNMENT OF WESTERN AUSTRALIA - [63511]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic
 Infrastructure Services

PURPOSE

To seek Council's endorsement of a Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia negotiated through the Office of Crime Prevention (OCP).

EXECUTIVE SUMMARY

The City has been approached by the OCP to have the City enter into a Community Safety and Crime Prevention Partnership Agreement with the State Government. Representatives of the OCP have indicated that while options and availability of grant funding for participating Local Governments have not changed the Partnership Agreements can now be tailored to address single specific local issues rather than only all inclusive community safety planning. This change to the structure of the Agreements provides more flexibility for the City than past arrangements. Accordingly a Community Safety and Crime Prevention Partnership Agreement between the City and the Government of Western Australia has been developed.

It recommended that Council ENDORSES the Community Safety and Crime Prevention Partnership Agreement between the City of Joondalup and the Government of Western Australia shown as Attachment 1 to this Report.

BACKGROUND

The Government of Western Australia has developed a standard Community Safety and Crime Prevention Partnership Agreement template with which it is seeking to enter into a partnership with Local Governments to encourage community safety planning and strategy development throughout the state. The standard Agreement appoints a Local Government as the organisation that will support, coordinate and administer the Community Safety and Crime Prevention Partnership and be the facilitator of the community safety planning process.

The Community Safety and Crime Prevention Partnership Agreement template has a wide community safety / crime prevention focus and the associated plan development process aims to identify a range of local community safety issues and potential initiatives to manage them. The establishment of a Community Safety and Crime Prevention Partnership Agreement between the State and a Local Government can give that Local Government access to a number of direct and indirect grant funding sources for issue specific initiatives. Grant funding for projects developed through a Partnership Agreement is generally 'seed funding' aimed at assisting the design and implementation of projects and strategies and therefore does not usually provide long term project specific funding.

Since the formal launch of the Community Safety and Crime Prevention Partnership Agreements in October 2003 approximately 110 Local Government authorities within Western Australia have entered into a Partnership Agreement with the Government of Western Australia. The City of Joondalup was initially invited to become a party to a Community Safety and Crime Prevention Partnership Agreement following their launch during 2003. At the time the funding arrangements for the widespread community consultation and plan development were seen as inadequate to meet the needs of the City.

The City coordinates a range of community safety programs that have a crime deterrent, emergency management, graffiti control or general community safety focus. The City is now also undertaking the development of a local video surveillance camera network following the securing of grant funding from the federal government.

DETAILS

A review of the State Government's Community Safety and Crime Prevention Partnership Agreement template and subsequent negotiation between the City and the Office of Crime Prevention has resulted in the development of a draft Agreement aimed at laying out the provisions of an Agreement between the City and the State Government. The following standard grant arrangements exist for a Local Government entering into an agreement:

- Local Governments developing an Agreement with the Government of Western Australia are provided with a one off \$10,000 amount for community consultation and plan development.
- Upon development and endorsement of a Community Safety and Crime Prevention Plan a Local Government should receive a one off \$20,000 amount for plan implementation.
- The establishment of a Community Safety and Crime Prevention Partnership Agreement entitles a Local Government to apply for grant funding on a project-by-project basis from the Research and Development fund or the Designing Safer Communities Fund.

Local Governments entering into a Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia are given access to tailored crime statistical information to assist strategy planning and project monitoring. This information is adapted specifically by the WA Police to reflect areas defined by Local Government boundaries.

The Community Safety and Crime Prevention Partnership Agreement template includes a 'break clause' through which either the Local or State Government can have the Agreement amended or disbanded with an indication in writing about their intentions.

Issues and options considered:

Council has the following options relating to a Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia:

- Endorse the Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia.
- Reject the Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia.

Link to Strategic Plan:

Key Focus Area – Community Wellbeing

Outcome	The City of Joondalup is a safe and happy community
Objective 1.4	To work with the community to enhance safety and security in a healthy environment
Strategy 1.4.1	Continue to implement the Safer Community Program

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The 2007/2008 Budget includes no provision for the receipt or expenditure of grant funding from the Government of Western Australia linked to a Community Safety and Crime Prevention Partnership Agreement. Should the City enter into such an Agreement it would be provided with a one off \$10,000 grant for the development of a Community Safety and Crime Prevention Plan. Upon the endorsement of the Plan by the State Government the City would receive a one off amount of \$20,000 to assist with the implementation of strategies identified in the Plan. Subsequent funding for new strategies introduced through the Partnership could be sought through the State Government's grant funding programs. These grant programs generally provide 'seed funding' to initiate a project or purchase relevant equipment and are not designed to provide ongoing project support in subsequent years. It is likely that the City will be required to provide the ongoing funding for the majority of strategies implemented as a part of the Community Safety and Crime Prevention Partnership Agreement. The total future costs associated with the Partnership and related projects will be dependent upon the nature of the projects developed and will be considered as part of future budget deliberations by the Council.

Policy implications:

Not Applicable.

Regional Significance:

The City participates in regular meetings relating to community safety issues with Administration representatives from the Local Governments that make up the North Zone of the Western Australian Local Government Association (WALGA).

Sustainability implications:Economic

Funding to support the establishment and implementation of Community Safety and Crime Prevention Partnership Agreements is provided through grant funding from the Government of Western Australia. The only annual funding provided to signatory Local Governments is an

amount of \$1,200 provided to assist with administrative costs in managing the Partnership and associated Community Safety and Crime Prevention Plan. All other sources of future potential funding for a Community Safety and Crime Prevention Partnership Agreement to which the City is a signatory will be through project based grant funding programs which generally provide 'seed funding' to initiate programs and strategies. The ongoing availability of grant funding to support a Partnership in which the City is participating will be reliant upon the policies of the incumbent State Government and the funding allocated to the OCP.

Consultation:

It is likely that in developing the Plan that will follow the establishment of a Partnership Agreement the City will complete targeted consultation with community groups, residents and other stakeholders as necessary to ensure the Plan and its strategies address relevant areas of need. Any community consultation carried out during Plan development will be structured to ensure that levels of community expectation are managed in line with the City's role in community safety and the responsibilities of other agencies such as the WA Police.

COMMENT

The City's Community Safety and Crime Prevention Plan would be based on the various programs already developed by the City and would include City Watch Security Patrols, Graffiti control, building partnerships with local community and police, emergency management, youth programs, road safety programs and the development of a local video surveillance camera network.

ATTACHMENTS

Attachment 1 Draft Community Safety and Crime Prevention Partnership Agreement with the Government of Western Australia

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ENDORSES the draft Community Safety and Crime Prevention Partnership Agreement between the City of Joondalup and the Government of Western Australia shown as Attachment 1 to this Report.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf131107.pdf](#)

ITEM 23 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 26 SEPTEMBER 2007 [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David 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 26 September 2007.

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

- Thermal Weed Control

It is recommended that Council NOTES the:

- 1 *unconfirmed minutes of the Conservation Advisory Committee held on 26 September 2007 forming Attachment 1 to this Report;*
- 2 *actions taken by the City and supports the Officer's comments.*

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 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 Thermal Weed Control

The following Motion was carried at the meeting on 26 September 2007:
(Officer's Comments have been provided to each part of the Motion)

“That the Conservation Advisory Committee:

1 provides the following comments to Council on the Thermal Weed Control report:

- (a) ***RECOMMENDS that Council develops a Weed Control Strategy as part of its Environmental Plan, the Weed Control Strategy should be based on the principles of Integrated Weed Management, which includes the aim of reducing the reliance on herbicides;***

Officer’s Comment

The City is currently reviewing its weed spraying program to reduce the use of herbicides. In particular those herbicides that are deemed to be high risk options in terms of environmental impact and potential groundwater impact. It is also noted that the City is currently investigating in more detail the cost implications of a twelve month trial of thermal weed control as part of the City’s overall weed control program. The review and the trial will then inform the City of future management arrangements in terms of its weed control program. This issue is currently listed in the Environmental Plan as an Action/Strategy to be undertaken.

- (b) ***REQUESTS that the City of Joondalup commission a properly conducted local trial of the effectiveness of hydrothermal weed control on a variety of locations/weed types to be carried out by an independent NATA-certified or equivalent testing laboratory;***

Officer’s Comment

Council has previously considered this matter in Council Report CJ170-08/07 – Thermal Weed Control in the City of Joondalup, presented to Council on 28 August 2007.

Officers are currently preparing a report on the feasibility of a 12-month trial and the associated costs.

- (c) ***REQUESTS cost comparisons between hydrothermal weed control and herbicide weed control to be calculated to take into account not just the cost per day of each method, but long-term costs such as increasing weed tolerance to herbicides, environmental damage and damage to human health;***

Officer’s Comment

The City is currently investigating in more detail the cost implications of a 12-month trial of thermal weed control as part of the City’s overall weed control program. The review and the trial will then inform the City of future management arrangements in terms of its weed control program. This issue is currently listed in the Environmental Plan as an Action/Strategy to be undertaken.

- (d) ***REQUESTS a target date no greater than two (2) years is set from now for final adoption of a weed control strategy;***

Officer’s Comment

The City notes this request and following the outcome of actions listed the Environmental Plan will develop a Weed Control Strategy for the City.

- 2** *REQUESTS that enquiries be made of other West Australian local authorities using hydrothermal weed control for any information they may have;*

Officer's Comment

The City will research other Local Authorities for relevant information.

- 3** *REQUESTS reports documented at points 1 (a) and (b) come back to the Conservation Advisory Committee for comment prior to presentation to Council;*

Officer's Comment

It is not appropriate for the Advisory Committee to request future City reports to be presented to CAC prior to Council.

- 4** *SUBMITS the following attachments to assist Council in developing its weed control strategy:*
- *Pesticides and Human Health – March – April 2005 Canadian Journal of Public Health (Appendix 1 refers)*
 - *Institute of Science in Society – Glyphosate Toxic & Roundup Worse (Appendix 2 refers)*
 - *Amitrole CAS No. 61-82-5 (Appendix 3 refers)*
 - *Document to be provided by Cr John*
 - *Comparison of three weed control methods: chemical, flame and hot water (Appendix 4 refers)*
 - *Environment Matters (Appendix 5 refers)*

Officer's Comment

The attachments will be considered as part of the development of the Weed Control Strategy.

- 5** *ADVISES Council that the Conservation Advisory Committee believes there are substantial benefits in bringing weed control management back inhouse.*

Officer's Comment

A report is currently being prepared in relation to this matter.

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 26 September 2007

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the:

- 1 unconfirmed minutes of the Conservation Advisory Committee held on 26 September 2007 forming Attachment 1 to this Report;**
- 2 actions taken by the City and supports the Officer's comments.**

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf131107.pdf](#)

ITEM 24 PROPOSED PARKING PROHIBITIONS – NEWPORT GARDENS, HILLARYS - [29136] [06098] [46607] [47607]

WARD: North

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To amend the City of Joondalup Parking Scheme by the introduction of a “NO PARKING” parking prohibition along Newport Gardens adjacent to Mawson Park, Hillarys.

EXECUTIVE SUMMARY

Residents of Hillarys are seeking to prohibit parking along Newport Gardens adjacent to Mawson Park to alleviate parking congestion problems. Residents are seeking the installation of prohibitions to prevent users of Mawson Park parking their vehicles along Newport Gardens carriageway and verge, and to address traffic congestion and safety issues in the area. As such it is recommended that Council:

- 1 *AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City’s Parking Local Law (1998) by the installation of a “NO PARKING” carriageway or verge along Newport Gardens, Hillarys (as shown in Attachment 1).*
- 2 *LISTS for consideration, \$20,000 in the 2008-2009 Capital Works Budget, for the realignment of the section of existing footpath on Newport Gardens and the construction of an additional footpath link to the playground equipment from the northwest corner of Mawson Park. (as shown in Attachment 2)*

BACKGROUND

The City was originally contacted by residents of Newport Gardens to address traffic congestion issues related to users of Mawson Park parking in Newport Gardens. It was requested that a parking prohibition be implemented in Newport Gardens, to address the safety issues related to Newport Gardens and pedestrians. This was followed by a 63-signature petition in support of the installation of the parking prohibitions.

However, it was deemed that further investigation into the proposal to prohibit parking along Newport Gardens was necessary so as not to adversely affect park users.

An additional petition of 4 signatures was received by the City from residents of Newport Gardens during this time in support of the installation of parking prohibitions along Newport Gardens.

There have been no previous requests for formalised parking around Mawson Park.

DETAILS

Issues and options considered:

Mawson Park is bounded by Newport Gardens, Flinders Avenue and Mawson Crescent. Flinders Avenue and Mawson Crescent provides verge parking for users of Mawson Park. A high number of park users park their vehicles in Newport Gardens both on the road and on available areas of verge, as this road is closest to the play equipment in the park. Newport Gardens is 6.0 metres wide and with vehicles parked on one side of the road, results in the restriction of normal traffic flow to one way. This situation reduces the level of safety for traffic and pedestrians at this location.

It is also noted that a footpath exists directly behind the kerb on this section of Newport Gardens, which creates safety concerns for pedestrians and motorists with cars parked, straddling both the road and footpath and also for vehicles traversing across the footpath to park on the available verge.

Consideration was given to restrict parking only on weekends and public holidays, however observations over the October school holidays indicated that congestion was also occurring on weekdays during this period.

During this time ample verge parking was available on all other frontages to the park.

In view of this, to prevent unsafe parking on Newport Gardens and to maintain access for residents it is proposed to implement a “NO PARKING” prohibition on the carriageway or verge.

The verge area-surrounding Mawson Park, which will still be available for park users, is approximately 700m in length, which should safely accommodate up to 250 vehicles, as highlighted in Attachment 2.

Only a small number of vehicles were able to park closest to the play equipment at the southern section of Newport Gardens, however this location is on the bend section of the road, which from a traffic and pedestrian safety aspect is not considered ideal. The distance from this location to the playground is approximately 100 metres. The distance to the playground from the other areas of available parking on Mawson Crescent and Flinders Avenue is approximately 170 metres.

The relocation of the playground in Mawson Park was investigated however it was not considered feasible due to the other uses and amenities within the park. The park has an active oval, play equipment, barbeque facilities, a lake, many trees and toilet facilities. It is very popular for families to picnic, play and enjoy the opportunities for varied activities.

The option to prohibit parking along the carriageway only has been assessed by the City of Joondalup to allow some park users to park in between the park boundary and the existing concrete footpath. This would allow a small number of park users to park within 100m of the main play ground but would jeopardise the safety of pedestrians utilising the footpath as vehicles could only park on the verge by driving over or reversing over the footpath.

As such the City has investigated the option of relocating the existing footpath at the North Western corner of Newport Gardens to adjacent the park boundary. This would allow approximately 10 vehicles to park safely on the verge at this location without crossing over the existing footpath. In addition a new footpath link would be constructed to link to the playground which would provide a link to the footpath of approximately 100 metres.

This relocation of footpath and new section of footpath could be considered in the 2008/09 budget considerations and at that time prohibitions amended to allow verge parking at this location

It is noted that relocating the entire length of the footpath to the park boundary is not feasible due to level constraints and other security aspects for pedestrians.

Mawson Park has been initially classified as a Neighbourhood Park. The key components of a neighbourhood park are;

- Single sporting ground of a size suitable for junior competition
- Ability to cater for a single sport (seasonal) at one time
- Floodlighting to facilitate sports participation
- Minor sporting infrastructure (basket ball ring, tennis hit-up wall, BMX track)
- Toilet facilities
- Car parking for 20 cars
- Play equipment
- Shelters
- Bench seating

Mawson Park has available parking for up to 250 vehicles around its perimeter excluding Newport Gardens and this exceeds the requirements of a neighbourhood park.

The following regular hire groups use or have used Mawson Park in the past:

Play On

Wayne Hanrahan - Personal Training

Monday & Friday 9:00am - 11.15am and 3.30pm - 5.45pm

Whitfords Junior Football - Winter season

Monday - Friday 4:00pm – 7:00pm & Sunday 8:00am – 2:00pm

Wanneroo Joondalup T/Ball - last used in 2004/05

Monday - Friday 3.30pm - 6.30pm, Saturday 7:00am – 6:00pm & Sunday 8:00am – 6:00pm

The proposed parking prohibition is shown on Attachment 1.

Link to Strategic Plan:

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

Objective: 1.4 to work with the community to enhance safety and security in a healthy environment.

Strategy: 1.4.2 contribute to the protection of human health.

Legislation – Statutory Provisions:

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

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

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

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

8 Application of Signs

- (2) For the purposes of this local law a sign may prohibit or regulate parking or stopping by the use of any symbol or other traffic control device in accordance with AS 1742.11*

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

\$20,000 to be listed for consideration in the 2008/09 Capital Works Budget.

The cost to erect the necessary signage is approximately \$150 each, and sufficient funds exist in the maintenance operational budget for this work to occur.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The residents directly affected by the proposed prohibition, as outlined in Attachment 1, were consulted. All residents supported the proposed prohibition.

COMMENT

The proposal to prohibit parking along Newport Gardens, adjacent to the park as per Attachment 1, will maintain the general traffic flow at all times and therefore increase the level of safety and access at all times for all road users. Prohibiting verge parking improves the safety for pedestrians.

Adequate verge parking is available for users of Mawson Park on the park side of Mawson Crescent and Flinders Avenue.

Some parking could be facilitated on the verge at the northeastern end of Newport Gardens, adjacent to the park, provided the footpath is relocated away from the kerb towards the property boundary. A path from this end of the park to the Playground may be required to facilitate ease of access. This would need to be listed for budget consideration, and is estimated to cost \$20,000, however, further investigations would be required to determine the alignment of the path and budget estimates.

The parking prohibitions would be amended when the path is relocated to permit verge parking in this area.

In addition it should be noted that only one extra sign is being installed, as most of the proposed prohibition signs can be installed on existing poles by replacing the signage “No Parking on Footpath”, as the new prohibition will include the verge and carriageway.

The proposal to replace signage with line marking to denote the parking prohibition was investigated, and is not in keeping with the Road Traffic Code which is the statutory legislation that applies, because the prohibition recommended is “no parking” and currently the only line marking permitted by Road Traffic Code and Commissioner of Main Roads is a continuous yellow for “No stopping” on carriageway only.

On this basis, it is recommended that the proposed parking prohibition be supported.

ATTACHMENTS

Attachment 1	Parking Prohibition – Newport Gardens, Hillarys
Attachment 2	Mawson Park, Hillarys – Play Equipment Location and walking distances

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City’s Parking Local Law (1998) by the installation of a “NO PARKING” carriageway or verge along Newport Gardens, Hillarys as shown in Attachment 1 to this Report;**
- 2 LISTS for consideration, \$20,000 in the 2008-2009 Capital Works Budget, for the realignment of the section of existing footpath on Newport Gardens and the construction of an additional footpath link to the playground equipment from the northwest corner of Mawson Park as shown in Attachment 2 to this Report.**

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf131107.pdf](#)

ITEM 25 RESULTS OF PUBLIC FEEDBACK – DISTRICT PLANNING SCHEME NO 2 ISSUES PAPERS - [09011]

WARD: All

RESPONSIBLE DIRECTORS: Mr Ian Cowie Governance and Strategy
Mr Clayton Higham Planning and Community Development

PURPOSE

To provide Council with the feedback provided by the public on the District Planning Scheme 2 (DPS2) Review Issues Papers.

EXECUTIVE SUMMARY

Council at its meeting held in June 2007 endorsed seven issues papers for public feedback. The purpose of the issues papers was to gain an understanding of any main issues that may be of particular importance to the community when reviewing the current scheme.

Consultation was undertaken by way of direct sample surveys, notices in the local newspaper and on the City's website, between 2 August 2007 until 28 September 2007. One hundred and fifty-six people provided feedback on the issues papers, providing a wide range of comments on each topic. This feedback is presented to Council for information.

DETAILS

The seven issues papers produced covered the following topics:

- Planning for the Joondalup City Centre;
- Commercial centres;
- Environment and sustainability;
- Home businesses;
- Housing density;
- Public open space; and
- Heritage.

Each of the issues papers contained a 2-3 page commentary on the issue. Each topic had questions which the public could rate on a scale (ie Strongly agree, agree, neutral, disagree, strongly disagree) and questions that allowed respondents to provide their own comments.

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

- Direct mail to a random sample of residents/owners in each ward,
- Advertisements in local newspapers,
- Web site facilities, including on-line survey forms.

Link to Strategic Plan:

The review of the DPS2 links to outcomes and objectives across the Community Wellbeing, Caring for the Environment, and City Development Key Focus areas.

Legislation – Statutory Provisions:

With regard to the issues papers, there is no legal requirement that issues papers be prepared prior the development of a Local Planning Strategy or review of DPS2.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

There is \$25,000 in the current budget for the purposes of advertising and promotion of the issues papers and associated scheme review matters.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The analysis data has been compiled from 156 surveys returned to the City. Not all respondents commented on all issues, nor did they comment on all questions within an Issues topic. Those who answered most questions were those respondents who filled out the letter-box survey. Those who answered on-line were more selective of the issues on which they commented.

A summary of the results of the submissions is Attachment 1, and copies of all submissions have been provided in the Councillors' reading room.

COMMENT

The community has provided a range of comments on the issues papers. A selection of the range of themes highlighted from the feedback is:

- A range of lot sizes need to be accommodated within the City, particularly where local facilities are available.
- The provision of public open space is adequate, although a stronger emphasis should be given to how the parks are developed (ie with global warming in mind)

- Stronger controls on clearing and environmentally sensitive development, and using native species for plantings.
- There are sufficient commercial centres within the City, with generally sufficient car parking at the centres, although a mix of uses within the centres could be encouraged, and appearance and maintenance could be improved.
- Homes Business controls should be reviewed to assist in minimising any negative impact on adjoining owners.
- Protection of heritage is important to the community.

In regard to the City Centre, with the exception of a number of comments in regard to the lack of car parking, respondents appeared relatively satisfied with the current form of the City Centre, although a lack of car parking and traffic flow were the main negative issues cited.

The public feedback will assist to develop a range of issues for Council to consider in the Local Planning Strategy. A further report will be prepared for the December Strategy Session in relation to the preparation of the Local Planning Strategy.

ATTACHMENTS

Attachment 1 Results of Submissions

RECOMMENDATION

That Council NOTES the public feedback on the Issues Papers as outlined in Attachment 1 to this Report, and that the feedback will assist to develop issues for consideration in the development of the Local Planning Strategy.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf131107.pdf](#)

ITEM 26 TENDER 051/07 PROVISION OF TECHNICAL AND INFRASTRUCTURE REQUIREMENTS FOR PUBLIC EVENTS WITHIN THE CITY OF JOONDALUP - [77604]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Community Development

PURPOSE

This report is for Council to consider the tenders received for the provision of technical and infrastructure requirements for public events within the City of Joondalup.

EXECUTIVE SUMMARY

Tenders were advertised on 1 September 2007 through state wide public notice for the provision of technical and infrastructure requirements for public events within the City of Joondalup. Tenders closed on 19 September 2007. Three tender submissions were received from:

- Complete Portables
- Phase 1 Audio
- Reeces Hire and Structures Pty Ltd

It is recommended that Council ACCEPTS the tenders submitted by Complete Portables, Phase 1 Audio, Reeces Hire and Structures Pty Ltd for the provision of technical and infrastructure requirements for public events on a panel and 'as and when required' basis, in accordance with the requirements as stated in Tender 051/07 for a period of three (3) years.

BACKGROUND

The Scope of Work is for the provision of technical and infrastructure requirements for public events, which include festivals, concerts and the like. The requirements shall be inclusive of the appropriate staff to deliver, set up, install, test, operate, dismantle and remove all items of equipment at locations as required by the City.

The City of Joondalup provides an ongoing array of cultural events designed to provide residents and visitors with opportunities to enjoy world-class art experiences and participate in cultural activities.

The highlight of the City's cultural calendar is the annual "Summer in the City" programme which includes the Joondalup and Little Feet Festivals, weekly Summer Markets and the Summer Concert Series of four live, outdoor concerts.

The City sought tenders from competent service providers to establish a panel of approved suppliers to provide equipment and production requirements for the City's Summer Season programme of public events and additional smaller events on an 'as and when' required basis.

The City preferred Respondents having the capacity to provide a turnkey service (one stop shop) to provide and coordinate all technical and infrastructure requirements for public events. However, Respondents having the ability to provide part of the requirements were not excluded from consideration.

DETAILS

Tenders were advertised on 1 September 2007 through state wide public notice for the provision of technical and infrastructure requirements for public events within the City of Joondalup. Tenders closed on 19 September 2007. Three tender submissions were received from:

Tenderer	Prices Offered for Various Components
Complete Portables	Various options and costs (Tendered for Item 4 only)
Phase 1 Audio	Various options and costs (Tendered for all Items except Items 7 and 13)
Reeces Hire and Structures Pty Ltd	* Various options and costs (Tendered for all Items except Item 7)
Prices tendered are indicative only.	
*Some items have no indicative prices available as there is such a wide range of applications, these items will be priced on an application by application basis.	

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that all compliant Respondents represented value to the City. The Panel recommends that all Respondents are established as service providers on a Panel Contract to be used for a range of equipment and production requirements for the City's Summer Season programme of public events and additional smaller events on an 'as and when required' basis.

By nominating all compliant Respondents as preferred service providers having extensive experience in supplying similar services and dealing with Local Governments, will provide the City with flexible and reliable services to cater for all the requirements of the City as stated in the Request.

The protocols that apply to this requirement will be that the Manager Leisure and Cultural Services will ensure that the service provider with the lowest project costing and availability of the acceptable range of equipment and production requirements necessary to meet the timeframe required to complete each project, will be contracted to provide its Services. If that service provider is not able to meet the required service timeframes, the Manager Leisure and Cultural Services will seek those required Services from the next appropriate, available and competitively priced service provider.

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

Issues and options considered:

Should the Contract not proceed, the risk to the City will be moderate as the City's major cultural events cannot proceed without the equipment and production requirements sought in this tender. In previous years, each aspect of these production requirements has been procured separately. Continuing to procure requirements separately means the City will be exposed to the following risks:

- Less technical coordination and streamlining of events for equipment by dealing with multiple parties while lacking a single point of contact to coordinate and be accountable for outcomes;
- Significantly increased resource time spent on administrative duties such as obtaining separate quotes, completing individual negotiations and establishing contracts while coordinating all service requirements, resulting in possibly diverting resources from other projects;
- Risk of technical and operational incompatibility due to the interdependence of the various equipment;
- Absence of expert technical personnel from a single company qualified and experienced to coordinate all requirements;
- This coordination role would instead fall to City personnel not necessarily technically qualified or experienced to undertake such duties; thereby resulting in possible confusion and resultant delays in coordinating and obtaining services and goods to meet scheduled requirements.
- Increased cost to the City through inability to take advantage of opportunities of scale and discounts offered on multiple large bookings.

Link to Strategic Plan:

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

- | | |
|----------------|--|
| 1. | Community Wellbeing |
| Objective 1.2 | To meet the cultural needs and values of the community |
| Strategy 1.2.1 | Continue to enhance and create new cultural activities and events |
| Strategy 1.2.2 | Create cultural facilities |
| 3. | City Development |
| Objective 3.2 | To develop and promote the City of Joondalup as a tourist attraction |
| Strategy 3.2.1 | Create and promote cultural tourist attractions |
| Strategy 3.2.2 | Develop an "eco-tourism" strategy |
| Strategy 3.2.3 | Develop marketing strategies to support the promotion of the City of Joondalup as a tourist attraction |

Legislation – Statutory Provisions:

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

Risk Management considerations:

It is considered that awarding the Contract to the recommended Respondents will represent a low risk to the City on the basis that they are well established service providers with extensive experience in completing similar projects for local governments.

Financial/Budget Implications:

The City has budgeted in the 2007/2008 budget an amount up to \$187,670 per annum for technical infrastructure requirements for the City's Summer Season programme of public events.

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 recommended Tenderers, Complete Portables, Phase 1 Audio and Reeces Hire and Structures Pty Ltd, are all Western Australian companies located in Malaga, Balcatta and Bayswater, respectively.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The offers representing value to the City are that as submitted by Complete Portables, Phase 1 Audio and Reeces Hire and Structures Pty Ltd at the proposed rates for a period of three (3) years, subject to CPI increases on an annual basis.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the tenders submitted by Complete Portables, Phase 1 Audio, Reeces Hire and Structures Pty Ltd for the provision of technical and infrastructure requirements for public events within the City of Joondalup on a panel and 'as and when required' basis, in accordance with the requirements as stated in Tender 051/07 for a period of three (3) years.

ITEM 27 PROPOSED TWO STOREY OFFICE DEVELOPMENT AT LOT 50 (58) CONSTELLATION DRIVE, OCEAN REEF - [64603]

WARD: North-Central

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

To request Council's determination of an application for planning approval for a two storey office development at Lot 50 (58) Constellation Drive, Ocean Reef.

EXECUTIVE SUMMARY

The subject site is located at 58 Constellation Drive, Ocean Reef, adjoining the existing Beaumaris Neighbourhood Centre.

The applicant proposes to construct a two storey office building on the development site. The proposed development has setback variations to the north-eastern (rear) boundary and the south-eastern (side) boundary.

The proposal was not advertised for public comment as the use is a Permitted (P) use in the Commercial zone.

The proposed development complies with most requirements of District Planning Scheme No 2 (DPS2) and it is considered that the proposed variations are acceptable. It is recommended that the Development Application be approved subject to conditions.

BACKGROUND

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

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

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

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

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

The lot slopes from north to south with a fall of approximately 1.5 metres across the site.

DETAILS

The applicant proposes to construct an office building on a 900m² site to the south-east of the existing Beaumaris Neighbourhood Centre. The proposed development incorporates the following:

- One two storey office building with walls on two boundaries;
- The building being partitioned to contain three offices and associated facilities;
- 17 parking bays, two service yards and associated landscaping.
- Excavation of up to one metre being undertaken.

The development plans are provided in Attachment 2.

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

REQUIRED	PROVIDED	COMPLIANCE
Minimum Front Setback – 9 metres	14.2 metres	Yes
Minimum Side Setback – 3 metres	North-western boundary – 11.5 metres South-eastern boundary - nil	Yes No
Minimum Rear Setback – 6 metres	Nil and 2.5 metres	No
Minimum Landscaping 8% of site	8%	Yes
Landscaping strip adjacent to street – Minimum 3 metres	3 metres	Yes
Minimum number of car bays at 1 per 30m ² NLA – 14.36	17	Yes

The development is required to be determined by Council as the variations to clause 4.7.1 of DPS2 – Building Setbacks for Non-Residential Buildings – exceed that which may be determined under delegated authority.

The applicant has provided justification for the setback variations to the side and rear boundaries, stating that:

“the area in both setbacks would not get looked after and they would turn into dumping areas, also they would provide hiding areas for burglars trying to break in.

Mr John Kemsley, my client, has spoken to his neighbour on which the parapet walls will abut. The neighbour has stated on the letter provided to you that he likes the idea because the walls would provide security to his development.

The development next door has a 5 to 6 metre driveway running up along the parapet side which would provide a buffer zone for over shadowing.”

Issues and Options Considered:

Council has the discretion to:

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

Consultation:

The owner of the property potentially affected by the proposed setback variations (lot 51), provided a letter in support of the proposed development, which was submitted as part of the development application.

Further advertising was not undertaken as the proposed “Office” use is a permitted land use within the Commercial zone and there were no other properties that could be potentially affected by the proposed setback variations.

Policy Implications:

Not Applicable.

Risk Management considerations:

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

Legislation – Statutory Provisions:

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

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

The following clauses of DPS2 are relevant to the development proposal.

4.5 Variations to site and development standards and requirements

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

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

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

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

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

4.7 *Building Setbacks for Non Residential Buildings*

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

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

4.7.2 *Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.*

6.8 *Matters to Be Considered by Council*

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

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

Link to Strategic Plan:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

COMMENT**Land Use**

The proposed land use is Office, which is a Permitted ('P') use within the Commercial Zone under DPS2.

Boundary Setback Variations

Clause 4.7 of DPS2 requires a 3 metre setback to the side boundary and a 6 metre setback to the rear boundary for non-residential development. However, the applicant is seeking a variation to this Clause as follows:

- (a) nil boundary setback to one side boundary; and
- (b) nil and 2.5m rear boundary setback;

The setback variations are to the south-eastern (side) boundary and the north-eastern (rear) boundary of the proposed development. Both of these boundaries abut the adjoining residential development currently under construction on the adjoining site (lot 51) (Attachment 3 refers).

The south-eastern (side) boundary adjoins the vehicle access leg for the grouped dwellings on the neighbouring Lot 51. Units 1 and 2 are setback 5.75m and 5.26m respectively from the proposed boundary wall at the closest points. The setbacks include the four metre common driveway.

The north-eastern (rear) boundary abuts the vehicle access leg for units 3 and 4, and the garage and store-room for unit 4 on the adjoining property. Units 3 and 4 are orientated primarily towards the recreation reserve at the rear of lot 51, with very few openings facing towards the subject site.

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

The proposed side boundary wall is 26.15 metres long and varies between 6.75 metres and 7 metres in height as measured from the existing natural ground level at the boundary between the subject site and the adjoining lot 51.

The proposed rear boundary wall is 6.4 metres in length and 6.75 metres in height as measured from the existing natural ground level at the boundary of the subject lot and lot 51. The wall that is proposed to be set back 2.5 metres from the rear boundary is 4.8 metres in length and varies in height from 6.75 metres to 7.15 metres as measured from the existing natural ground level.

The proposed setback variations being sought have the potential to impact on the adjoining grouped dwelling development by way of visual impact of building bulk and overshadowing.

Any impact of the building bulk on the adjoining property could be reduced by providing some visual relief by articulating the wall, and the use of varied colours, materials and textures. Furthermore the orientation of the dwellings at the rear and the minimal number of windows facing towards the proposed development will reduce the impact further for these dwellings.

DPS2 does not contain any provisions with regard to overshadowing in non-residential zones. Furthermore, the proposed development will overshadow the adjoining property by less than 25% which is the acceptable development standard of the Residential Design Codes 2002 (R-Codes) and though the R-Codes do not apply, the impact of the proposed development is considered minimal in this regard.

Units 3 and 4 on lot 51, which may be affected by the proposed rear setback variation are situated to the north-east of the subject site and as such will not be adversely impacted by way of overshadowing from the proposed development.

Further, the design of the proposed development will provide increased privacy for the grouped dwellings on Lot 51, and will act as a buffer between the neighbourhood centre and the residential dwellings, particularly in terms of noise.

The proposed setback variations are unlikely to adversely impact on the streetscape. The front setback (14.2 metres) for the proposed office building, in addition to existing and proposed landscaping ensures that the side boundary wall will not be overly visible from Constellation Drive and as such there will be no adverse impact on the streetscape as a result of the development.

The design of the proposed office development, with glass curtain walls facing both the street and the adjoining Beaumaris Neighbourhood Centre will promote an attractive streetscape and reduce the potential for antisocial behaviour to occur. The Crime Prevention Through Environmental Design (CPTED) Guidelines produced by the Western Australian Planning Commission (WAPC) and the Office of Crime Prevention seek to minimise opportunities for crime to occur, and it is considered that this development exhibits some of these principles. The development will enable passive surveillance over the car park of the subject development and that of the adjoining shopping centre which will act as a deterrent, and the location of the boundary wall away from the shopping centre should reduce the potential for graffiti and other crimes to occur.

It is considered that the proposed boundary setback variations will not have an adverse affect on the amenity of the area and can be supported.

Furthermore, it is recommended that a condition be imposed on the development requiring that relief be provided in the boundary walls by way of colours, textures and articulation as this will reduce any adverse impact of building bulk on the adjoining owners.

Pedestrian Refuge Island

The proposed crossover location for the development conflicts with the location of the existing pedestrian refuge island on Constellation Drive. The City has examined the proposal and is satisfied that the island can be modified or relocated as necessary.

A condition is recommended, requiring the existing island to be modified or relocated at the applicant's expense and to the City's satisfaction. This should ensure that the island is relocated in a satisfactory and timely manner and as such, there should not be any adverse impact on people accessing the adjoining shopping centre or the proposed development.

Energy Efficiency

New Five Star energy efficiency measures were introduced into the Building Code of Australia in May this year. During the building licence assessment stage, the proposal will need to comply with the energy provisions of the Building Code of Australia (Part J) in order to obtain a building licence.

It is noted that the building has a large expanse of glass on two of its façades. The applicant will need to demonstrate during the building licence assessment process that it complies with the thermal performance requirements for glazing in order to avoid or reduce the use of artificial air conditioning (heating and cooling).

Conclusion

The proposed office development complies with all requirements of the City of Joondalup District Planning Scheme No 2, with the exception of the side and rear setback variations as outlined above.

The proposed setback variations are considered acceptable as the adjoining development will not be adversely impacted by way of overshadowing and measures are being undertaken to alleviate any potential impacts in terms of building bulk.

The proposed setback variations will not restrict vehicular or pedestrian movement around the site or to adjoining sites, with the pedestrian refuge island being required to be relocated as outlined above.

The glass curtain façades address the Constellation Drive streetscape and promote surveillance of the street and the car park of the adjoining Beaumaris Neighbourhood Centre, reducing the potential for anti-social behaviour. Furthermore it is considered that the proposed development will provide increased privacy for the grouped dwellings on Lot 51, and will act as a buffer between the neighbourhood centre and the residential dwellings.

It is therefore recommended that the application be approved.

ATTACHMENTS

Attachment 1	Location & Zoning Plans
Attachment 2	Development Plans
Attachment 3	Site Plan of Residential Development on Lot 51 Constellation Drive.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion under Clause 4.5.1 of District Planning Scheme No 2 and determines that the:
 - (a) Side setback of nil in lieu of 3 metres; and
 - (b) Rear setbacks of nil and 2.5 metres in lieu of 6 metresare appropriate in this instance;

- 2 **APPROVES** the application for Planning Approval dated 12 July 2007 submitted by Seacrest Homes, the applicant, on behalf of the owners, John Paul Kemsley and Corrine Anna Kemsley for Offices at Lot 50 (58) Constellation Drive, Ocean Reef, subject to the following conditions:
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
 - (b) The existing pedestrian refuge island in Constellation Drive is to be modified/relocated to the City's satisfaction and at the applicant's expense. A detailed engineering drawing of the required modifications is to be submitted for the City's Approval prior to any works being undertaken. These works are to be completed prior to the occupation of the proposed development;
 - (c) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
 - (d) A bin store of minimum dimensions 1.5 metres x 1.5 metres shall be provided within the proposed service yard. The bin store shall consist of a suitably screened enclosure with a 100mm thick concrete floor graded to a commercial floor waste connected to sewer and shall have a hose cock for bin washing. The proposed bin store is to be shown on the Building Licence Application;

- (e) **The lodging of detailed landscaping plans for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (f) **The boundary walls shall be designed and constructed to provide visual relief by way of colours and materials, shall be articulated to reduce the impact of building bulk on the adjoining property, and shall be of a clean finish. Drawings of the proposed design of the boundary walls are to be submitted to the City for the approval of the Manager Approvals, Planning & Environmental Services.**

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf131107.pdf](#)

ITEM 28 FOUR COMMERCIAL TENANCIES AND FOUR GROUPED DWELLINGS - LOT 519 (27) DAVIDSON TERRACE (NORTHEAST CORNER REID PROMENADE) JOONDALUP - [76521]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request the Council's determination of an application for planning approval for a proposed development containing four commercial tenancies and 4 grouped dwellings at Lot 519 (27) Davidson Terrace (North East corner Reid Promenade), Joondalup.

EXECUTIVE SUMMARY

The application is for a two storey development on the north-east corner of Davidson Terrace and Reid Promenade within the Central Business District (CBD) of the Joondalup City Centre. The development includes four commercial tenancies at ground floor level and four upper storey grouped dwellings.

There are no specific residential density requirements in the Central Business District. The City's District Planning Scheme No 2 (DPS2) indicates that unless otherwise specified, the R20 density applies unless Council determines that a higher density coding should apply. The proposed density of the development is equivalent to approximately R36.

Council discretion is requested under clause 4.2.4 of the DPS2 for a residential density coding equivalent to approximately R36 to be applied to the site in lieu of R20. Variation to the Residential Design Codes (the Codes) is required for each of the proposed dwellings to have a reduced minimum site area and be provided with a balcony having a minimum combined area of 10m² in lieu of providing an outdoor living area of 20m².

Council previously approved this development at the September 2005 meeting and the Development Approval has expired. The plans that form part of this application are an exact copy of those plans previously approved by Council.

The proposed development is smaller in scale and bulk than other surrounding developments, however, the proposed development does meet the objectives for this locality. Therefore, it is recommended that the application for Planning Approval be granted.

BACKGROUND

Suburb/Location:	Joondalup City Centre
Applicant:	Jim Louretta
Owner:	Kotisian Pty Ltd
Zoning:	DPS: Centre
	MRS: Urban
Site Area:	1102m ²
Structure Plan:	Joondalup City Centre Development Plan and Manual

Council previously approved the same development application at the September 2005 meeting. The Development Approval was required to be substantially commenced within a two-year period. The Development Approval lapsed on 3 October 2007 as development had not substantially commenced. A new development application has been lodged as the applicant wishes to continue with the proposed development. The proposed plans are an exact copy of those approved in September 2005.

The development site, which is currently vacant, is located on the corner of Davidson Terrace and Reid Promenade within the Central Business District of the Joondalup City Centre. To the east of the site on Reid Promenade is a three storey multiple unit residential development and to the north on Davidson Terrace is Brookwood Apartments - a six-storey development with commercial tenancies at ground level and multiple dwellings above. Across Reid Promenade and diagonally across Davidson Terrace are vacant sites. On the north western corner of Reid and Davidson Terrace is a landscaped car parking area.

DETAILS

The proposed two storey development will front Davidson Terrace and Reid Promenade. It is proposed to have four commercial tenancies at ground level and four grouped dwelling units at the first floor. Three of the residential units have 3 bedrooms and one unit has 2 bedrooms, all units have balconies that overlook the street or the rear parking area.

An easement exists on the northern side of this site and the two adjoining sites in Reid Promenade, which permits vehicular access from Davidson Terrace to the City's No. 9 car parking area. This car parking area is located in the centre of the street block bounded by Davidson Terrace/Reid Promenade/Lakeside Drive/ Shelton Avenue. The car parking spaces for the proposed development can be accessed from either Davidson Terrace or Reid Promenade via the easement (refer to attachment 2).

The table below shows the relevant development standards contained within the Joondalup City Centre Development Plan and Manual (JCCDPM):

Standard	Required	Provided
Front Setback	0m	0m
Side Setback	As per BCA*	0m
Secondary street setback	0m	0m
Plot Ratio	1.0 1102m ² maximum	0.79 (848m ²)
Height	13.5m at street frontage	9.0m maximum
Parking	1 bay per 30m ² Net lettable area (Commercial) and 1 bay per dwelling (Residential) = total parking bays 17	17 Parking Bays provided

Link to Strategic Plan:

The proposed development is consistent with the City's Strategic Plan 2003 – 2008 by providing a range of commercial and residential accommodation that contributes to a vibrant City Centre and community.

Legislation – Statutory Provisions:

The provisions of DPS2, the JCCDPM and the R-Codes control development within this area.

District Planning Scheme No 2

The site is zoned Centre under DPS2 and is subject to the JCCDPM.

When determining this application, Clauses 4.2.4, 4.3.1, and 6.8 of the DPS2 apply:

4.2.4 *Subject to clause 4.2.5, the Residential Design Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme.*

Unless otherwise specified on the map the R20 density code applies unless the Council determines that a higher code should apply.

4.3.1 *Where residential development is proposed to be mixed with non-residential development, Council may vary any provision of the Codes with the exception of the minimum area of lot per dwelling prescribed in Column 3, Table 1 of the Codes.*

6.8 *Matters to be considered by Council*

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

The proposed development is located within the Central Business District of the Joondalup City Centre. The Joondalup City Centre is planned to be a multi-functional centre, which provides a range of services and opportunities for the residents of the north west Corridor.

Sustainability Implications:

The proposed mixed use development has the potential to contribute to a multi-functional city centre and therefore contribute to sustainable development within the City of Joondalup.

Consultation:

The proposed development was not advertised, as the form and scale of the development is consistent with other similar developments within the CBD and is expected under the provisions of the JCCDPM.

COMMENTLand Use

The proposal provides for both residential dwellings and commercial/office space, and as such, the proposed uses comply with the preferred uses identified within the CBD under the JCCDPM. The proposal provides for four office or commercial tenancies of varying sizes. In this form, the space is flexible enough in the future to accommodate other permitted uses under the JCCDPM, including retail, entertainment and restaurant/café.

Residential Density

There are no specific residential density requirements in the designated General City Use area within CBD of the Joondalup City Centre. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified, the R20 density applies until Council determines that a higher density coding should apply for that site. The proposal has an equivalent density of R36. A residential density of R36 is a lower residential density than the two adjoining developments on Davidson Terrace and Reid Promenade. The applicant has been advised of the possible suitability of developing the site to a higher density, however the applicant wishes to proceed with the current proposal due to existing contractual arrangements with Landcorp. Having regard to the existing planning controls, Council is unable to force the applicant to develop the site at a higher density.

The development of the site is partially restricted by a vehicular access easement located along the northern boundary, which covers approximately 16% of the site. The access way is used by the subject property and adjoining properties to access the rear car parking areas and the City of Joondalup Car Park No. 9.

It is recommended that Council determines that the proposed equivalent density of R36 in lieu of R20 is considered to be appropriate given that the site is in a prominent location within the City Centre, where higher densities are appropriate and encouraged.

Minimum Site Area Variation

Grouped dwellings are generally developed within a Residential Zone, constructed at ground level, require a minimum site area, as well as compliance with other relevant standards. The minimum site area consists of land that the building is located on, and other land that has been set aside for the exclusive use of that site, such as car parking areas, front and rear courtyards. However, compliance with the minimum site area becomes a technical problem when a grouped dwelling development is to be located on top of non-residential uses.

The application before Council is to construct four grouped dwellings on top of four proposed commercial tenancies. Land that would normally be available for use by the grouped dwellings to meet the minimum site area requirement, such as front and rear courtyards, are lost to providing car parking for the non-residential uses. Consequently, the proposed grouped dwellings do not meet the minimum site area requirement in this development proposal.

If Council required compliance with the minimum site area, the development would need to be modified by either the loss of commercial car parking spaces (and a subsequent reduction in commercial floor space) or the removal of some or all of the grouped dwellings.

The proposed development is consistent with the desired outcome for a site located within the city centre. There is discretion within the provisions of Clause 4.3.1 of DPS2 that permits Council to vary the residential provisions (compliance with the minimum site area) to support the proposed mixing of residential and non-residential development. Therefore, it is recommended that Council exercises discretion under clause 4.1.3 of DPS2 to vary the minimum site area requirement for the proposed grouped dwellings, to support the proposed development.

Outdoor Living Area Variation

The R-Codes require a minimum outdoor living area of 20m² per dwelling.

The Residential Design Codes define Outdoor Living Area:

The area external to a Single House or Grouped Dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than one metre minimum dimension or which, by reason of its development or topography, is not readily accessible from the dwelling.

The performance criteria of clause 3.4.2 of the R-Codes for outdoor living areas requires an outdoor area capable of use in conjunction with a habitable room of the dwelling and, if possible, open to the winter sun.

.The design of the proposed development with commercial tenancies at ground level and residential dwellings at first floor level requires the provision of open space to be provided by way of a balcony for each residential dwelling. This design is compatible with the intent of preferred development within the Joondalup CBD.

The 4 dwellings have balconies that are accessible from a living area. The balconies of units C and D are open to the winter sun. The balconies of units A and B are not directly open to the winter sun but in this instance it is considered appropriate to have the balconies situated on the southern side of the building to provide visual surveillance of the public street. It is considered that the proposed balconies meet the performance criteria of clause 3.4.2 of the Residential Design Codes 2002.

Clause 3.4.3 of the R-Codes – requires multiple dwellings to be provided with at least one balcony opening directly from a habitable room and with a minimum dimension of 2 metres and a minimum area of 10m². By definition, the proposed dwellings are classed as grouped dwellings, the actual design of these dwellings are in keeping with multiple dwellings, which would normally require the provision of a balcony. Each of the 4 grouped dwellings have a balcony but units A and D have balconies with areas less than 10m². It is considered that the design of these units can be altered to provide a combined balcony area to each unit of 10m².

It is recommended that the Council exercises discretion under clause 3.4.2 of the R-Codes and determines that a balcony for each grouped dwelling meets the performance criteria for outdoor living areas and imposes a condition of planning approval that requires units A and D to each have a combined minimum balcony area of 10m².

Landscaping

The proposed awnings and construction could possibly interfere with three of the existing street trees. If this is the case the trees are to be replaced at the expense of the owner/applicant and to the satisfaction of the City. It is also recommended that the owner/applicant provide one shade tree within the rear parking area and make the proposed screen wall visually permeable to promote surveillance between Davidson Terrace and the car parking area as recommended by the Designing Out Crime Planning Guidelines.

Conclusion

The design of the development articulates the street corner and has facades at ground level that address both Davidson Terrace and Reid Promenade. Entrances to the development include awnings that provide shelter to pedestrians. The design and land uses of the proposed development with commercial tenancies at ground level and residential units at first floor meets the objectives of the JCCDPM. The scale of the building, while smaller than the two adjoining sites is consistent with other existing one and two storey developments along Davidson Terrace and Reid Promenade.

The proposed development will be a positive addition to the City Centre. It will provide residential accommodation and commercial space to meet the future demands of the growing City Centre. The residential density of R36 is considered appropriate in this instance. It is therefore recommended that the development application be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Location plan
Attachment 2	Aerial photo
Attachment 3	Development plan
Attachment 4	Colour elevations
Attachment 5	Site photos

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 EXERCISES discretion under clauses 4.2.4, of District Planning Scheme No 2 and determine that the equivalent development density of R36 in lieu of R20 is appropriate in this instance;**
- 2 EXERCISES discretion under clause 4.3.1 of District Planning Scheme No. 2 and determines that a variation to the minimum site area for each of the grouped dwellings is appropriate in this instance;**
- 3 EXERCISES discretion under clauses 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria of clause 3.4.2 of the R-Codes has been met and balconies with a minimum area of 10m² in lieu of outdoor living of 20m² is acceptable in this instance;**
- 4 APPROVES the application for planning approval dated 17th October 2007 submitted by Jim Louretta for 4 commercial tenancies and 4 grouped dwellings on the proposed Lot 519 (27) Davidson Terrace, Joondalup subject to the following conditions:**
 - (a) Units D and A are each to have a minimum combined balcony area of 10m²;**
 - (b) Obscured or reflective glazing shall not be used at the ground level;**
 - (c) All existing trees growing on the verge shall be retained and protected during and after construction. Any damaged trees are to be replaced at the Applicant's expense to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
 - (d) The screen wall to the north-western corner of the lot shall be visually permeable above 800mm from natural ground level as marked in RED on the approved plans;**

- (e) **A shade tree shall be provided as marked in RED on the approved plans in the north western corner of the lot to the satisfaction of the Manager Approvals Planning and Environmental Services;**
- (f) **The gradient between the disabled parking bay and the building entrance at the rear to be a maximum of 5%;**
- (g) **With reference to condition (f) design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;**
- (h) **The infill paving between the existing footpath and the building is to be of high quality and match the existing paving in colour and pattern to the satisfaction of the Manager of Infrastructure Management Services;**
- (i) **The existing verge paving shall be protected from damage during construction;**
- (j) **Refuse bins must be collected from the bin store for emptying. Refuse bins cannot be positioned along the right of way;**
- (k) **Provision must be made for disabled access, parking and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);**
- (l) **The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**
- (m) **Parking bay 17 as shown red on the approved plan is to have a minimum width of 2800mm in accordance with the Australian Standards;**
- (n) **An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
- (o) **Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;**
- (p) **Any advertising signage shall be subject to a new application for Planning Approval.**

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf131107.pdf](#)

**ITEM 29 BEAUMARIS COMMUNITY CENTRE - PROPOSED
SHADE SAIL ADDITION: LOT 2 (66)
CONSTELLATION DRIVE, OCEAN REEF - [08127]**

WARD: North-Central

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

PURPOSE

To request Council's determination of an application for planning approval for a proposed shade sail addition at the Beaumaris Community Centre at Lot 2 (66) Constellation Drive, Ocean Reef.

EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed shade sail addition to the existing City of Joondalup Beaumaris Community Centre, Constellation Drive, Ocean Reef.

Council's determination of the application is required as the proposed structure has a side setback variation that exceeds the maximum that can be approved under delegated authority by the City.

It is recommended that the application for the proposed shade sail structure be approved as it will not adversely affect the amenity of the area as the structure:

- (a) is proposed to be located in close proximity to the side boundary walls of the existing shopping centre; and
- (b) will not be visible from the front of the shopping centre, Santiago Park or Constellation Drive.

BACKGROUND

Suburb/Location: Lot 2 (66) Constellation Drive, Ocean Reef
Applicant: Architectural Garden Products
Owner: City of Joondalup
Zoning: **DPS:** Civic and Cultural – Local & Commercial R20
 MRS: Urban
Site Area: 2993m²
Structure Plan: Not Applicable

The development site is located within the Beaumaris commercial area on Constellation Drive, Iluka. Approval was granted in 1992 for the Community Centre and associated car park. The community centre is currently used by children's playgroups, senior citizens clubs, church groups and also for private functions.

The current development application was lodged with the City in April 2007. The applicant was later uncertain as to the dimensions of the proposed shade sail and consequently the application has been held pending, awaiting confirmation from the applicant of the final details of the proposal. The applicant has since confirmed these details with the City and a determination on the development application can now be made.

DETAILS

The proposed shade sail has an area of 12.5m², height of 3.5 metres and is proposed to be located 0.3 and 0.2 metres from the two side boundaries (Attachment 2 refers). The side boundary setback for non-residential buildings under District Planning Scheme No 2 (DPS2) is 3.0 metres.

The north-western (side) boundary of the site abuts the Beaumaris Shopping centre. The common boundary contains a number of offsets, which results in two side boundary set back variations for the application.

The proposed shade sail structure will be located over existing play equipment and in a position close to the existing boundary walls of the shopping centre, which are approximately 5.0 metres in height.

Applicant Justification:

The applicant has advised that:

The Beaumaris Community Centre is a City of Joondalup facility available for hire to community groups within Joondalup. The child's play group which regularly hires the facility is proposing to construct a shade sail over the outdoor children's play equipment and sand pit for the safety and comfort of the children, especially during the summer months.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

A Civic Building is a 'P' use in an area zoned Civic and Cultural. A 'P' use means:

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

In this instance, the land use has already been established and the development application is for a small shade sail addition on the site.

Clause 4.7 sets out the setback requirements for non-residential buildings as follows:

4.7 BUILDING SETBACKS FOR NON-RESIDENTIAL BUILDINGS

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

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

Council has discretion under Clause 4.5 of the DPS2 to vary the development standards for a non-residential building (clause 4.7 of the DPS2) as follows:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
 - (b) have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of clause 6.8, as follows:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
 - (b) any relevant submissions by the applicant;*
 - (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
 - (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
 - (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
 - (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Risk Management considerations:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The City advertised the proposal to the adjoining landowner, Beaumaris City Shopping Centre for a period of 14 days. No response was received.

COMMENT

The development proposal is in conflict with the provisions of clause 4.7 of DPS2. Clause 4.7 requires a side boundary setback of 3.0 metres whereas the development application proposes a side setback of 0.3 metres (north - western boundary) and 0.2 metres (south - western boundary).

The adjoining shopping centre boundary wall has a height of approximately 5 metres. The proposed shade sail structure, which has a maximum height of 3.5 metres, will not be a prominent or dominant feature.

The proposed addition to the Community Centre is considered to be relatively minor and will not adversely impact the amenity of the shopping centre due to its location between the community centre building and shopping centre building. The addition is out of sight of users of the shopping centre, Santiago Park, and adjoining streets. The development will provide weather protection for users of the building, including children who attend the playgroup at the building.

It is considered that the proposed development will not adversely impact the amenity of the adjoining property nor will it have an adverse impact on the amenity of the area generally. Therefore, it is recommended that the application for planning approval be granted.

ATTACHMENTS

Attachment 1	Aerial Photo
Attachment 2	Development Plan
Attachment 3	Location Photographs

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES its discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that the:**
 - (a) shade sail with a side setback (north – western boundary) of 0.3 metres in lieu of 3 metres; and**
 - (b) shade sail with a side setback (south – western boundary) of 0.2 metres in lieu of 3 metres,**

are acceptable in this instance;
- 2 APPROVES the application for planning approval dated 11 April 2007 submitted by Architectural Garden Products, the applicant, on behalf of the owners, the City of Joondalup, for a proposed shade sail on Lot 2 (66) Constellation Drive, Ocean Reef, subject to the colour of the addition complementing the colour of the existing building to the satisfaction of the Manager Approvals, Planning & Environmental Services.**

Appendix 23 refers

To access this attachment on electronic document, click here: [Attach23brf131107.pdf](#)

ITEM 30 CLOSE OF ADVERTISING – PROPOSED CLOSURE OF A PORTION OF 0.1M WIDE PEDESTRIAN ACCESSWAY TO ALLOW VEHICULAR ACCESS TO LOT 1 (113) GRAND BOULEVARD, JOONDALUP - [47996]

WARD:	North
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Community Development

PURPOSE

For Council to consider submissions received during the public advertising of the proposed closure of a portion of the 0.1 metre wide pedestrian accessway (PAW) to allow vehicular access to Lot 1 (113) Grand Boulevard, Joondalup.

EXECUTIVE SUMMARY

Lot 1 (113) Grand Boulevard, Joondalup, is located within the Joondalup City Centre and is currently vacant. An easement across an adjacent lot (Lot 2) is intended to provide vehicular access to and from Lot 1, however this easement does not ensure unlimited access for the owners and users of Lot 1.

At its meeting held on 28 August 2007, Council considered the proposed closure of a portion of a 5.8 metre wide portion of the 0.1 metres wide pedestrian accessway (PAW) adjacent to Lot 1 (113) Grand Boulevard, Joondalup to facilitate future vehicular access to the land. Council resolved to initiate public advertising of the proposal for a period of 35 days.

Advertising closed on 18 October 2007 and no submissions were received. It is recommended that Council support the proposed closure of the portion of 0.1m wide PAW to allow vehicular access to Lot 1.

BACKGROUND

Suburb/Location:	Adjacent to Lot 1 (113) Grand Boulevard, Joondalup
Applicant:	Frank Borello – complex Land Solutions Pty Ltd
Owner:	PA & MJ McBride, M Dawn & Real Estate Property Shop Operations Network Pty Ltd
Zoning:	DPS: Centre
	MRS: Central City Area
Site Area:	Lot 1 – 0.2 hectares
Structure Plan:	Joondalup City Centre Plan and Manual

This report refers to the following lots:

- Lot 1 (113) Grand Boulevard, Joondalup, (subject lot) is vacant land located within the Joondalup City Centre (Attachment 1 refers).
- Lot 2 (115) Grand Boulevard adjacent to the southern boundary of Lot 1 was developed with a mixed use building in 1995.
- Lot 466 (109) to the north of the subject site is developed as a church.

The subject lot (Lot 1) was created through subdivision of a larger lot in 1994. An easement was created across the balance of the land (Lot 2) with the intent to allow for the provision of vehicular access from Lot 1 to Reid Promenade, via Lot 2 (Attachment 2 refers). Vehicular access to and from the subject lot is otherwise prevented by a 0.1m PAW along Grand Boulevard, and by a PAW (Central Walk) to the rear. A service road is located within the road reserve of Grand Boulevard, including along the frontage of Lot 1.

Council Decisions

At its meeting held on 7 August 2007, Council considered the proposed closure but decided to defer its decision pending further investigation of the lost opportunity cost of the car parking bay (CJ153-08/07 refers).

The requested information was provided and the matter further considered by Council at its meeting on 28 August 2007, when it was resolved to initiate public advertising of the proposal (CJ178-08/07 refers).

DETAILS

Closure Request

A request has been received to close a 5.8 metre wide portion of the 0.1 metre wide PAW adjacent to Lot 1 (113) Grand Boulevard to enable future vehicular access to and from Grand Boulevard. The reason for this request is that the applicant considers the wording of the current access easement over adjacent Lot 2 (115) Grand Boulevard is inadequate and does not ensure unrestricted access to owners and users of Lot 1 (Attachment 2 refers). Lot 2 is under different ownership to Lot 1 and comprises strata-titled units. Until the landowners are assured that unrestricted access is guaranteed, plans to develop the subject land will not progress.

The applicant has provided a letter from the body corporate operating for the strata unit owners on Lot 2 indicating a preference for access to be achieved from Grand Boulevard. The applicant also investigated the possibility of gaining access to Lot 1 through an arrangement with the owners of Lot 466 (the Church site). This option was not acceptable to the owners of Lot 466 as it was considered this may be detrimental to any future development plans for that site.

Should the 0.1m PAW closure be approved, the future construction of a crossover to provide the required access to Lot 1 would involve the loss of one car parking bay and one street tree located within the service road along Grand Boulevard. The applicant has offered to pay for the loss of any car parking bays or trees located within the road reserve that would occur with the provision of a future crossover.

Issues and options considered:

The options available to Council are:

- Support the proposed closure of a portion of the 0.1 metre wide PAW.
- Not support the proposed closure of a portion of the 0.1 metre wide PAW.

Link to Strategic Plan:

Strategy 3.1.2 – Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

PAWs are created as a result of the subdivision of land under the Planning & Development Act 2005 (formerly the Town Planning and Development Act). A request can be made to Council to close a PAW.

If Council supports the proposed PAW closure, the proposal is advertised for public comment for a period of 35 days. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

If Council resolves to progress the closure request, all relevant documentation is forwarded to the Department of Planning and Infrastructure with a request to formally close the PAW for its determination. The Minister for Planning and Infrastructure makes the final decision on whether or not closures take place.

Risk Management considerations:

There is a risk that supporting the proposed closure of a portion of a 0.1m wide PAW may cause other developers to submit similar requests to allow vehicular access to and from major roads. This may have impacts on the streetscape in terms of landscaping and availability of car parking embayments within the road reserves in the city centre.

Financial/Budget Implications:

The City is responsible for all cost associated with advertising of the proposed PAW closure. The current budget has sufficient funds to cover the advertising costs.

If services are located within the PAW or the future crossover to Lot 1, these would need to be relocated and would be the subject of negotiations between the service agency and the applicant.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposed closure was advertised for public comment for 35 days, by way of a sign erected on the site, notice in the Joondalup Times and letters to adjoining properties. No submissions were received.

COMMENT

Legal advice has indicated that the easement arrangements for access over the adjoining Lot 2 do not provide for a suitable means of vehicle access to Lot 1. Therefore, in effect, Lot 1 does not have an appropriate or legal access to a street. The landowners of Lot 1 require certainty of access before commencing plans for the development of the land. Closing of a portion of the PAW would not affect vehicular access to other lots along Grand Boulevard, or have a significant impact upon traffic movement in the area.

As no submissions were received as a result of public advertising of the proposal, it is considered appropriate that Council advises Department for Planning and Infrastructure that it supports the closure request. The applicant has been advised that, should the closure be approved, payment to the City of Joondalup for the loss of one car parking embayment and one street tree within the service road adjacent to Lot 1 will be required prior to access being provided.

The existing easement over Lot 2 would become redundant if the proposed closure proceeds. As the City is a party to the easement, removal of the easement will be investigated as a separate matter.

ATTACHMENTS

Attachment 1	Location and Aerial Plan, including subject portion of 0.1m wide PAW
Attachment 2	Easement Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ADVISES the:

- 1 Department for Planning and Infrastructure that the Council SUPPORTS the closure of a portion of the 0.1 metre wide pedestrian accessway adjacent to Lot 1 (113) Grand Boulevard, Joondalup, as shown on Attachment 1 to this Report to facilitate future vehicular access to the land;**
- 2 applicant that, should approval be granted by the Western Australian Planning Commission for the subject closure, payment to the City for the loss of one car parking embayment and one street tree within the service road adjacent to Grand Boulevard that would result from the future construction of a crossover for Lot 1 (113) Grand Boulevard, Joondalup will be required from the landowners of Lot 1, prior to approval for the crossover being issued by the City. The costs for the same species of tree and a car parking bay to be located elsewhere in the City Centre are \$6000 for the car parking bay and \$500 for the street tree.**

Appendix 24 refers

To access this attachment on electronic document, click here: [Attach24brf131107.pdf](#)

ITEM 31 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – SEPTEMBER 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 September 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 September 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 September 2007		
Type of Approval	Number	Value (\$)
Development Applications	95	10,688,941
R-Code variations (Single Houses)	126	6,062,136
Total	221	16,751,077

The number of development applications received in September 2007 was 109. (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 September 2007		
Type of Approval	Number	Potential new Lots
Subdivision Applications	2	0
Strata Subdivision Applications	4	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 25 September 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 95 development applications determined during September 2007, consultation was undertaken for 50 of those applications. Of the 6 subdivision applications determined during September 2007 no applications were advertised for public comment, as the proposals complied with the relevant requirements.

COMMENT

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

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

ATTACHMENTS

Attachment 1	September 2007 decisions - Development Applications
Attachment 2	September 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 September 2007;**
- 2 subdivision applications described in this Report for September 2007.**

Appendix 25 refers

To access this attachment on electronic document, click here: [Attach25brf131107.pdf](#)

ITEM 32 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON 3 OCTOBER 2007 [55511] -**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Clayton Higham
Planning & Community Development

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on 3 October 2007.

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

- Future Directions - Seniors Interests Advisory Committee
- Vacancy – Seniors Interests Advisory Committee
- Seniors Week 2007

It is recommended that Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 3 October 2007 forming Attachment 1 to this Report

BACKGROUND

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

In accordance with its role, the Committee identified priority focus areas that complement various tasks and actions of the City's Seniors Plan 2004-2008. These include: seniors' health issues, transport accessibility and affordability and staying active through leisure and entertainment.

Recommendations of the Committee will facilitate progress on initiatives that are generated by the provision of ongoing Seniors Plan status reports. Other initiatives that complement the Seniors Plan such as the Transitions in Ageing Research Project Report will be useful resources to inform the review of the Seniors Plan, whilst the School Volunteer Program promotes intergenerational activities.

DETAILS

Issues and options considered:

The Motions carried at the Seniors Interests Advisory Committee meeting held on 3 October 2007 are shown below, together with officer's comments.

1 Future Directions - Seniors Interests Advisory Committee

The following Motion was carried at the meeting on 3 October 2007:

“1 NOTES the combined information from workshop discussions on 3 August and 2 November 2005;

Officer's Comment

After extensive discussion about its role and objectives, the Committee recommended that the current format is the most suitable to ensure that the concerns of seniors are adequately represented to Council in the future.

2 Vacancy – Seniors Interests Advisory Committee

The following Motion was carried at the meeting on 3 October 2007: “That the Seniors Interests Advisory Committee RECOMMENDS the appointment of Mr Alex Cilia La Corte to the Committee.”

Officer's Comment

Membership of all Committees ceased on 20 October 2007, being the date of the Local Government Elections.

At the Special Council meeting held on 6 November 2007, Council gave consideration to establishing its Committees and resolved to:

“that Council CONSIDERS the role of its three Advisory Committees (the Sustainability Advisory Committee, the Conservation Advisory Committee, and the Seniors Interests Advisory Committee) at the induction session on 10 November 2007, DETERMINES how to select members to these three Advisory Committees at its November 2007 Council meeting and APPOINTS members to these Committees at its December 2007 Council meeting.”

It is therefore recommended that the Committee's recommendation not be proceeded with.

3 Seniors Week 2007

The following Motion was carried at the meeting on 3 October 2007:

“That the Seniors Interests Advisory Committee NOTES that the events held during Seniors Week were highly successful, were of a great variety, well attended and thanks both the Committee members and organising staff for their input.”

Officer's Comment

The "Seniors: The Art of Ageing" achieved its objective of celebrating seniors and promoting positive active ageing, health and well being through a diverse range of activities that encouraged seniors to remain engaged and connected to their community.

Requests for Reports for future consideration

The following requests were made at the Committee meeting held on 3 October 2007:

Seniors Activities

It was requested that a report be prepared outlining activities for seniors within the community and the involvement of the Seniors Interest Advisory Committee.

Officer's Comment

A report that outlines all services, events and activities provided by the City for seniors will be prepared. The report will provide program descriptions, attendance and levels of satisfaction of participants for the period 1 January to 31 October 2007.

Dedicated Seniors Website

It was requested that a report be prepared in relation to the possibility of establishing a website dedicated to seniors via a link to the City's website that would include information on upcoming events and issues appropriate to seniors.

It was suggested that information posted on the website be in a larger text more appropriate for seniors.

Officer's Comment

A separate website specifically for seniors is not considered appropriate. Investigation of a link to specific information on seniors in the City of Joondalup would however, be undertaken.

Link to Strategic Plan:

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

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

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

A consultation plan has been developed to ensure that the Plan captures current issues, trends and concerns.

COMMENT

Committee participation in the Seniors Plan 2004 – 2008 review and consultation process assists in ensuring that seniors are adequately represented in the planning processes and the strategic directions being developed for older people in the City.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee Meeting held on
3 October 2007

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 3 October 2007 forming Attachment 1 to this Report.

Appendix 26 refers

To access this attachment on electronic document, click here: [Attach26brf131107.pdf](#)

ITEM 33 POSSIBLE SCHOOL CLOSURES AND SHARED USE REQUESTS WITHIN THE CITY OF JOONDALUP - [57177]

WARD:	Central and South-East
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Director Planning & Community Development

PURPOSE

To advise Council on the current information available in relation to a number of possible school closures, school site redevelopments and various approaches to the request of shared use of facilities within the City.

BACKGROUND

In the late 1990's, the State Government closed the Greenwood Primary School and the land was sold at auction for residential development. This caused considerable reaction in the local community.

DETAILS

The City has become aware of, or in one instance has been advised of, the impending closure of schools and the redevelopment of these sites in the City. The following information is known to date.

1. Craigie Senior High School site
 - The school has been closed for some time
 - Landcorp is currently advertising a call for expressions of interest from private sector developers to partner with them to develop the site for residential purposes.
 - One preliminary discussion was held with City officers in relation to this matter.
2. Craigie Primary School/Camberwarra Primary School
 - Students will move next year from Craigie to Camberwarra while Craigie is demolished and rebuilt
 - Construction expected to be completed in 2 years - for approximately 300 students with potential to go to 480.
 - Students move back to new Craigie for 2010 school year
 - Camberwarra site to be redeveloped
 - Suggested possible shared use of junior oval (including nets and cricket pitch) and courts (basketball/netball). Cost to the City would be any extra beyond the standards normally provided by the Department of Education and Training plus a share of management and maintenance.
 - New school to possibly include Child Health Clinic.

3. East Greenwood Primary School/Allenswood Primary School

- The City has not received any official advice on the closure, the amalgamation, or redevelopment of these school sites.
- The City was, however, made aware of this through an announcement from the Government following the meeting of Cabinet held at the City of Joondalup earlier this year.
- The City has been requested in writing to consider entering into an agreement for shared use of Penistone Reserve
- No further information in relation to this matter has been afforded to the City at this stage.

4. Letter to the Director General Department of Education and Training.

- The City has written to the Director General on the subject of school site amalgamations and development. The letter expresses concern that a number of school sites within the City are being considered for redevelopment with little or no reference in some cases to the City or the wider community.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The issue of school closures and the provision for education facilities is one that rests squarely with the State Government. The resultant issue, however, of redevelopment of those sites, the loss of open space, and the shared use of new or existing facilities and spaces is one which clearly needs to involve the local government because of the potential impact on the local communities surrounding those sites. Consultation with the City at an early stage, and right through the process for all of the sites within the City is important to ensure the best possible outcome for the community.

The principle of shared use of facilities is sound, however, those decisions need to be made having regard to the individual merits of the particular facility, the current population and trends and the current and the future usage patterns of those facilities.

ATTACHMENTS

Attachment 1	Location Maps
Attachment 2	Landcorp Expression of Interest for Craigie Senior High School Site

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES that the Chief Executive Officer has written to the Director General of the Department of Education and Training, seeking information on the rationalisation of individual school sites and requesting greater involvement of the City in that process;**
- 2 REQUESTS the Department of Education and Training to better inform and involve the local community surrounding each of the school sites being considered for change, at an early stage in the process;**
- 3 ADVISES the Department of Education and Training that any shared use arrangements will be considered by the Council on their individual merits, having a regard to the current and future anticipated demands for the City's facilities and playing reserves and the net cost to the City for such shared used of its facilities.**

Appendix 27 refers

To access this attachment on electronic document, click here: [Attach27brf131107.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

JINAN SISTER CITY VISIT

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the CEO

At the time of production of the agenda, this Report was not available.

This will be circulated separately.

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

[Additional Information 131107.pdf](#)

LOCAL AREA BIO-DIVERSITY CONFERENCE – ZAGREB

WARD: All

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

At the time of production of the agenda, this Report was not available.

This will be circulated separately.

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

[Additional Information 131107.pdf](#)

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION

At the Council meeting held on 16 October 2007, Cr Steve Magyar gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 20 November 2007:

“That Council:

- 1 *LISTS for consideration funds for the installation of a roundabout at the intersection of Edgewater Drive and Ocean Reef Road in 2008-2009 Budget;*
- 2 *INCLUDES in the 2007-2008 Annual Report a table that compares the voting pattern of each Elected Member compared to every other Elected Member, such as in the table sample forming Appendix 18 hereto;*
- 3 *COMMENCES the process to amend Standing Orders Local Law to require Elected Members to provide the Chief Executive Officer or other delegated officer with electronic or hardcopies of amendments or alternative motions prior to the meeting.”*

Clause 26(2) of the City’s Standing Orders Local Law requires a notice of motion to be signed by the member and given to the CEO at least 7 clear days before the meeting at which it is to be moved.

As a signed notice was not provided to the CEO in accordance with Section 26 of the Standing Orders Local Law, the motion has lapsed.

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:

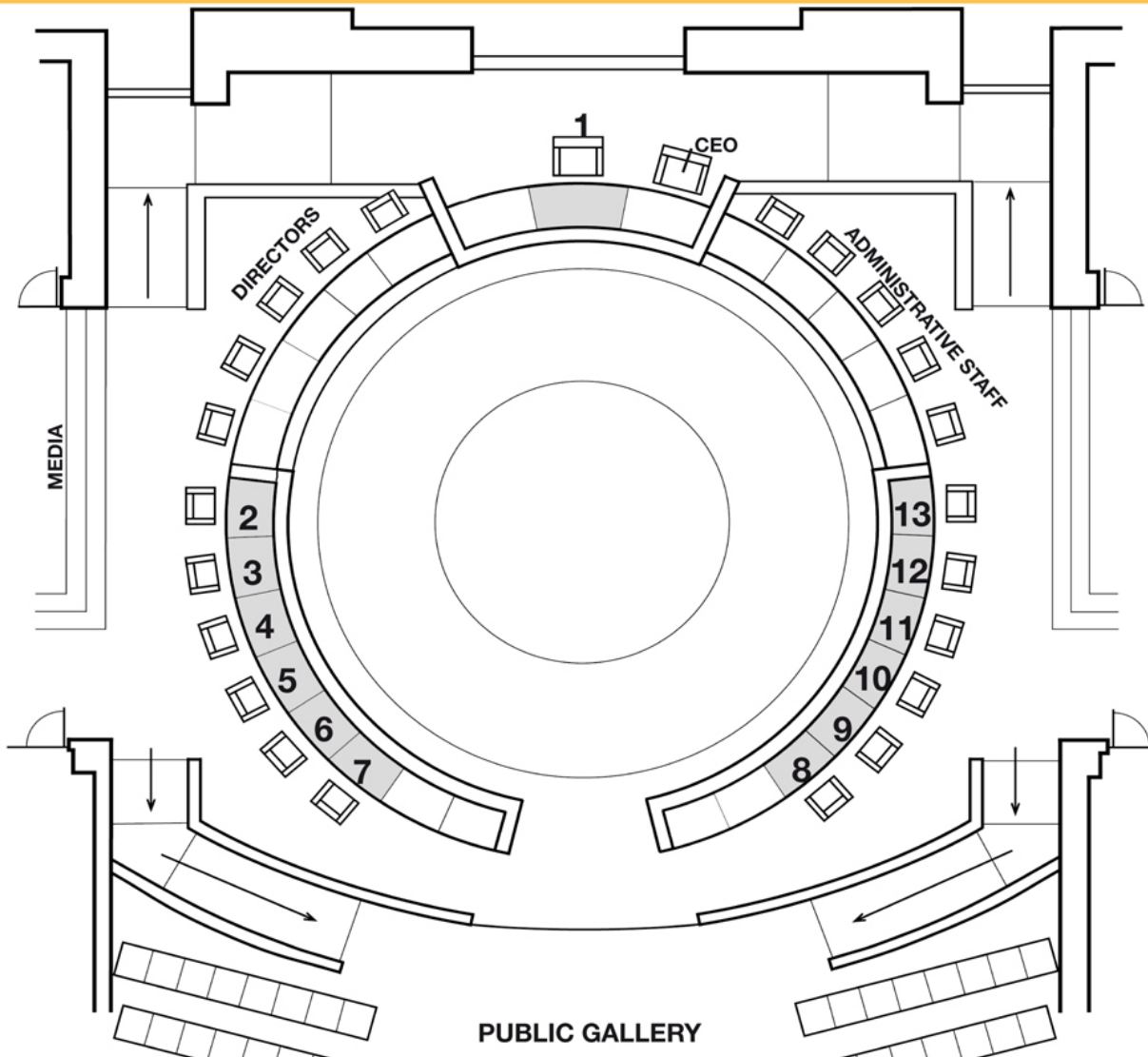
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Please note that:

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COUNCIL CHAMBER – SEATING DIAGRAM

City of Joondalup



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/09)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/09)
- 3 Cr Tom McLean (Term expires 10/11)

North-Central Ward

- 4 Cr Albert Jacob (Term expires 10/09)
- 5 Cr Trona Young (Term expires 10/11)

Central Ward

- 6 Cr Marie Macdonald (Term expires 10/09)
- 7 Cr Geoff Amphlett (Term expires 10/11)

South-West Ward

- 8 Cr Michele John (Term expires 10/09)
- 9 Cr Mike Norman (Term expires 10/11)

South-East Ward

- 10 Cr Sue Hart (Term expires 10/09)
- 11 Cr Brian Corr (Term expires 10/11)

South Ward

- 12 Cr Russ Fishwick (Term expires 10/09)
- 13 Cr Fiona Diaz (Term expires 10/11)

