

# AGENDA

## Briefing Session City of Joondalup

### A BRIEFING SESSION

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

On

MEETING DATE



**TUESDAY, 29 JULY 2008**

PUBLIC QUESTION TIME



#### Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday, 28 July 2008.

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

25 July 2008



City of  
Joondalup

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## **BRIEFING SESSIONS**

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 18 December 2007:

### **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 procedures 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.

### **PROCEDURES FOR BRIEFING SESSIONS**

The following procedures 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 of 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 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
  - (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) Elected Members 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) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 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.
- 12 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.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 18 December 2007:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 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.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal 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 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed thirty five (35) minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final;
  - nominate a member of the Council and/or City employee to respond to the question;
  - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 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 agenda, or;
  - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 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.

### **Questions in Writing**

- 1 Members of the public may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of 5 written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 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.

**DISCLAIMER**

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

## PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 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.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 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.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 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.
- 7 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 Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

## 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, 29 JULY 2008** 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 held on 8 July 2008:

**Mr K Robinson, Como:**

*Re: CEO Performance Review:*

- Q1 *What mechanisms are in place to ensure that the CEO Performance Review Committee (PRC) receives feedback on the CEO's failure to comply with the Customer Service Charter such as responses not being provided despite numerous requests to questions submitted to the briefing session held in November 2007?*
- A1 As part of the CEO's contract there are a number of key performance indicators set. The Council reviews the CEO's performance against the set indicators on an annual basis.
- Q2 *In the event that the Department of Local Government and Regional Development advises that contrary to the view of the CEO and Mayor that interests affecting impartiality are required to be disclosed during the public question will the CEO's review consider the CEO's compliance with the code of conduct and legislation in declaring interest affecting impartiality as part of the review process?*
- A2 This question is hypothetical. However in an email which Mr Robinson forwarded to the City, the Department states:
- "It is the Department's view that public question time is not considered as a period of "discussion" within the context of the legislative requirements to disclose an impartiality interest and therefore a declaration of such an interest would not be expected."*
- Q3 *What opportunity is there to inform the CEO PRC of the concerns with the City's management of confidential personnel records to avoid unauthorised disclosures to third parties?*



- Q4 *What opportunity is available to members of the public to raise concerns with the administration's seemingly unjustified dependency on its legal advisors?*
- A3-4 All questions submitted to Council meetings are available to Elected Members in accordance with legislation and City procedures.
- Q5 *What opportunity is there to raise concerns with the administration's lack of openness and accountability in responding to simple queries as to whether or not legal advice has been obtained in relation to the interpretation of legislation?*
- A5 The response to questions will depend upon the particular circumstances surrounding the issue raised.

**Mr S Magyar, Heathridge:**

- Q1 *Would Council consider calling for strengthening the position of local governments through Constitutional Recognition to push for the right for the public to comment on any boundary changes?*
- A1 Constitutional Recognition is under Federal legislation and the matter of boundaries is under State legislation.

*Response by Mayor Pickard:* I suggest you may wish to write to the Local Government Advisory Board and seek its views, and request that the Board makes a recommendation to the Minister.

## **4 PUBLIC STATEMENT TIME**

**The following statements were submitted to the Briefing Session held on 8 July 2008:**

**Mr J Ballington, Hillarys:**

Mr Ballington spoke in relation to Item 21 - Petition: Installation of Median Island at the Intersection of Amalfi Drive and Marbella Drive, Hillarys.

**Mr S Magyar, Heathridge:**

Mr Magyar spoke in relation to the following Items:

- Item 3 - ICLEI - Local Action for Biodiversity - Invitation to Attend the Durban Workshop and Sign the Durban Commitment;
- Item 4 - Constitutional Recognition of Local Government
- Item 11 - Registering, Identifying and Sterilising Cats: A New Local Law

## 5 APOLOGIES AND LEAVE OF ABSENCE

### Leave of Absence previously approved

Cr Michele John	20 – 30 July 2008 inclusive
Mayor Troy Pickard	29 July 2008
Cr Russ Fishwick	1 September 2008 to 19 October 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.

### Disclosure of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mr Ian Cowie – Director Governance and Strategy</b>
<b>Item No/Subject</b>	Item 10 – Tender 023/08 – Provision of Dog Impound and Housing Services
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mr Cowie serves on the Board of the RSPCA

## 7 REPORTS

ITEM NO	TITLE	WARD	PAGE NO
1	EXECUTION OF DOCUMENTS - [15876]	All	1
2	MINUTES OF EXTERNAL COMMITTEE - [02153] [41196]	All	4
3	SPECIAL MEETING OF ELECTORS HELD ON 4 JULY 2008 - [11513]	South-West	5
4	ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2008 - [20560]	All	10

5	MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 19 JUNE 2008 – [00906]	All	15
6	ECONOMIC DEVELOPMENT AND TRANSPORT IN THE NORTH WEST CORRIDOR: RECOMMENDATIONS FROM THE SUSTAINABILITY ADVISORY COMMITTEE - [12542]	All	20
7	OPPORTUNITIES FOR SOLAR POWER: RECOMMENDATIONS FROM THE SUSTAINABILITY ADVISORY COMMITTEE - [12542]	All	23
8	ENERGY EFFICIENT STREET LIGHTING: RECOMMENDATIONS FROM THE SUSTAINABILITY ADVISORY COMMITTEE - [12542]	All	26
9	LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2008 - [09882]	All	29
10	TENDER 023/08 PROVISION OF DOG IMPOUND AND HOUSING SERVICES - [69613]	All	32
11	PETITION REGARDING TRAFFIC CONCERNS ON DUFFY TERRACE, WOODVALE - [01672]	Central	37
12	PETITION REGARDING PARKING CONCERNS WILLESDEN AVENUE, KINGSLEY - [19500]	South-East	43
13	PETITION REGARDING TRAFFIC CONCERNS ON CAMBERWARRA DRIVE, CRAIGIE - [05123]	Central	48
14	TENDER 017/08 PROVISION OF ROUTINE AND PREVENTATIVE MAINTENANCE OF MECHANICAL SERVICES - [83603]	All	53
15	TENDER 025/08 PROVISION OF TREE MAINTENANCE SERVICES - [56614]	All	58
16	AUSLINK AND STATE BLACK SPOT SUBMISSIONS 2009/2010 - [08151]	All	62
17	SCREENING OF WESTERN POWER SUB-STATION ON SHENTON AVENUE, JOONDALUP - [88597]	North	68
18	MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 25 JUNE 2008 - [12168]	All	72
19	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JUNE 2008 - [07032] [05961]	All	76
20	DISTRICT PLANNING SCHEME 2 REVIEW - LOCAL PLANNING STRATEGY - [09011]	All	79
21	DRAFT PLANNING BULLETIN 90 PLANNING REQUIREMENTS FOR THE PROSTITUTION AMENDMENT ACT 2008 - [83028] [08570]	All	85
22	PROPOSED PATIO ADDITIONS TO RESIDENTIAL BUILDING (SHORT STAY ACCOMMODATION) AT LOT 407 (3) GLENELG PLACE, CONNOLLY - [03180]	North	97
23	PROPOSED PRIMARY SCHOOL AT 12 MERIVALE WAY GREENWOOD - [06712]	South-East	103

## 8 REPORT OF THE CHIEF EXECUTIVE OFFICER

24	HEATHRIDGE VERGE ENHANCEMENT COMPETITION – OUTCOMES - [87541]	North Central	108
25	DEBT OWED BY MULLALOO PROGRESS ASSOCIATION INC. - [02089] [32027]	North-central	113

## 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 290708.pdf](#)

## ITEM 1 EXECUTION OF DOCUMENTS - [15876]

**WARD:** All

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

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 8 July 2008 to 15 July 2008.

### EXECUTIVE SUMMARY

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

### BACKGROUND

Not Applicable.

### DETAILS

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

<b>Document:</b>	2008-09 Emergency Relief Funding Agreement
<b>Parties:</b>	City of Joondalup and Department of Families, Housing, Community Services and Indigenous Affairs
<b>Description:</b>	Department of Families, Housing, Community Services and Indigenous Affairs Emergency Relief Funding Agreement for 2008-09 - \$17,233.70 (GST incl.)
<b>Date:</b>	08.07.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Deed of Restrictive Covenant
<b>Parties:</b>	City of Joondalup and Southern Cross Care (WA) Inc.
<b>Description:</b>	Deed of Restrictive Covenant to restrict vehicular access to Burns Beach Road and Connolly Drive, Currambine, between points marked J & K on marked Deposited Plan 58614 in order to satisfy conditions of Western Australia Planning Commission subdivision approval 135313 dated 14 November 2007
<b>Date:</b>	15.07.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Deed of Lease
<b>Parties:</b>	City of Joondalup and Attorney General of care of Department of the Attorney General, WA
<b>Description:</b>	Deed of Lease of Lot 451 Shenton Avenue, Joondalup on Diagram 76630 for period of ten years with option to extend for a further ten years, for the purpose of constructing a car park
<b>Date:</b>	15.07.08
<b>Signed/Sealed:</b>	Sealed

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

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

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## **COMMENT**

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

## **ATTACHMENTS**

Nil.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 8 July 2008 to 15 July 2008 executed by means of affixing the common seal.**

**ITEM 2                    MINUTES OF EXTERNAL COMMITTEE - [02153]  
[41196]**

**WARD:** All

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

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**PURPOSE**

To submit minutes of an external committee to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Special Meeting of Tamala Park Regional Council held 3 July 2008

**ATTACHMENTS**

Attachment 1            Minutes of Special Meeting of Tamala Park Regional Council held 3 July 2008

*(Please Note: These minutes are only available electronically)*

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the minutes of the Special Meeting of Tamala Park Regional Council held 3 July 2008 forming Attachment 1 to this Report.**

To access this attachment on electronic document, click here: [externalminutes290708.pdf](#)



### **ITEM 3                      SPECIAL MEETING OF ELECTORS HELD ON 4 JULY 2008 - [11513]**

**WARD:**                      South-West

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

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#### **PURPOSE**

To give consideration to the motions raised at the Special Meeting of Electors held on 4 July 2008.

#### **EXECUTIVE SUMMARY**

A Special Meeting of Electors was called in accordance with the Local Government Act 1995, and was held on 4 July 2008. The primary purpose of the meeting was to consider that matters relating to Council's approval of item CJ081-05/08 Sacred Heart College, Sorrento – Auditorium and Classroom Additions including Canteen: Lot 16 (15) Hocking Parade, Sorrento.

There were 396 members of the public in attendance. During the meeting, five (5) motions were moved, with two (2) being carried. This report provides comment in relation to each motion.

#### **BACKGROUND**

As requested by electors of the City of Joondalup, a Special Meeting of Electors was held on 4 July 2008 in accordance with the provisions of the Local Government Act 1995 to discuss matters relating to Council's approval of item CJ081-05/08 Sacred Heart College, Sorrento – Auditorium and Classroom Additions including Canteen: Lot 16 (15) Hocking Parade, Sorrento.

In accordance with Section 5.33(1) of the Local Government Act 1995, the motions moved at the Special Meeting of Meeting were presented to the Council meeting held on 15 July 2008. At that meeting, Council resolved to:

- "1        NOTE the Minutes of the Special Meeting of Electors held on 4 July 2008 forming Attachment 1 to Report CJ144-07/08;*
  
- 2        REQUEST that a report be submitted to the Council meeting scheduled for 5 August 2008 giving consideration to the motions raised at the Special Meeting of Electors."*

#### **DETAILS**

The Special Meeting of Electors was called for the following purpose:

- 1        Council's approval of item CJ081-05/08 Sacred Heart College, Sorrento - Auditorium and Classroom Additions including Canteen: Lot 16 (15) Hocking Parade, Sorrento.

- 2 Policy 3.4 Height and Scale of Buildings within the Coastal Area – Non Residential Zones.
- 3 Amendment No. 32 to DPS-2.
- 4 Notice to raise motion other than that recommended by the City Officers and processes followed in the preparation of the alternative Motion of Approval.
- 5 Setting of Precedents for other coastal developments within the City of Joondalup.
- 6 Legal and other options.
- 7 Alternative design options to bring the proposed development into compliance.
- 8 Mayor Pickard's reported comments as published in the Joondalup Times dated 27 May 2008 and the Joondalup Weekender dated 5 June 2008 in relation to the Sacred Heart College development.
- 9 Mayor Pickard's declaration of Interest Affecting Impartiality.

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

The Motions raised at the Special Meeting of Electors are set out below, together with Officer's comments:

#### **Motion No 1**

*That Council requests the City of Joondalup's Director of Planning to seek to work with Sacred Heart College to redesign the development such that it better meets the intent of Policy 3-4, with Council providing quick approval of the redesign so as not to unnecessarily delay the development.*

*The Motion was Put and*

*LOST*

*Votes in favour of the Motion:*

*9*

*Votes against the Motion:*

*The majority of persons present voted against the Motion. In view of the large number in attendance, no formal count was conducted.*

#### **OFFICER'S COMMENT**

The applicant for the development proposal for the Sacred Heart College has been issued with a valid planning approval; therefore the City is unable to alter the planning approval.

#### **Motion No 2**

*That Council declares publicly that it will adhere to Interim Policy 3-4 and pending Amendment No 32 to District Planning Scheme No 2 regarding Height and Scale of Buildings within the Coastal Area, for all future planning matters.*

*The Motion was Put and*

*LOST*

*Votes in favour of the Motion:* 11  
*Votes against the Motion:* *The majority of persons present voted against the Motion. In view of the large number in attendance, no formal count was conducted.*

### **OFFICER'S COMMENT**

The Council determines each application based on its merits and having regard for the relevant policies and legislation provisions of the day.

### **Motion No 3**

*That Council writes to the Minister for Planning and Infrastructure requesting that she immediately adopts Amendment 32 to District Planning Scheme No 2 regarding Height and Scale of Buildings within the Coastal Area.*

*The Motion was Put and* **LOST**

*Votes in favour of the Motion:* 21  
*Votes against the Motion:* *The majority of persons present voted against the Motion. In view of the large number in attendance, no formal count was conducted.*

### **OFFICER'S COMMENT**

Amendment No 32 to District Planning Scheme No 2 was forwarded to the Minister for Planning and Infrastructure on 13 April 2006. Numerous correspondence and discussions have been held with the Minister's Office to ensure that the matter is resolved as quickly as possible.

### **Motion No 4**

*That:*

- 1 Council affirms its decision to support motion CJ081-05/08 Sacred Heart College that approves additional buildings for the school;*
- 2 the meeting affirms that this decision for approval is consistent with the Council's duty to improve amenity for the City and its constituency for both now and the future; and*
- 3 the meeting also records a motion of confidence in Crs John, Amphlett, Diaz, Hart, Hollywood, Jacob, Young, and Mayor Pickard.*

*The Motion was Put and* **CARRIED**

*Votes in favour of the Motion:* *The majority of persons present voted in favour of the Motion. In view of the large number in attendance, no formal count was conducted.*  
*Votes against the Motion:* 5

**OFFICER'S COMMENT**

The applicant for the proposed development at Sacred Heart College has been issued with a valid planning approval and may proceed in line with the approval. Therefore there is no further action required of the Council at this point.

**Motion No 5**

*That the meeting records its thanks and appreciation in recognition of the City's administration, staff and Councillors for their efforts and expense in conducting this meeting tonight.*

*The Motion was Put and*

*CARRIED UNANIMOUSLY*

**OFFICER'S COMMENT**

It is recommended that Motion 5 be noted.

**Link to Strategic Plan:**

Objective

- 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Strategies

- 1.1.3 The City ensures that all Council documents involving decision-making processes and Council procedures are available and accessible to the community.

**Legislation – Statutory Provisions:**

Section 5.33 of the Local Government Act 1995 states:

Decisions made at Electors' Meetings

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

**Risk Management considerations:**

The failure to consider the decisions made at the Special Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Each motion has been provided with individual comments.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council TAKES no further action in relation to the motions carried at the Special Meeting of Electors held on 4 July 2008.**

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## **ITEM 4                    ANNUAL PLAN    QUARTERLY    PROGRESS REPORT FOR THE PERIOD 1 APRIL TO 30 JUNE 2008 - [20560]**

**WARD:**                    All

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

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### **PURPOSE**

To present the *Annual Plan 2007/2008 Quarterly Progress Report* for the period 1 April to 30 June 2008.

### **EXECUTIVE SUMMARY**

The Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2007-2008. This is the final progress report for the 2007-2008 Annual Plan.

It is recommended that Council receives the *Annual Plan 2007-2008 Quarterly Progress Report* shown as Attachment 1 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 description of the key projects and programs to be delivered by the City in the 2007/2008 financial year. The Quarterly Progress Report provides information on achievements against the milestones set during the year and a commentary is provided against each milestone to provide information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported are the shaded sections of Attachment 1. Details of progress from the previous three quarters, which have already been received by Council, are provided for background information.

As this is the final quarterly progress report for the 2007-2008 Annual Plan, the following provides an overall summary of significant achievements for the financial year:

## Community Wellbeing

- Delivery of a comprehensive program of cultural events throughout the year including:
  - NAIDOC Week
  - Joondalup Festival
  - Joondalup Eisteddfod
  - Invitation Art Award
  - Sunday Serenades
  - Joondalup Sunset Markets
  - Summer Concert Series
  - Little Feet Festival
  - Valentine's Day Concert
  - Joondalup Community Art Exhibition
- Public consultation conducted and concept design completed for proposed extensions to the Kingsley Memorial Clubrooms;
- Adoption of the Access and Inclusion Plan and commencement of implementation;
- Implementation of the outcomes of the review of the City Watch Service;
- Feasibility study completed of proposed aquatic facilities at Craigie Leisure Centre and appointment of architects to undertake the design of the proposed facilities;
- Funding of approximately \$60,000 distributed to community groups in the Community Funding Program.

## Caring for the Environment

- Adoption of the Environment Plan 2007-2011 to provide an overarching framework for the City's environmental strategies and actions;
- Presentation of a draft Report for the Local Action for Biodiversity (LAB) Project at the Zagreb LAB Workshop and finalisation of the Report following public consultation;
- Continued midge larvae monitoring of Lake Joondalup;
- Continued participation in the *CCP (Cities for Climate Protection) Plus* Program to achieve reductions in greenhouse gas. The actions involved:
  - endorsement of the Greenhouse Action Plan;
  - energy audits of City buildings to identify savings in energy consumption;
  - launch of the community LivingSmart Program;
  - participation in the Carbon Neutral Program which demonstrated that the City's vehicle fleet is carbon neutral;
- Participation in the International Council for Local Environment Initiatives (ICLEI) Water Campaign;
- Commencement of the construction of a Resource Recovery Facility for the processing of recyclable materials;

## City Development

- Practical completion of the new Works Operation Centre.
- Public Consultation for the Ocean Reef Marina development and the formation of a Community Reference Group to provide input into the Structure Plan design for the Marina;
- Completion of Major Capital Works Program projects during the financial year, including:

- Road Resurfacing Program;
- Paths Program;
- Traffic Management Program and associated public consultation;
- Woodlake Retreat road extension;
- Commencement of the construction of a dual carriageway in Burns Beach Road in readiness for the extension of the Mitchell Freeway;
- Public consultation and concept approval for the West Coast Drive Enhancement Project;
- Upgrade of a number of sporting facilities, eg cricket wickets;
- Park enhancement works, including upgrades to existing BBQs and shade shelters.
- Development of Local Planning Strategy commenced;
- Commencement of a revised City Centre Structure Plan;
- Endorsement of the Economic Development Plan 2007-2011 to foster local economic development within the City;
- Hosting of successful Business Forums to promote business attraction and development in the north-west corridor;
- Endorsement of the Building Asset Management Plan and completion of the Road Asset Management Plan;
- Continued implementation of the Tourism Development Plan including:
  - Development of a branding strategy for tourism businesses in the City;
  - Development of tourism videos;
  - Development of the Joondalup Tourism Alliance to develop relationships with key stakeholders;
- Implementation of Paid Parking, including the:
  - Adoption of the Parking Strategy;
  - Endorsement of the Business Plan;
  - Establishment of the administrative functions for paid parking; and
  - Commencement of staff recruitment for the Parking sub-unit;
- Continued participation in the TravelSmart Program, including endorsement of the Green Transport Plan and implementation of actions within the TravelSmart Workplace Program, the TravelSmart Household Project and the TravelSmart to Schools Program;
- Completion of the *ThinkLearn* Project, delivering training for young local business owners and managers to improve their business skills.

### Organisational Development

- Adoption of the City's new Strategic Plan 2008-2011;
- Provision of quarterly progress reports to Council on the Annual Plan 2007-08;
- Development and implementation of an Audit Plan;
- Annual Customer Satisfaction Monitor conducted.

### Link to Strategic Plan:

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**

Significant progress on most major projects and programs has been made during the quarter. Projects not completed will be carried forward to the 2008/2009 Annual Plan.

**ATTACHMENTS**

Attachment 1      Annual Plan Progress Report for the period 1 April 2007 – 30 June 2008.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council RECEIVES the final Annual Plan Quarterly Progress Report for the period 1 April 2008– 30 June 2008 shown as Attachment 1 to this Report.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf290708.pdf](#)*

## **ITEM 5                    MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 19 JUNE 2008 – [00906]**

**WARD:** All

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

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### **PURPOSE**

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and endorsement of some of the recommendations contained therein. Because of the complex nature of some of the agenda items and the detailed resolutions passed, items are presented to Council through separate reports on this agenda.

### **EXECUTIVE SUMMARY**

A meeting of the Sustainability Advisory Committee was held on 19 June 2008.

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

- North West Corridor Economic Development and Transport Workshops
- Opportunities for Solar Power
- Energy Efficient Street Lighting
- Coastal Stormwater Outfalls
- WALGA and Energy Efficient Lighting

*It is recommended that Council:*

- 1        *NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 19 June 2008 forming Attachment 1 to this Report;*
- 2        *AGREES to the preparation of additional information in relation to stormwater outfalls at Sorrento Beach;*
- 3        *AGREES to the preparation of a report on how flood lighting is managed at the City's parks and sporting facilities.*

### **BACKGROUND**

The objectives of the Sustainability Advisory Committee are:-

- 1        To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:
  - (a)      environmentally responsible,
  - (b)      socially sound, and
  - (c)      economically viable
- 2        To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

The Committee membership comprises of four Elected Members and eight Community Representatives.

## DETAILS

### Issues and options considered:

The Motions carried at the Sustainability Advisory Committee meeting held on 19 June 2008 are shown below, together with officer's comments.

#### 1 North West Corridor Economic Development and Transport Workshops

The following Motions were carried at the meeting on 19 June 2008:

“That the Sustainability Advisory Committee REQUESTS Council to note the likely future needs in respect of the North West Corridor economic development, for:

- the speedy extension of the railroad to at least Yanchep;
- the preservation of as much of the local fauna and flora as possible;
- the preservation of the foreshore, the beaches and the ocean;
- the creation of as many local businesses as possible in line with the community expectations (not liquor stores);
- the creation of as many jobs in the Joondalup CBD as possible in order to increase the job self sufficiency ratio;
- facilities for alternative methods of transport to the private motor vehicle.”

#### Officer's Comment

This item and its resolutions are considered under a separate report on this agenda.

#### 2 Opportunities for Solar Power

The following Motions were carried at the meeting on 19 June 2008:

“That the Sustainability Advisory Committee RECOMMENDS that Council:

- 1 SUPPORTS proceeding with the installation of a 1 kilo Watt grid-connected photovoltaic system on one of its local library buildings at an approximate cost of \$11,500 and if possible allows for it in the 2008/09 budget;
- 2 CONSIDERS applying for funding from the Sustainability Energy Development Office (SEDO) Grants Program to undertake a Solar Power Education Campaign to raise community awareness on ways to use less energy and to promote increased use of renewable energy. (Funds up to \$50,000 are available from the current funding round which closes in August 2008);
- 3 CONSIDERS initiating a Renewable Energy Feasibility Study on retro-fitting the Council's Administration, Council Chambers and Joondalup Library buildings with solar and/or wind power energy collection systems to a level which would receive a high star rating from the Green Building Council of Australia and if possible allows for this in the 2008/09 budget.”

Officer's Comment

This item and its resolutions are considered under a separate report on this agenda.

**3 Energy Efficient Street Lighting**

The following motions were carried at the meeting on 19 June 2008:

“That the Sustainability Advisory Committee:

- 1 NOTES the additional information on street lighting provided in this Report;
- 2 ADVISES Council that the current type of street lighting provided by Western Power to the City of Joondalup is inefficient and outdated therefore burdening ratepayers with extra operating costs and avoidable greenhouse gas emissions;
- 3 REQUESTS Council to:
  - 3.1 work through the West Australian Local Government Association to improve Western Power's level of service for street lighting provided to local governments;
  - 3.2 seek the support of local State Parliamentarians to assist local governments to reduce the burden on ratepayers and avoidable greenhouse gas emissions caused by Western Power's use of outdated street lighting technology;
  - 3.3 in light of the need to reduce greenhouse gas emissions, consider the length of time that street lighting is used within the City.

Officer's Comment

This item and its resolutions are considered under a separate report on this agenda.

**4 Coastal Stormwater Outfalls**

The following motion was carried at the meeting on 19 June 2008:

“That this item be REFERRED BACK subject to the provision of further information concerning the Sorrento Beach project.”

Officer's Comment

This requires additional information in relation to stormwater outfalls at Sorrento Beach.

**5 WALGA and Energy Efficient Lighting**

A motion seeking WALGA's support to promote a new model in which local governments would buy lighting rather than electricity was lost.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

The following report was requested at the meeting of the Sustainability Advisory Committee:

- A Report on how flood lighting is managed within the City of Joondalup in parks and sporting facilities.

**Link to Strategic Plan:**

Key Focus Area: Organisation Development

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

**Legislation – Statutory Provisions:**

The Committee is established in accordance with the Local Government Act 1995.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

The Sustainability Advisory Committee provides an opportunity for consideration of regional matters that may impact on local sustainability.

**Sustainability Implications:**

The Sustainability Advisory Committee provides a forum for consideration of a range of sustainability issues by elected members and community representatives with local knowledge and expertise.

**Consultation:**

Not Applicable.

**COMMENT**

As outlined under Officer's Comments sections.

**ATTACHMENTS**

Attachment 1            Minutes of the Sustainability Advisory Committee meeting held on 19 June 2008.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1        NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 19 June 2008 forming Attachment 1 to this Report;**
- 2        AGREES to the preparation of additional information in relation to stormwater outfalls at Sorrento Beach;**
- 3        AGREES to the preparation of a report on how flood lighting is managed at the City's parks and sporting facilities.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf290708.pdf](#)

**ITEM 6                    ECONOMIC DEVELOPMENT AND TRANSPORT IN  
THE                    NORTH                    WEST                    CORRIDOR:  
RECOMMENDATIONS                    FROM                    THE  
SUSTAINABILITY ADVISORY COMMITTEE                    -  
[12542]**

**WARD:**                    All

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

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**PURPOSE/EXECUTIVE SUMMARY**

For Council to consider the resolutions of the Sustainability Advisory Committee (SAC) in relation to economic development and transport in the North West Corridor. This report recommends that Council notes the views of SAC.

**BACKGROUND**

At its meeting on 19 June 2008, SAC considered a report on economic development and transport in the North West Corridor. (Refer to report (Item 5) within this agenda entitled "Minutes of the Sustainability Advisory Committee held on 19 June 2008.")

This report recommended that the SAC notes the key outcomes arising from the two workshops on economic development and transport. However, the SAC resolved to support six points with a request for Council to note the likely future needs in relation to these. Each of these six points resolved is considered in the details section of this report.

**DETAILS**

SAC resolved to support the following six positions in relation to economic development and transport in the North West Corridor. An officer's comment follows each.

"SAC REQUESTS Council to note the likely future needs in respect of the North West Corridor economic development, for:

3                    the speedy extension of the railroad to at least Yanchep."

Officer's comment

The extension of the railway line was discussed extensively at the North West Corridor Transport Workshop. This resolution notes the need to extend the railway line as the corridor develops.

"SAC REQUESTS Council to note the likely future needs in respect of the North West Corridor economic development, for:

5                    the preservation of as much of the local fauna and flora as possible."



Officer's comment

This resolution reflects the direction identified in the City's Environment Plan and its Local Action for Biodiversity Report.

"SAC REQUESTS Council to note the likely future needs in respect of the North West Corridor economic development, for:

6 the preservation of the foreshore, the beaches and the ocean."

Officer's comment

This resolution reflects the directions identified in the City's Environment Plan and the City's planning scheme and policies. It is noted that the City is not responsible for the ocean.

"SAC REQUESTS Council to note the likely future needs in respect of the North West Corridor economic development, for:

8 the creation of as many local businesses as possible in line with the community expectations (not liquor stores)."

Officer's comment

This resolution reflects the directions identified in the City's Economic Development Plan. The location of liquor stores is governed by planning requirements.

"SAC REQUESTS Council to note the likely future needs in respect of the North West Corridor economic development, for:

9 the creation of as many jobs in the Joondalup CBD as possible in order to increase the job self sufficiency ratio."

Officer's comment

This resolution reflects the directions identified in the City's Economic Development Plan.

"SAC REQUESTS Council to note the likely future needs in respect of the North West Corridor economic development, for:

10 facilities for alternative methods of transport to the private motor vehicle."

Officer's comment

This resolution reflects the directions identified in the City's Environment Plan, its Bike Plan and its support for initiatives such as LivingSmart and TravelSmart.

**Issues and options considered:**

Council has the following options:

- To support the officer's comments;
- To seek different outcomes; or
- Do nothing in relation to this matter.

**Link to Strategic Plan:**

Key Focus Area: Caring for the Environment.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Some of the resolutions have broad regional significance.

**Sustainability Implications:**

Each item resolved broadly relates to sustainability.

**Consultation:**

Not Applicable.

**COMMENT**

As per details section.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the views of the Sustainability Advisory Committee regarding the six points resolved in relation to economic development and transport in the North West Corridor.**

## **ITEM 7                    OPPORTUNITIES        FOR        SOLAR        POWER: RECOMMENDATIONS        FROM        THE SUSTAINABILITY    ADVISORY    COMMITTEE    - [12542]**

**WARD:**                    All

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

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### **PURPOSE/EXECUTIVE SUMMARY**

For Council to consider the Sustainability Advisory Committee's (SAC) resolutions in relation to solar power. This report recommends that the SAC's request for Council to install a photovoltaic system on a City library building not be supported at this stage as the outcomes of a broad renewable energy study will direct the City's actions in this regard.

### **BACKGROUND**

At its meeting on 19 June 2008, SAC considered a report on solar power. (Refer to report (Item 5) within this agenda entitled "Minutes of the Sustainability Advisory Committee held on 19 June 2008)

This report recommended that the SAC note both the report and the opportunity to fund a renewable energy feasibility study through the budget. However, the SAC resolved to support three points. Each of these points is considered in the details section of this report together with an officer's comment.

### **DETAILS**

The three alternative points resolved by SAC are outlined below. An officer's comment follows each.

"SAC RECOMMENDS that Council:

- 1        SUPPORTS proceeding with the installation of a 1 kilo Watt grid connected photovoltaic system on one of its local library buildings at an approximate cost of \$11,500 and if possible allows for it in the 2008/09 budget."

#### Officer's comment

This recommendation is not supported. Instead, a broad renewable energy feasibility study, as suggested in the report to SAC, is supported. This enables the most appropriate renewable technologies to be identified rather than focussing on a specific technology in the absence of broader analysis. This SAC resolution is also very specific. In this regard, it is believed that Committees such as SAC should provide general strategic advice to Council.

“SAC RECOMMENDS that Council:

- 2 CONSIDERS applying for funding from the Sustainability Energy Development Office (SEDO) Grants Program to undertake a Solar Power Education Campaign to raise community awareness on ways to use less energy and to promote increased use of renewable energy. (Funds up to \$50,000 are available from the current funding round which closes in August 2008).”

Officer’s comment

This resolution supports the proposed introduction of solar power in SAC’s first resolution considered above. The City will continue to monitor the availability of grants to assist the City in carrying out its functions and will apply for grants where appropriate. It is noted that the City is currently at the forefront of the LivingSmart and TravelSmart programs which relate to community education for sustainability.

“SAC RECOMMENDS that Council:

- 3 CONSIDERS initiating a Renewable Energy Feasibility Study on retrofitting the Council’s Administration, Council Chambers and Joondalup Library buildings with solar and/or wind power energy collection systems to a level which would receive a high star rating from the Green Building Council of Australia and if possible allows for this in the 2008/09 budget.”

Officer’s comments

This resolution is broadly similar to a recommendation in the report to SAC and is supported. The renewable energy feasibility study will consider the most appropriate type of renewable energy for use in different buildings.

**Issues and options considered:**

Council has the following options:

- To support the officer’s comments;
- To seek different outcomes; or
- Do nothing in relation to this matter.

**Link to Strategic Plan:**

Key Focus Area: Caring for the Environment.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Grants will assist the City to provide services to the community while the feasibility study has been included in the City's 2008/2009 budget.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Renewable energy including solar power will support sustainability.

**Consultation:**

Not Applicable.

**COMMENT**

As per details section.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 DOES NOT SUPPORT the recommendation from the Sustainability Advisory Committee to install a photovoltaic system on a City library building at this stage pending the outcome of a broad renewable energy feasibility study which will direct the City's actions in relation to renewable energy;**
- 2 NOTES that the budget includes monies for such a renewable energy feasibility study in the current financial year and that the City will look to obtaining further grants to support its environmental initiatives.**

## **ITEM 8 ENERGY EFFICIENT STREET LIGHTING: RECOMMENDATIONS FROM THE SUSTAINABILITY ADVISORY COMMITTEE - [12542]**

**WARD:** All

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

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### **PURPOSE/EXECUTIVE SUMMARY**

For Council to consider the issue of energy efficient street lighting. This report recommends that all of the Sustainability Advisory Committee's (SAC) requests to Council be supported. This includes the production of a report on the advantages and disadvantages of amending the hours during which street lighting operates.

### **BACKGROUND**

At its meeting on 19 June 2008, SAC considered a report on energy efficient street lighting. (Refer to report (Item 5) within this agenda entitled "Minutes of the Sustainability Advisory Committee held on 19 June 2008.)

This report recommended that the SAC note the additional information on energy efficient street lighting provided within the report. However, the SAC resolved to support 4 additional points. Each of these points resolved is considered in the details section of this report.

### **DETAILS**

After noting the additional information in the report as recommended by officers, SAC resolved to support the following positions. An officer's comment follows each.

"2 ADVISES Council that:

- 2.1 the current type of street lighting provided by Western Power to the City of Joondalup is inefficient and outdated therefore burdening ratepayers with extra operating costs and avoidable greenhouse gas emissions."

#### Officer's comment

This resolution is a statement of fact and is noted.

"3 REQUESTS Council to:

- 3.1 work through the Western Australian Local Government Association (WALGA) to improve Western Power's level of service for street lighting provided to local governments."

Officer's comment

This resolution appears reasonable as Western Power is more likely to bring forward the introduction of energy efficient street lighting if WALGA lobbies for the improvement rather than an individual local government. Letters have already been sent to WALGA on this matter and a further letter can be prepared.

“3 REQUESTS Council to:

- 3.2 seek the support of local State Parliamentarians to assist local governments to reduce the burden on ratepayers and avoidable greenhouse gas emissions caused by Western Power's use of outdated street lighting technology.”

Officer's comment

This resolution appears reasonable as the State Government is in the best position to bring pressure to bear on Western Power to introduce energy efficient street lighting. Letters can be prepared to local Parliamentarians to seek their support.

“3 REQUESTS Council to:

- 3.3 in light of the need to reduce greenhouse gas emissions, consider the length of time that street lighting is used within the City.”

Officer's comment

This resolution requires Council to weight the advantages of using street lighting to provide a safe environment against the disadvantages associated with the extra greenhouse gas emissions created. A report can be prepared for Council to enable an objective decision to be made.

**Issues and options considered:**

Council has the following options:

- To support the officer's comments;
- To seek different outcomes; or
- Do nothing in relation to this matter.

**Link to Strategic Plan:**

Key Focus Area: Caring for the Environment.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not applicable at this stage.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Inefficient street lighting will impact on broad sustainability.

**Consultation:**

Not Applicable.

**COMMENT**

As per details section.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 NOTES that the current type of street lighting provided by Western Power to the City of Joondalup is inefficient and outdated which burdens ratepayers with extra operating costs and avoidable greenhouse gas emissions;**
- 2 WRITES to the Western Australian Local Government Association in support of energy efficient street lighting again;**
- 3 WRITES to local State Parliamentarians in relation to Western Power's use of outdated street lighting technology and seeking their support for newer energy efficient technologies;**
- 4 SEEKS a report on the advantages and disadvantages of reducing the time for which street lighting operates within the City.**



## ITEM 9 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2008 - [09882]

**WARD:** All

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

### PURPOSE

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

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of June 2008 totalling \$12,057,371.84.

*It is recommended that Council NOTES the CEO's list of accounts for June 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$12,057,371.84.*

### 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 June 2008. 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	<b>Cheques</b> 81583 - 81852 and EFT 16772 - 17256 Net of cancelled payments	\$10,339,730.90  \$1,228,020.30
	<b>Vouchers</b> 414A-415A, 419A-420A & 422A,	
Trust Account	<b>Cheques</b> 202167 – 202216 Net of cancelled payments	\$489,620.64
<b>Total</b>		\$12,057,371.84

**Issues and Options Considered:**

Not Applicable.

**Link to Strategic Plan:**

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

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

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

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

**Policy Implications:**

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

**Sustainability Implications:**

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

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2006/07-2009/10 which was available for public comment from 29 June 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 2007/8 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 June 2008
Attachment B	CEO's Delegated Trust Payment List for the month of June 2008
Attachment C	Municipal and Trust Fund Vouchers for the month of June 2008

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for June 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$12,057,371.84.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf290708.pdf](#)*

<b>Name/Position</b>	<b>Mr Ian Cowie – Director Governance and Strategy</b>
<b>Item No/Subject</b>	Item 10 – Tender 023/08 – Provision of Dog Impound and Housing Services
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mr Cowie serves on the Board of the RSPCA

## **ITEM 10                    TENDER 023/08 PROVISION OF DOG IMPOUND AND HOUSING SERVICES - [69613]**

**WARD:**                    All

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

### **PURPOSE**

This report is to seek the approval of Council to accept the offer submitted by RSPCA WA for the provision of Dog Impound and Housing Services (Tender 023/08).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 17 May 2008 through state wide public notice for the provision of Dog Impound and Housing Services for 3 years with a further two-year optional extension. Tenders closed on 4 June 2008. One (1) submission was received from RSPCA WA.

RSPCA WA is an established service provider that has been providing dog impound and housing services in WA for many years and similar services for the City since 2001.

*It is recommended, in relation to Tender Number 023/08 that Council ACCEPTS the Tender submitted by RSPCA WA for the provision of Dog Impound and Housing Services for a period of three (3) years with a further two-year optional extension in accordance with the statement of requirements in Tender 023/08 at the submitted Schedule of rates.*

### **BACKGROUND**

The requirement is for the provision of dog impound and housing services in accordance with the scope of work and the schedule of rates and the terms and conditions of the Contract.

The City currently has a Contract for the provision of Dog Impound and Housing Services with RSPCA WA which is due to expire on 17 August 2008.

### **DETAILS**

Tenders were advertised on 17 May 2008 through state wide public notice for the provision of Dog Impound and Housing Services for 3 years with a further two-year optional extension. Tenders closed on 4 June 2008. One (1) submission was received from RSPCA WA.

### Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated Experience in Completing Similar Services	25%
3	Demonstrated Understanding of the Required Tasks	20%
4	Social and economic effects on the local community	5%

### Evaluation Panel

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

### Tender Submissions

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

The table below provides the total annual estimated expenditure over the 5 year period calculated with escalation based on current 4.3% CPI increase (All Groups in Perth).

Estimated Cost	RSPCA WA
Year 1	\$50,000.00
Year 2	\$52,150.00
Year 3	\$54,393.00
Year 4	\$56,732.00
Year 5	\$59,172.00
<b>Total Estimated Cost</b>	<b>\$272,447.00</b>

During the last financial year 2007/08, the City incurred \$38,649.60 for the provision of Dog Impound and Housing Services under the current Contract rates and is expected to incur in the order of \$272,447.00 over the five (5) year Contract period.

### Evaluation Summary

Respondent	Evaluation Score	Estimated Price Over 5 Years Assuming 4.3% Compound Increases in Years 2 to 5.	Rank
RSPCA WA	67%	\$272,447.00	1

**Issues and options considered:**

The City has a requirement for the provision of dog impound services for the local community and does not have the facilities and resources available for the housing and disposal of its impounded dogs. The City is currently investigating the feasibility of a shared facility with the City of Wanneroo. Until this investigation is finalised, the City requires an appropriate external service provider.

**Link to Strategic Plan:**

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

5. Community Wellbeing.

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

Strategy 5.4.1 The City develops and implements a community Safety Plan

**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:**

Should the Contract not proceed, the risk to the City will be high as there are few service providers in WA that provide housing for impounded dogs and the City may not be able to source a suitable contractor leading to possible disruption to the City's provision of dog impound services for the local community.

It is considered that awarding the Contract to the recommended respondent will represent a low risk to the City on the basis that it is an established service provider that has been providing dog impound and housing services in WA for many years and has also provided similar services for the City since 2001.

**Financial/Budget Implications:**

<b>2008/09 Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Services to 30 June 2008</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$50,000.00	\$39,651.00 (current Contract to date)	\$50,000.00	\$272,447.00

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. During the last financial year 2007/08, the City incurred \$39,651.00 for the provision of the services. The budget for 2007/08 was \$45,000. The City is expected to incur \$50,000.00 in the first 12 months of Contract as the established fees and charges have increased and there is an introduction of a new registration processing fee. This fee is recoverable from the dog owner. In addition, it is projected that the number of dogs impounded will increase in the next twelve months as there has been a steady increase over the years. Therefore, based on historical and known requirements, it is estimated that the expenditure over the life of the Contract of five (5) years will be in the order of \$272,447.00.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The Offer from RSPCA WA represents good value to the City, scored 67% and was the only Offer received. RSPCA WA demonstrated the capacity and significant experience providing similar services throughout WA and has provided the services to the City since 2001.

The attached summary of the Tender submission includes the location of the Tenderer.

**ATTACHMENTS**

Attachment 1 – Summary of Tender submission

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That in relation to Tender 023/08, Council ACCEPTS the Tender submitted by RSPCA WA for the provision of Dog Impound and Housing Services for a period of three (3) years with a further two-year optional extension in accordance with the statement of requirements in Tender 023/08 at the submitted Schedule of rates.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf290708.pdf](#)*



## **ITEM 11                    PETITION REGARDING TRAFFIC CONCERNS ON DUFFY TERRACE, WOODVALE - [01672]**

**WARD:**                    Central

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

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### **PURPOSE**

For the Council to consider a petition regarding traffic concerns on Duffy Terrace, Woodvale.

### **EXECUTIVE SUMMARY**

A petition signed by 168 residents was received by Council at its meeting held on 10 June 2008 with a request to install traffic calming treatments along the length of Duffy Terrace in Woodvale.

Speeding and inappropriate driver behaviour in the form of vehicle racing on Duffy Terrace was highlighted as a major concern by local residents. In response to these concerns, Traffic and Transport Solutions were commissioned in June 2008 to undertake an independent Road Safety Audit (RSA) of Duffy Terrace. The audit considered the safety aspects of the existing situation and presented findings and recommendations for potential solutions to the identified problems.

On the basis of the RSA assessment and a recent traffic count survey undertaken in June 2008, a central median treatment including traffic islands is proposed. The proposed traffic treatments have been included for consideration for funding consideration as part of the 2009/2010 State BlackSpot program. The BlackSpot project requires one third funding by Council and receives two thirds funding by the State Government.

Subject to detail design, the cost estimate for the project including traffic islands, median treatments and a Dual Use Path (DUP) along the length of Duffy Terrace is approximately \$390,000. The City considers the construction of the proposed traffic management treatments for Duffy Terrace to be a priority in comparison with other roads already listed for treatment as part of the City's Five Year Capital Works Program.

The traffic speeds and traffic volumes can be reassessed once the treatments are installed to determine the effectiveness of the measures.

*It is recommended that Council:*

- 1        *ADOPTS the recommendations of the Duffy Terrace, Woodvale Road Safety Audit (June 2008) prepared by Traffic and Transport Solutions and included in Attachment 2 to this Report;*
- 2        *ENDORSES the Duffy Terrace, Woodvale traffic management project submission for funding in the 2009/2010 State Black Spot Program;*
- 3        *NOTES that provision will need to be made in the draft 2009/2010 Infrastructure Capital Works Program to accommodate the approved State BlackSpot funding and associated contribution from the City;*

- 4 *REQUESTS the WA Police Service to enforce speed compliance on Duffy Terrace, Woodvale;*
- 5 *ADVISES the Petition Organiser of Council's decision.*

## **BACKGROUND**

At the Ordinary Meeting of Council held on 10 June 2008, a 168-signature petition was received from residents of Woodvale indicating concerns regarding traffic speeds and vehicle racing on Duffy Terrace and requesting “*that the City of Joondalup urgently and as a matter of priority, install traffic calming treatments along the length of Duffy Terrace in Woodvale*”.

A location plan identifying the subject area is shown as **Attachment 1**.

Duffy Terrace performs the function of a local distributor road and extends from Whitfords Avenue in the south to Woodvale Drive to the north. The road provides frontage access to approximately 35 residential properties and vehicular access to a number of local access roads. The road also forms part of Transperth's bus route for the area. The Yellagonga Regional Park is situated on the east side of the road and there are schools at the northern and southern ends.

Speeding and inappropriate driver behaviour in the form of vehicle racing on Duffy Terrace was highlighted as major concern by local residents. In response to these concerns, Traffic and Transport Solutions were commissioned in June 2008 to undertake an independent RSA of Duffy Terrace. The RSA considered the safety aspects of the existing situation and presented a number of findings and recommendations.

In support of the RSA, a seven day traffic count was carried out at four locations on Duffy Terrace in June 2008. The results of the traffic count survey indicates that the local distributor road carries approximately 1733 vehicles per day (vpd) south of Woodvale Drive and 2887 vpd north of Whitfords Avenue. An assessment of the recorded traffic volumes in accordance with the Main Roads WA guidelines indicates that the road is operating well below the recommended maximum capacity of 6,000 vpd for a road of this nature.

The traffic count survey also revealed that the 85% percentile traffic speeds on Duffy Terrace range between 63 to 66km/h. This indicates that the majority of drivers are not complying to the urban speed limit. Whilst the recorded 85<sup>th</sup> percentile traffic speeds are higher than desirable, the traffic volume and percentage of heavy vehicles along this road are within the acceptable range.

## **DETAILS**

### ***Existing Situation***

The existing single carriageway road is 1.3 km in length and straight in alignment between Whitfords Avenue and Woodvale Drive. The road cross section consists of a 10m wide kerbed carriageway with marked 1.5m cycle lanes and centreline. A site inspection confirmed that the road surface is in reasonable condition and the intersection sight lines for access and egress meet the appropriate standards and guidelines.

### ***Road Safety Audit***

The RSA is a formal procedure that can be applied to road sections and intersections to identify and recommend road safety improvements. The RSA report received in July 2008

was a formal review of the existing situation on Duffy Terrace. The June 2008 RSA audit team was led by a Senior Road Safety Auditor from Traffic and Transport Solutions.

### ***Crash History***

An analysis of the January 2003 to December 2007 Main Roads WA crash data revealed that 17 crashes had occurred on Duffy Terrace in the 5 year period with the majority of these crashes occurring at the intersections with Whitfords Avenue and Woodvale Drive. Several midblock crashes had occurred within this period with two crashes relating to parked vehicles. The majority of crashes resulted in vehicle damage only, however one pedestrian crash had occurred in this period.

Residents have also advised as part of the background information that a crash involving two vehicles had occurred at the intersection of Duffy Terrace and Fallbrook Avenue on 18 April 2008, the crash being non injury related. An article published in the local newspaper also reported a serious crash had occurred on 12 June 2008 at the intersection of Duffy Terrace and Whitfords Avenue.

### ***Traffic Speed and Volumes***

The results of the seven-day traffic count survey carried out in June 2008 at four locations on Duffy Terrace are summarised as follows:

<b>Road</b>	<b>Location</b>	<b>Average Week Day Traffic (vpd)</b>	<b>85<sup>th</sup> Percentile Speed (km/h)</b>	<b>Mean Speed (km/h)</b>
Duffy Terrace	South of Woodvale Drive	1733	65km/h	57km/h
Duffy Terrace	North of Fallbrook Avenue	1841	65km/h	56km/h
Duffy Terrace	South of Fallbrook Avenue	2214	66km/h	57km/h
Duffy Terrace	North of Whitfords Avenue	2887	63km/h	52km/h

It can be seen from the above table that the average week day traffic results for the local distributor road is operating well below its design capacity of 6,000 vpd. Both the 85<sup>th</sup> percentile traffic speeds and mean speeds recorded on Duffy Terrace indicate that the majority of drivers are not complying with the urban speed limit of 50 km/h. A detailed assessment of the 40km/h school speed zone at the southern end of Duffy Terrace was not carried out as part of the speed analysis. However it is anticipated that there will be a high degree of non compliance to the posted speed limit during the morning and afternoon school peak periods.

### ***Audit Findings and Recommendations***

The audit findings and recommendations are detailed in the RSA Corrective Action Report (Attachment 2 refers). The City has reviewed the audit findings and recommendations and agrees in principle with the corrective actions put forward by the audit team.

### **Traffic Management Proposal**

In order to manage traffic speeds on Duffy Terrace a median treatment including traffic islands with trees plus narrow marked traffic lanes is preferred. Based on similar traffic treatments, the streetscape treatment including vertical elements such as trees and reduced lane widths will provide for a slower speed environment than currently exists. To provide appropriate access for cyclists, the proposed traffic management treatment will need to include a Dual Use Path facility adjacent the carriageway for the entire length of Duffy Terrace.

On the basis of the RSA assessment and the traffic count survey undertaken in June 2008, a central median treatment including traffic islands is proposed. The proposed traffic treatments have been listed for consideration as part of the 2009/2010 State BlackSpot program. The BlackSpot program requires one third funding by Council and two thirds funding by the State Government. Subject to detail design, the anticipated cost of the project including traffic islands, median treatment including trees and the Dual Use Path on Duffy Terrace is approximately \$390,000. The proposal as shown as **Attachment 3** (sheets 1 to 4) is conceptual only and is subject to further evaluation as part of the detail design process.

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

The consideration of traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2008-2011:

4.2.6 The City implements, and if necessary, refines its Capital Works Program.

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

Not Applicable.

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

The City receives many requests to construct traffic management measures on local roads and therefore follows a system of prioritising these requests based on various factors, including traffic volumes, (85<sup>th</sup> percentile) travel speeds, crash data, road geometry, proximity to major trip generators, percentage of heavy vehicles and percentage of non-local through traffic.

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

Subject to final detail design and BlackSpot funding approval, the cost estimate for the project is \$390,000. A one third funding commitment of \$130,000 is required by Council and two thirds funding commitment of \$260,000 is required by the State Government.

It is proposed that the works be listed as part of the 2009/2010 Infrastructure Capital Works Program.

#### **Policy Implications:**

Not Applicable.

#### **Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

No community consultation was undertaken in conjunction with the assessment of the petition.

**COMMENT**

The local government responsibility for roads is primarily focussed on the care, control and management of the road asset. The recorded 85<sup>th</sup> percentile traffic speeds on Duffy Terrace are considered high and indicate that a significant proportion of drivers are not complying to the urban speed limit. The issue of speeding and inappropriate driver behaviour is difficult to control and is the responsibility of the WA Police Service to enforce compliance to the road rules as detailed in the Traffic Code 2000. However it is anticipated that proposed changes to the road environment such as median treatments will reduce the 85<sup>th</sup> percentile speed on Duffy Terrace.

On the basis of the traffic assessment, the construction of traffic management measures on Duffy Terrace has a high priority when compared to some other roads already listed for treatment as part of the City's Five Year Capital Works Program.

To determine the effectiveness of the proposed traffic management treatments on Duffy Terrace, a follow up traffic count survey approximately 12 months after completion of the works is proposed.

**ATTACHMENTS**

Attachment 1	Location map of Duffy Terrace, Woodvale.
Attachment 2	RSA Corrective Action Report
Attachment 3	Concept plan showing the proposed traffic management treatments.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 ADOPTS the recommendations of the Duffy Terrace, Woodvale Road Safety Audit (June 2008) prepared by Traffic and Transport Solutions and included in Attachment 2 to this Report;**
- 2 ENDORSES the Duffy Terrace, Woodvale traffic management project submission for funding in the 2009/2010 State Black Spot Program;**
- 3 NOTES that provision will need to be made in the draft 2009/2010 Infrastructure Capital Works Program to accommodate the approved State BlackSpot funding and associated contribution from the City;**

- 4 **REQUESTS the WA Police Service to enforce speed compliance on Duffy Terrace, Woodvale;**
- 5 **ADVISES the Petition Organiser of Council's decision.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf290708.pdf](#)

## **ITEM 12                    PETITION REGARDING PARKING CONCERNS WILLESDEN AVENUE, KINGSLEY - [19500]**

**WARD:**                    South East

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

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### **PURPOSE**

A 26-signature petition has been received from Kingsley residents seeking Council's assistance to resolve parking issues that currently exist on Willesden Avenue, Kingsley.

### **EXECUTIVE SUMMARY**

Residents from 14 households are seeking to restrict parking on Willesden Avenue, Kingsley to alleviate all day long term parking caused by overflow from Greenwood Train Station.

To limit overflow parking on Willesden Avenue an extensive parking prohibition scheme would need to cover the road length from Wimbledon Drive to the north eastern portion of Willesden Avenue. The negative impact of the parking prohibitions is that visitors and service vehicles will not be able to park adjacent the residential properties on both sides of the carriageway during weekdays from 9am to 5pm.

Currently Greenwood Station's parking areas are at their capacity and the State Government is committed to spending \$8.35 million on 691 additional parking bays over the next four years. The extension to the existing public car park on the southern side of Greenwood Station is currently being constructed and is scheduled for completion in the coming few months.

It is recommended that parking prohibitions are not installed on Willesden Avenue at this stage and that an assessment of the parking situation be carried out in 12 months once the Greenwood Station car park extension is complete. On the basis that overflow parking continues to be an issue, community consultation should be instigated as part of the parking prohibition process.

*It is recommended that Council:*

- 1        *DOES NOT install parking prohibitions on Willesden Avenue, Kingsley at this stage;*
- 2        *REQUESTS the parking situation on Willesden Avenue, Kingsley be monitored on a regular basis;*
- 3        *REASSESES the parking situation on Willesden Avenue, Kingsley in 12 months once parking improvements to Greenwood Train Station are in place;*
- 4        *ADVISES the Petition Organiser of Council's decision.*

## BACKGROUND

Park and ride rail commuters are utilising Willesden Avenue for all day on-street parking to access Greenwood Station. Currently overflow parking occurs on the carriageway at the southern end of Willesden Avenue in the vicinity Greenwood Station. The all day parking occurs during weekdays with residents advising that the on-street parking occurs between 7.15am and 7pm and on occasions beyond 9pm.

In response to the residents' concerns, a number of parking surveys were carried out by the City over a three month period to determine the extent of the parking issue.

The parking surveys confirmed that 10 to 15 vehicles per day are parked on the carriageway in two separate locations on Willesden Avenue. The majority of vehicles park on the south side of the existing carriageway opposite Hepburn Avenue. A small number of vehicles park on the eastern side of the carriageway at the western portion of Willesden Avenue.

The locality plan as shown in **Attachment 1** identifies the location of the overflow parking issue.

## DETAILS

A localised parking prohibition scheme is the preferred treatment to restrict overflow parking from occurring but would require parking prohibitions on both sides of the carriageway during weekdays from 9am to 5pm. The parking prohibitions would need to extend well beyond the current overflow area and cover the road length from Wimbledon Drive to the eastern section of Willesden Avenue. The parking prohibitions would however have a negative impact during weekdays and restrict visitors parking and service vehicles from utilising both sides of the carriageway between the 9am to 5pm time period.

Currently Greenwood Train Station's parking areas are at capacity and the State Government is committed to spending \$8.35 million on 691 additional parking bays over the next four years. The new parking spaces will be created by redesigning and extending existing station car parks. The extension to the existing public car park on the southern side of Greenwood Station is in the final stages of construction and is scheduled for completion in the coming few months.

Public Transport Authority (PTA) is in the process of improving bus services in the area and will be expanding its peak hour services from 6pm to 7pm weekdays to encourage public transport beyond 6pm. PTA is also promoting the "*There is more than one way to catch a train*" initiative to raise awareness and encourage northern suburb rail commuters to utilise the bus service to access train stations in order to reduce parking demand. Currently Greenwood has no bus service, however bus route's 456 and 445 access areas within a short walking distance from the station.

### Link to Strategic Plan:

The consideration of parking prohibition schemes is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2008-2011:

2.2.4 The City will promote and support sustainable transport opportunities.



**Legislation – Statutory Provisions:**

The City can enforce the following section of the Local Law in order to maintain street access and sight distance at intersections.

***Parking Local Law 1998 as amended***

- 40 A person shall not stop or park a vehicle so that any portion of the vehicle is:
- (a) within 10 metres of the prolongation of the nearer edge of any intersecting carriageway or verge (without traffic control signals) intersecting that carriageway or verge on the side on which the vehicle is stopped;
  - (c) in front of a right of way, passage or private drive or so close as to deny vehicles reasonable access to, or egress from, the right of way, passage or private drive;

**Risk Management considerations:**

The installation of parking prohibitions on Willesden Avenue prior to additional parking being available at Greenwood Train Station would potentially transfer the parking issue to other areas of Willesden Avenue and adjoining road network.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

No community consultation was undertaken in conjunction with the assessment of the petition.

**COMMENT**

PTA is currently increasing parking capacity at Greenwood Train Station by extending the existing southern car park. The State Government has also committed significant funding over a four year period to improving the existing parking at Greenwood Station.

To limit overflow parking on Willesden Avenue an extensive parking prohibition scheme would need to cover the road length from Wimbledon Drive to the north eastern portion of Willesden Avenue. The negative impact of the parking prohibitions is that visitors and service vehicles will not be able to park adjacent the residential properties on both sides of the carriageway during weekdays from 9am to 5pm.

It is recommended that parking prohibitions are not installed on Willesden Avenue at this stage and that an assessment of the parking situation be carried out in 12 months once the Greenwood Station car park extension is complete. On the basis that overflow parking continues to be an issue, community consultation should then be instigated as part of the parking prohibition process.

In response to the issues raised in the petition, the following comments are provided.

- *“We have difficulty driving in and out of our driveways & street”*

The site investigations have confirmed that the majority of all day parking is occurring on the opposite side of the carriageways to the residential properties on Willesden Avenue. It is acknowledged that vehicles parked on the carriage opposite existing driveways will reduce the available carriageway width for vehicle turning manoeuvres. However the overflow parking does not appear to restrict driveway access. Under the City's Local Laws Ranger Services are able to enforce compliance to maintaining reasonable access and egress to private driveways.

- *“Our children cannot play safely”*

The issue of child safety is difficult to gauge. Site inspections confirmed that all day parking occurs on the carriageway with little activity occurring on the nature strip or verge area of the surrounding houses.

- *Workpeople (ie lawnmowers, bin lorry drivers and repairers) are unable to park outside our homes.*

It is acknowledged that there is insufficient width for 2 vehicles including service vehicles to park side by side on the carriageway. The City provides a weekly bin services for Willesden Avenue. No bin access issues have been reported to date. Parking prohibitions would limit access for visitors and service vehicles.

- *Maintenance to the bush area on the other side of our street has become impossible as cars are there consistency during council working hours*  
Access to the nature strip between Hepburn Avenue and Willesden Avenue can be via Hepburn Avenue if necessary.

- *Street break-ins have increased, as the street has become an area for strangers to walk out at will.*

No supporting evidence was provided in relation to increased street break-ins. A search of the City's database has not revealed any evidence of anti-social or criminal activity on Willesden Avenue.

## **ATTACHMENTS**

Attachment 1      Location map of Willesden Avenue, Kingsley.

## **VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 DOES NOT install parking prohibitions on Willesden Avenue, Kingsley at this stage;**
- 2 REQUESTS the parking situation on Willesden Avenue, Kingsley be monitored on a regular basis;**
- 3 REASSESES the parking situation on Willesden Avenue, Kingsley in 12 months once parking improvements to Greenwood Train Station are in place;**
- 4 ADVISES the Petition Organiser of Council's decision.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf290708.pdf](#)*

## **ITEM 13                    PETITION REGARDING TRAFFIC CONCERNS ON CAMBERWARRA DRIVE, CRAIGIE - [05123]**

**WARD:**                    Central

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

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### **PURPOSE**

For the Council to consider a petition regarding traffic concerns on Camberwarra Drive, Craigie.

### **EXECUTIVE SUMMARY**

A petition signed by seven (7) residents of Camberwarra Drive, Craigie was received by Council at its meeting held on 13 May 2008 with a request for “*speed control devices*” in the vicinity of Otago Park.

Camberwarra Drive is a two lane divided single carriageway road of approximately 3.5 km in length. The road performs the function of a local distributor road and provides direct access to residential properties and connects to a number of local roads in the area. There is a school precinct including a 40km/h speed zone on the western portion of the road plus two recreation reserves that front the eastern portion of the road.

To confirm the extent of the traffic issue on Camberwarra Drive in the vicinity of Otago Reserve, a seven day traffic count survey was carried out at 3 locations in June 2008. The results of the survey revealed that the traffic volumes range between 1709 and 1986 vehicles per day (vpd), and the 85<sup>th</sup> percentile traffic speeds range between 55km/h and 60km/h. The survey confirmed that the traffic volumes and percentage of heavy vehicles on this road are within the acceptable range. However the 85<sup>th</sup> percentile traffic speeds are higher than desirable but similar to many other local distributor roads within the City.

On the basis of the results of the June 2008 traffic assessment including a review of the existing traffic management scheme, options for additional speed control devices are limited and lack justification in this instance. There are a number of non-infrastructure measures that can be introduced by the City to assist in reducing the speed of vehicles on this road. The traffic flows and travel speeds can be reassessed in 12 months to determine the effectiveness of these measures if implemented.

*It is recommended that Council:*

- 1      *DOES NOT undertake any additional traffic management works on Camberwarra Drive, Craigie;*
- 2      *INTRODUCES a number of community-based road safety programs with the support of the residents of Camberwarra Drive and the local community, including the Community Manual for Safe Streets, the Bin Sticker program and the Speed Alert Trailer;*

- 3 *REQUESTS the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest;*
- 4 *ADVISES the Petition Organiser of Council's decision.*

## **BACKGROUND**

At the Ordinary Meeting of Council held on 13 May 2008, a 7 signature petition was received from residents of Camberwarra Drive, Craigie requesting “*speed control devices*” in the vicinity of Otago Park. A location plan identifying the subject area is attached – refer to **Attachment 1**.

Camberwarra Drive is a two lane divided road that has an existing 2m wide median treatment in place that extends the entire length. The 10m wide road is approximately 3.5 km in length and provides connectivity to a number of residential roads in the Craigie area. There is a school precinct between Marmion Avenue and Camberwarra Drive plus two recreation reserves fronting the eastern portion of the road.

Under the City's Functional Road Hierarchy, Camberwarra Drive performs the function of a local distributor road. The default urban speed limit of 50km/h applies, however there is a 40km/h school speed zone in place on the western portion of the road.

To confirm the extent of the traffic issue, a detailed site investigation plus a seven day traffic count survey for Camberwarra Drive in the vicinity of Otago Park was carried out in June 2008.

In addition to the recent survey, traffic counts were recorded at five locations in December 2006.

## **DETAILS**

### ***Existing Situation***

The results of the June 2008 survey revealed that the traffic volumes range between 1709 and 1986 vpd and the 85<sup>th</sup> percentile traffic speeds range between 55km/h and 60km/h. The survey confirmed that the traffic volumes and percentage of heavy vehicles on this road are within the acceptable range. However the 85<sup>th</sup> percentile traffic speeds are higher than desirable but similar to many other local distributor roads within the City.

A site inspection carried out in June 2008 revealed that 15 of the total 65 median trees planted as part of the original median treatment are missing with the majority of these trees in the vicinity of Otago Park. The streetscape's vertical elements including median trees are an important part of the road environment to control traffic speeds. The City is in the process of replacing the missing trees and supporting timber bollards.

### **Traffic Speed and Volumes**

The results of the seven-day traffic count survey carried out in December 2006 and June 2008 at eight locations on Camberwarra Drive are summarised as follows:

<b>Road</b>	<b>Site Location</b>	<b>Average Week Day Traffic (vpd)</b>	<b>85<sup>th</sup> Percentile Speed (km/h)</b>	<b>Mean Speed (km/h)</b>
Camberwarra Drive (June 2008)	South of Perilya Road	1986	55	46
Camberwarra Drive (June 2008)	South of Fenellia Circle	1904	60	52
Camberwarra Drive (June 2008)	North of Drysdale Road	1709	58	51
Camberwarra Drive (Dec 2006)	North of Perilya Road	1626	56	47
Camberwarra Drive (Dec 2006)	North of Mandalay Place	1980	59	50
Camberwarra Drive (Dec 2006)	West of Mayflower Crescent	1787	64	56
Camberwarra Drive (Dec 2006)	North of Arawa Place	2370	60	51
Camberwarra Drive (Dec 2006)	West of Bullara Road	1810	59	48

The industry standard for traffic assessments uses the 85<sup>th</sup> percentile travel speed (i.e. the speed at which 85% of vehicles are travelling below) and traffic volumes measured over seven days as the criteria for evaluating traffic, as prescribed in the Australian Standard AS1742.4 1999 (*Manual of Uniform Traffic Control Devices, Part 4: Speed Controls*).

An analysis of both the 2006 and 2008 traffic data for the entire length of Camberwarra Drive revealed that traffic volumes range between 1626 and 2370 vpd. The 85<sup>th</sup> percentile traffic speeds range between 55km/h and 64km/h. The survey confirmed that the traffic volumes and percentage of heavy vehicles on this road are within the acceptable range. However the 85<sup>th</sup> percentile traffic speeds are higher than desirable.

### **Crash History**

An analysis of the January 2003 to December 2007 Main Roads WA crash data revealed that 41 crashes had occurred on Camberwarra Drive in the 5 year period. The majority of these crashes occurred at 14 of the 29 intersections on Camberwarra Drive. The majority of crashes were also property damage (vehicle damage) crashes, however 3 crashes required medical treatment and 1 resulted in hospitalisation.

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

The consideration of traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2008-2011:

4.2.7 The City implements, and if necessary, refines its Capital Works Program.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

The City receives many requests to construct traffic management measures on local roads and therefore follows a system of prioritising these requests based on various factors, including traffic volumes, (85<sup>th</sup> percentile) travel speeds, crash data, road geometry, proximity to major trip generators, percentage of heavy vehicles and percentage of non-local through traffic.

**Financial/Budget Implications:**

Nil.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

No community consultation was undertaken in conjunction with the assessment of the petition.

**COMMENT**

On the basis of the June 2008 traffic assessment, the construction of additional traffic management measures along Camberwarra Drive can not be justified. The local government responsibility for roads is primarily focussed on the care, control and management of the road asset. Camberwarra Drive is in good condition and can be driven safely and comfortably at 50km/h. The issue of traffic speeding and inappropriate driver behaviour is by State Government legislation, a policing matter.

Residents often request traffic management treatments in order to enforce compliance of speed limits and prevent hoon behaviour. Engineering such compliance can, in some cases, result in the loss of amenity to residents, usually in the form of loss of parking and noise associated with vehicles braking, manoeuvring and acceleration around traffic management devices.

In order to address the concerns raised in the petition, there are a number of non-infrastructure measures that can be introduced by the City to assist in reducing the speed of vehicles along this road.

The City has recently developed a manual, known as the Community Manual for Safe Streets, to assist residents to develop a safer road environment in the area they reside. This manual was based on the positive results achieved by the Bridgewater Drive Action Group, which successfully reduced the incidence of speeding and antisocial behaviour along this

road within three months. This was accomplished by a sustained community campaign supported by traffic Police.

The manual would be suitable for implementation along Camberwarra Drive, provided there is a core group of residents that are ready to take ownership of the program. The City can provide all the support and resources, as necessary.

Other measures that could be introduced to improve road safety along this road include:

- Trial the “50 in my street” and “Slow Down Consider Our Kids” bin stickers.
- Utilise the City’s Speed Alert Trailer along Camberwarra Drive to educate and remind drivers about speeds in the street.
- Request the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest.

The City will reassess the traffic flows and travel speeds along this road in 12 months time to assess the impact and effectiveness of the community-based road safety programs if implemented.

## ATTACHMENTS

Attachment 1          Location Map of Camberwarra Drive.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1          DOES NOT undertake any additional traffic management works on Camberwarra Drive, Craigie;**
- 2          INTRODUCES a number of community-based road safety programs with the support of the residents of Camberwarra Drive and the local community, including the Community Manual for Safe Streets, the Bin Sticker program and the Speed Alert Trailer;**
- 3          REQUESTS the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest;**
- 4          ADVISES the Petition Organiser of Council’s decision.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf290708.pdf](#)



## **ITEM 14                    TENDER 017/08 PROVISION OF ROUTINE AND PREVENTATIVE MAINTENANCE OF MECHANICAL SERVICES - [83603]**

**WARD:**                    All

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

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### **PURPOSE**

This report is to seek the approval of Council to accept the Offer submitted by Australian Airconditioning Services Pty Ltd for the provision of Routine and Preventative Maintenance of Mechanical Services (Tender 017/08).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 17 May 2008 through state wide public notice for the provision of Routine and Preventative Maintenance of Mechanical Services for three (3) years. Tenders closed on Tuesday, 10 June 2008. Three (3) submissions were received from:

- Australian Airconditioning Services Pty Ltd;
- Burke Air Pty Ltd; and
- Quantum Airconditioning.

The submission from Australian Airconditioning Services Pty Ltd represents best value to the City. The company is well established with the capacity, experience and skills to provide the services to the City. It submitted the lowest priced offer and demonstrated a good understanding of the required tasks.

*It is recommended, in relation to Tender Number 017/08 that Council ACCEPTS the Offer submitted by Australian Airconditioning Services Pty Ltd for the provision of Routine and Preventative Maintenance of Mechanical Services for a three (3) year period in accordance with the statement of requirements in Tender 017/08 at the Lump Sum plus Estimated Costs for Call Outs Services of \$635,357.00 (GST Exclusive).*

### **BACKGROUND**

The City requires routine and preventative maintenance of mechanical services which includes the carrying out of inspections, reporting of findings, and where required, undertaking necessary corrective maintenance and repair works of mechanical services for buildings as nominated and mechanical services equipment as listed in the Request document.

The Contractor shall be required to provide the Services, which shall consist of but not be limited to:

- Routine and Preventative Inspections.
- Provide personnel who are appropriately trained and qualified to maintain the system operation within its functional capabilities.
- Report on findings and where necessary, provide detailed reports and costing for repair work to the City.
- Maintain the mechanical services in accordance with the applicable Australian Standards.

- Maintain and improve the levels of the systems performance, reliability and availability.
- Develop and maintain a maintenance record system.
- Provide a single point of communication and responsibility for inspection and maintenance.
- Provide an effective breakdown call out response and rectification service.

The previous requirement for the provision of mechanical services was established under two separate Contracts, being Contract 045-02/03 for Minor Sites and Contract 042-03/04 for Major Sites, which expired on 30 June 2008 and 31 October 2007, respectively. The previous service provider, contracted to service both Contracts, continues to provide the services on a temporary basis until a new Contract is in place. The delay in calling a new tender was due to reviewing the requirements of the City, revising the scope of work, and updating the City's assets information database.

## DETAILS

Tenders were advertised on 17 May 2008 through state wide public notice for the provision of Routine and Preventative Maintenance of Mechanical Services for three (3) years. Tenders closed on Tuesday, 10 June 2008. Three (3) submissions were received from:

- Australian Airconditioning Services Pty Ltd;
- Burke Air Pty Ltd; and
- Quantum Airconditioning.

## Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in completing similar projects	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

## Evaluation Panel

The evaluation panel comprised of three (3) members; one with tender and contract preparation skills and two involved in coordinating building services and or supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process.

## Tender Submissions

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

The table below provides the total estimated expenditure for three (3) years, encompassing a lump sum component and the estimated labour costs for call out services.

<b>Cost</b>	<b>Australian Airconditioning Services Pty Ltd</b>	<b>Burke Air Pty Ltd</b>	<b>Quantum Airconditioning</b>
Lump sum for 3 Years	\$313,957.00	\$194,511.00	\$474,660.00
* Estimated Labour Costs for Call Outs Services for 3 Years	\$321,400.00	\$452,200.00	\$372,375.00
<b>Total Estimated Cost</b>	<b>\$635,357.00</b>	<b>\$646,711.00</b>	<b>\$847,035.00</b>

\* Figures on the estimated labour costs for call outs are calculated based on the estimated number of call outs required by the City and the hourly rates, with escalation over 3 years, as submitted by the Respondents. The estimated number of call outs is based on previous 12 months usage, data which was as provided by the City's external technical Consultant who managed the technical aspects of the current Contract.

### **Evaluation Summary**

<b>Respondent</b>	<b>Evaluation Score</b>	<b>Lump Sum for Scheduled Services, Plus Estimated Labour Costs for Call Out Services for 3 Years</b>	<b>Rank</b>
Australian Airconditioning Services Pty Ltd	96%	\$635,357.00	1
Burke Air Pty Ltd	86%	\$646,711.00	2
Quantum Airconditioning	65%	\$847,035.00	3

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

The City requires the provision of routine and preventative maintenance of mechanical services in order for the City to maintain all mechanical services and plant and equipment within various City buildings. The City does not have the internal resources to provide the required services and as such requires an appropriate external service provider to undertake the works.

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

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

#### **5. Community Wellbeing.**

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

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

**Legislation – Statutory Provisions:**

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

Should the Contract not proceed, the risk to the City will be high as the provision of routine and preventative maintenance of mechanical services is essential in order for the City to maintain all mechanical services and plant and equipment within various City buildings.

It is considered that awarding the Contract will represent a low risk to the City as the recommended Respondent is a well established service provider that has been providing similar mechanical services for decades to Local Governments and is the City's current service provider.

**Financial/Budget Implications:**

<b>2008/09 Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Services to 30 June 2009</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$202,741.00	\$168,950.00	\$202,741.00	\$635,357.00

During the last financial year 2007/08, the City incurred \$285,834.00 for the provision of the services and is expected to incur in the order of \$635,357.00 for the three (3) year Contract period. These services are funded from the overall building maintenance budget.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## COMMENT

Burke Air Pty Ltd scored 86% and its overall rates offered, inclusive of labour costs for call out services, were 1.8% more expensive when compared with the lowest priced offer received from Australian Airconditioning Services Pty Ltd (AAS). It is noted that though Burke Air offered a lower lump sum for the listed services, its labour cost for call outs are 40% more expensive than AAS, which if in the event that the number of call outs increased then Burke Air's offer would be far less competitive.

Quantum Airconditioning scored 65% as its Submission did not demonstrate experience in completing similar projects for local governments and was the most expensive offer received.

The Offer from Australian Airconditioning Services Pty Ltd represents best value to the City and scored the highest at 96% and was the lowest priced offer received. The company is a well established service provider that has been providing similar mechanical services for decades to Local Governments and has the capacity, experience and skills to provide the required services. Australian Airconditioning Services Pty Ltd also demonstrated a good understanding of the required tasks through its current provision of routine and preventative maintenance of mechanical services to the City.

## ATTACHMENTS

Attachment 1          Summary of Tender submissions

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That in relation to in relation to Tender 017/08 Council ACCEPTS the Offer submitted by Australian Airconditioning Services Pty Ltd for the provision of Routine and Preventative Maintenance of Mechanical Services for a three (3) year period in accordance with the statement of requirements in Tender 017/08 at the Lump Sum plus Estimated Costs for Call Out Services of \$635,357.00 (GST Exclusive).**

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf290708.pdf](#)

## **ITEM 15                    TENDER      025/08      PROVISION      OF      TREE MAINTENANCE SERVICES - [56614]**

**WARD:**                    All

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

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### **PURPOSE**

This report is to seek the approval of Council to accept the offer submitted by Tree Amigos Tree Surgeons Pty Ltd for the Provision of Tree Maintenance Services (Tender 025/08).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 31 May 2008 through state wide public notice for the Provision of Tree Maintenance Services. Tenders closed on 17 June 2008. Three (3) Submissions were received from:

- Tree Amigos Tree Surgeons Pty Ltd; and
- Geoff's Tree Service Pty Ltd; and
- Geoff's Tree Service Pty Ltd (Alternative Offer).

The submission from Tree Amigos Tree Surgeons Pty Ltd represents best value to the City. They demonstrated significant industry experience, the appropriate resources, a thorough understanding of the City's requirements and were the lowest submitted offer.

*It is recommended, in relation to Tender Number 025/08 that Council ACCEPTS the Tender submitted by Tree Amigos Tree Surgeons Pty Ltd for the Provision of Tree Maintenance Services in accordance with the statement of requirements in Tender 025/08 at the submitted schedule of rates.*

### **BACKGROUND**

The work required under this Contract is for all tree pruning or removal (including stump grinding) works associated with trees and shrubs growing within the City of Joondalup. This requirement does not specify a set number of trees for pruning but for the provision of services on an 'as and when required' basis.

The City currently has a single Contract for the provision of tree maintenance services with Geoff's Tree Service which expires on the 10 August 2008.

### **DETAILS**

Tenders were advertised on 31 May 2008 through state wide public notice for the Provision of Tree Maintenance Services. Tenders closed on 17 June 2008. Three (3) Submissions were received from:

- Tree Amigos Tree Surgeons Pty Ltd;
- Geoff's Tree Service Pty Ltd; and
- Geoff's Tree Service Pty Ltd (Alternative Offer).

## Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated experience in completing similar services	35%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

## Evaluation Panel

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

## Tender Submissions

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

To provide an estimate of the expenditure over the three (3) year contract period, the six (6) most commonly used items were identified and the table below provides a comparison of the estimated expenditure for each Respondent based upon the historical usage for a typical mix of these items. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The submitted rates are fixed for the first year of the contract and then subject to an increase to a maximum of the average All Groups CPI for the preceding quarter.

	Tree Amigos Tree Surgeons Pty Ltd	Geoff's Tree Service
<b>Estimated Cost based on Comparative Sample</b>	\$356,800	\$496,000

During the last financial year 2007/08, the City incurred \$581,521.73 for the Provision of Tree Maintenance Services and is expected to incur in the order of \$1,200,000 over the three (3) year Contract period.

## Evaluation Summary

Respondent	Evaluation Score	1 <sup>st</sup> Year Estimated Contract Price	Qualitative Rank
Tree Amigos Tree Surgeons Pty Ltd	73.6%	\$356,800	2
Geoff's Tree Service Pty Ltd	77.1%	\$496,000	1
Geoff's Tree Service Pty Ltd (Alternative Offer)	Non-compliant, not considered.		

**Issues and options considered:**

Tree maintenance services are required for the large scale pruning of street trees and trees within parks throughout the City. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

**Link to Strategic Plan:**

This requirement is linked to the Strategic Plan in accordance with the key focus area of the built environment.

**Legislation – Statutory Provisions:**

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

**Risk Management considerations:**

Should the contract not proceed, the risk to the City will be moderate as the City does not have the internal resources to complete large scale tree pruning projects. Regular pruning is required to maintain a safe tree canopy to all trees on City property. This reduces the likelihood of damage to private property and injury to members of the public.

It is considered that the Contract will represent a low risk to the City as the recommended respondent has extensive industry experience, a thorough understanding of the City's requirements and sufficient resources to meet the City's requirements.

**Financial/Budget Implications:**

<b>2008/09 Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Services to 30 June 2009</b>	<b>Projected Expenditure on these Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Services over the Life of the Contract if Accepted</b>
\$400,000	\$370,000	\$400,000	\$1,200,000

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$1,200,000.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.



**Sustainability implications:**

Not applicable.

**Consultation:**

Not applicable.

**COMMENT**

The Alternative Offer from Geoff's Tree Service Pty Ltd was non-compliant as it did not meet the conditions for the ordering of works. The offer was based upon work being ordered on a suburb basis with the Contractor determining the trees to be pruned, not a weekly works schedule specified by the Superintendent. In addition, the offer did not meet the City's requirements for the removal of prunings, the rates submitted for stump grinding were not in accordance with the specification and it did not comply with the City's conditions for applying for rate increases during the Contract period.

The submissions received from Geoff's Tree Service (Conforming Offer) and Tree Amigos Tree Surgeons achieved qualitative scores of 77.1% and 73.6% respectively. Both Respondents demonstrated significant industry experience, the capacity to meet the City's requirements and a good understanding of the required tasks. The small difference of 3.5% in qualitative scoring between the Respondents was based upon Geoff's Tree Service having more experience in providing similar services to other local governments as well as being the City's current Contractor.

As there was little difference between the submissions in the qualitative assessment, selection was based upon cost to the City. The lowest submitted Offer based on a comparative sample was that of Tree Amigos Tree Surgeons at \$356,800. Geoff's Tree Service at \$496,000 was 39% more expensive than the Offer by Tree Amigos Tree Surgeons and also greater than the allocated budget.

The evaluation panel considered all factors and concluded that the submission from Tree Amigos Tree Surgeons represents best value to the City. The panel has confidence in their ability to complete the services to the required standards and their Offer was the lowest submitted price.

**ATTACHMENTS**

Attachment 1          Summary of Tender Submissions.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by Tree Amigos Tree Surgeons Pty Ltd for the Provision of Tree Maintenance Services for a three (3) year period in accordance with the statement of requirements in Tender 025/08 at the submitted schedule of rates.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf290708.pdf](#)

## ITEM 16                    **AUSLINK AND STATE BLACK SPOT SUBMISSIONS 2009/2010 - [08151]**

**WARD:**                    All

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

### PURPOSE

To endorse project submissions for funding under in the AusLink and State 2009/2010 Black Spot Program.

### EXECUTIVE SUMMARY

Invitations for submissions to the 2009/2010 AusLink and State Black Spot Programs were recently requested, with the closing date advised as 25 July 2008. All submissions are evaluated against the criteria set by Main Roads WA, Black Spot Program Development and Management Guidelines.

On the basis of the crash data supplied by Main Roads WA, the City proceeded with the investigation of six submissions that meet the eligibility criteria for either or both the Auslink Black Spot and the State Black Spot Programs. Three of the submissions are based on Road Safety Audit (RSA) recommendations with the remaining submissions based on crash criteria and Benefit Cost Ratio (BCR) calculations.

Subject to Black Spot funding approval, the projects will be listed for design and construction as part of the Draft 2009/2010 Infrastructure Capital Works Program. To successfully complete the proposed road and intersection improvements in the required time period, a two stage approach to some projects is proposed. For a two stage approach, the initial project design will be carried out in the 2009/2010 financial year with construction to follow in the 2010/2011 financial year.

*It is recommended that Council:*

- 1        *ENDORSES the following City of Joondalup projects submitted for funding in the 2009/2010 Auslink and State Black Spot Programs as shown in Attachment 1 to this Report:*

<i>Project - Proposed Treatment</i>	<i>BCR or RSA</i>	<i>Estimated Project Cost</i>
<i>1. Blue Mountain Drive/Bonneville Way, Currambine:- Install single lane roundabout.</i>	1.2	\$156,000
<i>2. Canham Way, Greenwood:- Cockman Road to Wanneroo Road. Install median treatment and intersection islands.</i>	3.6	\$134,000
<i>3. Craigie Drive/Eddystone Avenue, Craigie:- Install pre-deflection to roundabout on Eddystone Avenue.</i>	1.4	\$51,000
<i>4. Duffy Terrace, Woodvale:- Whitfords Avenue to Woodvale Drive. Install median treatment, intersection islands and Dual Use Path.</i>	RSA	\$390,000

<i>Project - Proposed Treatment</i>	<i>BCR or RSA</i>	<i>Estimated Project Cost</i>
<i>5. Edgewater Drive, Edgewater:- Ocean Reef Road to Wedgewood Drive. Install median treatment and intersection islands. Modify entry to left turn pocket at Ocean Reef Road.</i>	<i>RSA</i>	<i>\$190,000</i>
<i>6. Mullaloo Drive/Dampier Avenue, Mullaloo:- Install pre-deflection to roundabout on Mullaloo Drive.</i>	<i>1.8</i>	<i>\$81,000</i>
<i>TOTAL</i>		<i>\$1,002,000</i>

- 2 *NOTES that provision will need to be made in the draft 2009/2010 and 2010/2011 Infrastructure Capital Works Program to accommodate the approved AusLink and State Black Spot Programs funding and associated contribution from the City should the grant application be successful.*

## **BACKGROUND**

The Road Safety Black Spot Program is continuing as part of the State and Federal Governments' commitment to reduce crashes on Australian roads. Black Spot programs target those road locations where crashes are occurring. Programs of this sort are very effective, saving the community many times the cost of the road improvements that are implemented. These programs are reactive where crashes have already occurred in the case of BCR and proactive where there is a high likelihood that crashes may occur in the case of the RSA.

Invitations for submissions to the 2009/2010 AusLink and State Black Spot Programs were recently requested, with the closing date advised as 25 July 2008. All submissions are evaluated against the criteria set by Main Roads WA, Black Spot Program Development and Management Guidelines.

Main Roads WA provides assistance with the preparation of submissions for Black Spot Funding by supplying a data disk including potential eligible sites (two crashes or more) and Crash Benefit Cost Analysis Software.

**The State Black Spot Program** - directly targets improvements in the safety of roads that have a proven crash history, or locations with a high likelihood of crashes occurring. The criteria for the State Black Spot Program is based on the following:

- *Crashes for the five-year period 2003 to 2007 inclusive will be used for qualifying audits and BCR calculations.*
- *For intersections, mid-block or short road sections (<3kms), the crash criterion is five crashes over a five-year period.*
- *For road lengths (>3kms), the crash criterion is the average of two crashes per kilometre per five-year period.*
- *Value of works between \$2,000 to \$1,000,000*
- *Minimum Benefit Cost Ratio (BCR) = 1.0.*
- *For both intersections and road lengths, Road safety Audit submissions are considered.*

Funding for the programs primarily focuses on cost-effective treatment of hazardous road locations. The State Black Spot Program allocates two-thirds State Government funding to the successful total project cost, with the remaining one-third to be met by Council.

**The AusLink Black Spot Program** - targets road locations where crashes resulting in injury or death are occurring and aims to fund cost effective, safety orientated projects by focusing on locations where the highest safety benefits and crash reductions can be achieved. The Program uses casualty crashes as its criteria as it is the only common statistic gathered by all states and territories.

The criteria for the AusLink Black Spot Program is based on the following:

- Crashes for the five-year period 2003 to 2007 inclusive will be used for qualifying audits and BCR calculations.
- A road length is defined as a section of road greater than three kilometres in length.
- For road lengths (>3kms), the crash criterion is one casualty crash per kilometre per five years period.
- For intersections, mid-block or short road sections (<3kms), the crash criterion is three casualty crashes over a five-year period.
- Value of works between \$2,000 to \$750,000
- Minimum Benefit Cost Ratio (BCR) = 2.0
- For both intersections and road lengths, Road safety Audit submissions are considered.

The AusLink Black Spot Program is federally funded and allocates 100% funding for the successful project.

It should be noted that the BCR score indicates that the proposed treatment should provide improved crash results by the factor of the score, ie BCR = 1.2 provides a 20% improvement. The RSA provides measures as recommended by qualified road safety professionals that would improve the safety of the road environment notwithstanding the fact that the crash statistics may be lower than those required for a BCR.

## DETAILS

On the basis of the crash data supplied by Main Roads WA, the City proceeded with the investigation of six submissions that meet the eligibility criteria for either or both the Auslink Black Spot and the State Black Spot Programs. The locations, associated traffic/road safety issues and proposed treatments are shown on **Attachment 1**.

A summary of the proposed Black Spot treatments and project submissions is tabled below:

Project	BCR or RSA	Auslink Funding Level	State Funding Level	Local Government Funding Level	Project Cost
1. <b>Blue Mountain Drive/Bonneville Way, Currambine:-</b> Install single lane roundabout.	1.2	\$0	\$104,000	\$52,000	\$156,000
2. <b>Canham Way, Greenwood:-</b> Cockman Road to Wanneroo Road. Install median treatment and intersection islands.	3.6	\$134,000	\$0	\$0	\$134,000
3. <b>Craigie Drive/Eddystone Avenue, Craigie:-</b> Install pre-deflection to roundabout on Eddystone Avenue.	1.4	\$0	\$34,000	\$17,000	\$51,000

4. <b>Duffy Terrace, Woodvale:-</b> Whitfords Avenue to Woodvale Drive. Install median treatment, intersection islands and Dual Use Path.	RSA =	\$0	\$260,000	\$130,000 =	\$390,000
5. <b>Edgewater Drive, Edgewater:-</b> Ocean Reef Road to Wedgewood Drive. Install median treatment and intersection islands. Modify entry to left turn pocket at Ocean Reef Road.	RSA =	\$0	\$126,700	\$63,300 =	\$190,000
6. <b>Mullaloo Drive/Dampier Avenue, Mullaloo:-</b> Install pre-deflection to roundabout on Mullaloo Drive.	1.8 =	\$0	\$54,000	\$27,000 =	\$81,000
<b>TOTALS</b>		<b>\$134,000</b>	<b>\$578,700</b>	<b>\$289,300</b>	<b>\$1,002,000</b>

**Link to Strategic Plan:**

The consideration of black spot traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2008-2011:

The City implements, and if necessary, refines its Capital Works Program.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Projects approved as part of the Auslink Black Spot Program receive full funding. However, those projects that miss the Auslink funding cut off may then be successful for State funding. Council will need to consider funding one-third of the total cost of successful 2009/2010 State Black Spot submitted projects as its contribution in the Capital Works Budget proposed for 2009/2010 and 2010/2011.

Should the City be successful with its applications and all projects be funded through the State Black Spot Program, then the City will be required to contribute an amount of \$290,000 towards the total cost of \$1,002,000.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

No community consultation was undertaken in conjunction with the Black Spot program assessment.

**COMMENT**

In order to meet the funding criteria of the State Black Spot Program, the City will be required to contribute a third of the cost of approved projects listed above. Each successful project will need to be listed for funding consideration in the draft 2009/2010 and 2010/2011 Capital Works Budget.

The projects listed are therefore recommended for endorsement by Council as the City's submission for the 2009/2010 AusLink and State Black Spot Programs.

**ATTACHMENTS**

Attachment 1          2009/2010 Black Spot treatment detail

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1          ENDORSES the following City of Joondalup projects submitted for funding in the 2009/2010 Auslink and State Black Spot Programs:**

<b>Project - Proposed Treatment</b>	<b>BCR or RSA</b>	<b>Estimated Project Cost</b>
<b>1. Blue Mountain Drive/Bonneville Way, Currambine:- Install single lane roundabout.</b>	<b>1.2</b>	<b>\$156,000</b>
<b>2. Canham Way, Greenwood:- Cockman Road to Wanneroo Road. Install median treatment and intersection islands.</b>	<b>3.6</b>	<b>\$134,000</b>
<b>3. Craigie Drive/Eddystone Avenue, Craigie:- Install pre-deflection to roundabout on Eddystone Avenue.</b>	<b>1.4</b>	<b>\$51,000</b>
<b>4. Duffy Terrace, Woodvale:- Whitfords Avenue to Woodvale Drive. Install median treatment, intersection islands and Dual Use Path</b>	<b>RSA</b>	<b>\$390,000</b>
<b>5. Edgewater Drive, Edgewater:- Ocean Reef Road to Wedgewood Drive. Install median treatment and intersection islands. Modify entry to left turn pocket at Ocean Reef Road</b>	<b>RSA</b>	<b>\$190,000</b>
<b>6. Mullaloo Drive/Dampier Avenue, Mullaloo:- Install pre-deflection to roundabout on Mullaloo Drive.</b>	<b>1.8</b>	<b>\$81,000</b>
<b>TOTAL</b>		<b>\$1,002,000</b>

- 2**      **NOTES that provision will need to be made in the draft 2009/2010 and 2010/2011 Infrastructure Capital Works Program to accommodate the approved AusLink and State Black Spot Programs funding and associated contribution from the City should the grant application be successful.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf290708.pdf](#)*

## **ITEM 17                    SCREENING OF WESTERN POWER SUB-STATION ON SHENTON AVENUE, JOONDALUP - [88597]**

**WARD:**                    North

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

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### **PURPOSE**

To consider the options for the proposed screening wall for the sub-station in Shenton Avenue, Joondalup.

### **EXECUTIVE SUMMARY**

In consideration of the proposed Western Power sub-station for Shenton Avenue, Joondalup, the Council was concerned that the bulk of the structure would provide an aesthetically displeasing entrance to the City from the north and the west.

Following negotiations with Western Power and Main Roads WA staff, three options for the screening of Shenton Avenue were presented (Attachment 1 refers) to the City.

Western Power has been advised that Option 2, where the screen wall was placed with a boundary alignment, provides the best outcome for the City.

*It is recommended that Council ENDORSES Option two (2) from the “Proposed sub-station for Joondalup Report” forming Attachment 1 to this Report as the preferred treatment for the screen wall to the proposed Western Power sub-station at Shenton Avenue, Joondalup.*

### **BACKGROUND**

Western Power advised the City in late 2007 that it wished to build a sub-station in Shenton Avenue. The City recognised that WAPC was the determining authority as it was a public work which is exempt from Council approval under the District Planning Scheme No. 2.

Notwithstanding the level of legislative ability to influence the decision, Council at its Ordinary Meeting of 18 December 2007 did not support the proposed development of a sub-station on Lot 2 Shenton Avenue, Joondalup because of the imposing bulk that the development presented at the northern entrance of the City.

Western Power in consideration of the Council’s concerns initially lowered the development by two metres and then agreed to meet with the City and Main Roads WA to consider the alternatives of further lowering the development or providing screening.



## DETAILS

On 29 April 2008, representatives from the City met with representatives of Western Power and Main Roads WA to discuss the following options:

- 1 Relocate the access to the Freeway off ramp and lower the site further;
- 2 Lower the site further with the original access;
- 3 Retain the proposed site level and provide screening of the development using a wall and vegetation on Shenton Avenue and vegetation only on the Freeway.

Due to the insurmountable issues relating to access from the Freeway off ramp, only the last two options were recommended for consideration by Western Power.

The City has now received the report from Western Power's Consultants (Attachment 1 refers).

In the report Western Power's consultants have considered the lowering of the site (report Option 1) as well as two options for screening (report Options 2 and 3).

Further to the report Western Power wrote to the City advising of their preference for Option 3 with the wall built within the verge although if Council wished, they would pursue Option 2 where the wall would be built on the boundary alignment (Attachment 2 refers).

Western Power was subsequently advised of the following:

*The officer's recommendation is that the wall be placed on the boundary however; we still need to progress this through to a Council endorsement. I have had a query from the Elected Members about what the sub-station will look like to traffic entering the City from the Freeway north. I had assumed that this would be screened by vegetation as is the case elsewhere along the Freeway. Do you have any artist's impressions of this view and/or can you give us some feedback for the Elected Members' benefit.*

Western Power responded as follows:

*"Western Power will utilise various methods to minimise the visual impact of the proposed Joondalup sub-station. Unfortunately, as the freeway construction is still underway, we do not have a suitable photograph that could reflect an accurate artist impression. As a result, I have written a description below outlining our proposal to screen the sub-station.*

*Western Power is proposing to construct a 3 metre high wall on the southern and western boundaries of the property (facing Shenton Avenue and the Mitchell Freeway, respectively) that will act as a visual screen.*

*As a further measure, Western Power will also utilise local indigenous species to assist in screening the southern and western boundaries outside of the sub-station.*

*Once the landscaped vegetation is mature, the vegetation will effectively have two layers, with the wall being slightly visible between the two layers;*

*The understorey will consist of low native vegetation to 0.75m. Its purpose is to add aesthetic value and minimise weeds.*

*The overstorey will consist of native trees. The purpose of the trees will be to act as a screen for the wall and structures within the sub-station that are visible above the wall.*

*Western Power was planning to use the species listed in the publication *Tree Planting Guide to Local Residents*, but would be happy to oblige with the City's request to use similar screening to other areas along the freeway. We will seek approval for the landscape design from the City of Joondalup in the near future."*

It is apparent that Western Power is now going to extend the wall along the western property boundary adjacent to the Freeway as well as the southern boundary on Shenton Avenue. This will be instead of the original link mesh fence proposal.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Whilst the DPS2 applies to the subject land, the determining authority for this proposal is the WAPC as the proposal is defined as a 'public work' under the Public Works Act.

**Risk Management considerations:**

Option 2 provides the minimal risk to the City because the wall is located on the property boundary and does not intrude into the verge area where it could provide conflicts with traffic and cause future limitations on road reserve development.

**Financial/Budget Implications:**

Nil, the cost is fully met by Western Power.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

The proposed sub-station is a facility that will meet the growing power needs in the northwest suburbs.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

There has been extensive consultation between the City, Western Power and Main Roads WA.

## COMMENT

The report does not support the further lowering of the site by 1 metre because there is no real benefit as the towers are still exposed. This leaves the two screening options (on boundary and in the road reserve) to consider. The “in road reserve” option is not supported because this will impact on any future road widenings and places a substantial structure within possible vehicle runoff areas. The preferred option is therefore the construction of the wall on the boundary or Option 2. It is anticipated that the western screen wall and the landscaping plan will be presented for consideration by Western Power in the near future.

In consideration that the City had no legislative power to influence the outcome of the application, the willingness of Western Power to consider the City’s concerns has resulted in the most favourable outcome notwithstanding the site’s constraints.

## ATTACHMENTS

Attachment 1	Proposed Sub-station for Joondalup – Comparison of Screening Options Report
Attachment 2	Letter from Western Power dated 26 June 2008

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council ENDORSES Option two (2) from the “Proposed sub-station for Joondalup Report” forming Attachment 1 to this Report as the preferred treatment for the screen wall to the proposed Western Power sub-station at Shenton Avenue, Joondalup.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf290708.pdf](#)

## **ITEM 18                    MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 25 JUNE 2008 - [12168]**

**WARD:** All

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

A meeting of the Conservation Advisory Committee was held on 25 June 2008.

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

- Conservation Advisory Committee – Environmental Education Planning Workshop

*It is recommended that Council:*

- 1        *NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 25 June 2008 forming Attachment 1 to this Report;*
- 2        *SUPPORTS a grant funding application for the development of a Biodiversity Multimedia resource;*
- 3        *SUPPORTS the development of a user friendly multimedia resource covering the key aspects of biodiversity in all habitats of the City of Joondalup subject to grant funding;*
- 4        *REQUESTS that a report on the recent fish kills at the Ocean Reef Marina be prepared.*

### **BACKGROUND**

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

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

## DETAILS

The Motion carried at the Conservation Advisory Committee meeting held 25 June 2008 is shown below, together with officer's comments.

### 1 Conservation Advisory Committee – Environmental Education Planning Workshop

The following Motion was carried at the meeting on 25 June 2008:

*“That the Conservation Advisory Committee RECOMMENDS that the City in conjunction with the Conservation Advisory Committee Representatives:*

- 1 *DEVELOPS a user friendly multimedia presentation covering the key aspects of biodiversity in all habitats of the City of Joondalup, being:*
  - *Marine environment*
  - *Coastal reserves*
  - *Bushland reserves*
  - *Wetlands*
  - *Parks and road verges*
  - *Private gardens;*
- 2 *REPLICATES this presentation on the City of Joondalup website;*
- 3 *APPLIES for a grant to fund the cost of this development;*
- 4 *TAKES immediate action to publicise on the City of Joondalup website the importance of biodiversity, using the related material currently available within the City.”*

#### Officers Comment

The City supports the recommendation with some minor amendments to instigate the grant application as a preliminary action, however, the intent and outcome remains the same.

### REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

The following report was requested at the meeting of the Conservation Advisory Committee:

- A report on the outcome of the recent fish kill at Ocean Reef Marina

#### Officer's comment

The request for a report on the recent fish deaths that occurred within Ocean Reef Marina is supported.

#### **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:**

Subject to the success of a grant application, the City may have to contribute to the anticipated cost of \$25,000 in Council budgets.

### **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

The development of a local biodiversity multimedia presentation will entail considerable research because of the broad and diverse nature of its content. The cost of producing the presentation would be in the vicinity of \$25,000. It is considered that an application for external grant funding for the project is likely to be successful, however it is noted that in many cases, where natural resource management funding is sought, the City is required to match the funding sought, and these funds would need to be considered in future budget deliberations.

## ATTACHMENTS

Attachment 1          Minutes of the Conservation Advisory Committee Meeting held on 25 June 2008

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1          **NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 25 June 2008 forming Attachment 1 to this Report;**
- 2          **SUPPORTS a grant funding application for the development of a Biodiversity Multimedia resource;**
- 3          **SUPPORTS the development of a user friendly multimedia resource covering the key aspects of biodiversity in all habitats of the City of Joondalup subject to grant funding;**
- 4          **REQUESTS that a report on the recent fish kills at Ocean Reef Marina be prepared.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf290708.pdf](#)*

## **ITEM 19                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JUNE 2008 - [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 June 2008 (see Attachments 1, and 2 respectively) for those matters identified in points 1-3 above.

### **BACKGROUND**

The number of development and subdivision applications determined for June 2008 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of June 2008</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	69	\$ 9, 491,457
R-Code variations (Single Houses)	60	\$ 5, 548,089
<b>Total</b>	129	\$15, 039,546



The number of development applications received in June 2008 was 73. (This figure does not include any applications that may become the subject of the R-Code Variation process). The R Code Variation figure provided does not include the Code Variations determined as a Building Licence Application.

<b>Subdivision Approvals Processed Under Delegated Authority Month of June 2008</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	3	2
Strata Subdivision Applications	7	15

The above subdivision applications may include amalgamation and boundary realignments which may not result in any additional lots.

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 13 May 2008 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

## **DETAILS**

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

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

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

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

### **Risk Management considerations:**

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

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

Not Applicable

### **Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

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

Of the 69 development applications determined during June 2008, consultation was undertaken for 17 of those applications. Of the 10 subdivision applications determined during June 2008, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

**COMMENT**

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

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

**ATTACHMENTS**

Attachment 1          June 2008 - Decisions - Development Applications  
Attachment 2          June 2008 - 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 Attachment 1 to this Report for June 2008;**
- 2          subdivision applications described in Attachment 2 to this report for June 2008.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf290708.pdf](#)*

## **ITEM 20                    DISTRICT PLANNING SCHEME 2 REVIEW - LOCAL PLANNING STRATEGY - [09011]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Clayton Higham Planning and Community Development

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### **PURPOSE**

The purpose of this report this for Council to review the draft Local Planning Strategy and consider forwarding the draft document to the Western Australian Planning Commission for consent to advertise.

### **EXECUTIVE SUMMARY**

The Local Planning Strategy (LPS) is a key component of the review of District Planning Scheme 2. The requirement for preparing a strategy is established under legislation, and monitored by the WA Planning Commission (WAPC) and its advisory department, the Department of Planning and Infrastructure (DPI).

Throughout 2007 a number of sessions were undertaken by the City (with elected members, and by invitation to the community) to collect feedback and preliminary aspirations for planning the future of Joondalup.

The feedback from those initiatives is informing the preparation of:

- a new structure plan for the Joondalup CBD area, and
- the DPS2 Review, of which the LPS is the key strategic document.

The LPS is a statement of strategic direction that will be applied to planning for the future. The adoption of the LPS, and its successful progression through the statutory processes, will provide the rationale for future decision making by Council. The planning direction and philosophy (to be adopted through the LPS) will then inform the spatial planning initiatives to be included in a new Planning Scheme and related Strategies.

It is recommended that the draft LPS is adopted and that the consent of the WAPC is sought to allow advertising of the strategy to collect further feedback from the community.

### **BACKGROUND**

The LPS is intended to provide the rationale for the decision making considerations that are expressed in the District Planning Scheme text and maps.

Local governments are required (by the Town Planning Regulations) to review their planning schemes at intervals of not more than 5 years. In reality, local government struggle to meet the statutory timeframe and often spend up to 10 years preparing new Planning Schemes.

The preparation of the LPS is the task that records the various planning objectives and considerations that are important to Council and community within the short and medium term future. (The WAPC recommends that a 15 year horizon be applied as a reasonable timeframe for the LPS exercise).

Regulation 12 A (3) of the Town Planning Amendment Regulations 1999 requires that a LPS shall:

- (a) Set out the long term planning directions for the local government
- (b) Apply state and regional planning policies
- (c) Provide the rationale for the zones and other provisions of the Scheme.

The DPI (as an advisory department to the WAPC) also requires that the LPS address the following issues:

- 1 Be a leadership document that provides a strategic planning direction for the next 15 years or longer as distinct from the District Planning Scheme itself, which is intended to have a shorter lifespan.
- 2 Set out a direction for economic, social, and environmentally sustainable development, based on analysis of local regional and state objectives and policies.
- 3 Give direction to the DPI, WAPC, and Minister (for Planning) in the assessment of subdivision, amendments, and applications for development.
- 4 Provide the basis for coordinating decision making on future servicing (not required for Joondalup).
- 5 Explain or justify the strategic direction for growth and development to all stakeholders.
- 6 Identify further studies or investigation required within a local government area to meet the objectives for creating good quality environments.

*(Note – the above is paraphrased from DPI advisory notes).*

In the recent and medium term past, local governments have moved to include the above themes and issues within strategic plans, environmental plans and issue based corporate strategies. This has occurred as awareness and concern has increased on matters such as environmental preservation and sustainability, and also in response to ever increasing statutory requirements. As a result, the City of Joondalup has completed considerable work on many of the above objectives, and the results appear in existing (and current) corporate plans and strategies of the City and Council. Some overlap can be expected between the LPS document and those existing Joondalup policies and strategies.

The LPS is intended to provide overall principles for Council. Subsequent work will be conducted to apply those strategies and actions emanating from the principles to particular areas through future studies and provisions of the new District Planning Scheme.

The LPS draft also incorporates the relevant Position Statements and key principles adopted at Council's meeting of 15 July 2008.

## **DETAILS**

The draft LPS is attached, and contains details of the proposed themes and statements about planning for the future of Joondalup.

**Issues and options considered:**

There is a significant degree of interest and sensitivity to change in the community, and because of the sometimes divergent views of various groups within the City, it is proposed to establish the LPS as an overarching statement of philosophy that can then be used to apply to more detailed planning. This approach allows the Council and the community to consider the Scheme review process in “bite-sized” sections. If detailed proposals are not favoured in the future, then the impact of delays would not unravel the work undertaken to date.

The usual approach with an LPS would be to apply these themes directly to locations within a local government area, but this is not favoured in the new Joondalup LPS. The hierarchy in terms of detail is proposed in the following terms:

Local Planning Strategy – to contain philosophy and answer issues raised in DPI notes provided on previous page. Geographical areas needing special detailed planning can be identified in the Strategy, but the prevailing aim is to establish agreed philosophy and objectives

Commercial Strategy, Local Housing Strategy – to provide detail and general recommendations on planning matters for each of those aspects in the new DPS.

(If required and subject to DPI agreement) Strategy maps for suburbs/areas within the City to provide guidance on themes and planning issues in those parts of the local government area.

DPS text and maps – to be prepared after the above steps are completed/resolved.

The alternate approach would be to draft the LPS and include specific recommendations to places directly, and this would entwine detail with philosophy. The potential outcome could be confusion at best, or a process that becomes stalled by doubt or misinformation. Based on the City’s past experience, this is a very real prospect and it should be avoided.

**Link to Strategic Plan/ Organisational plans:**

The LPS draws on Council endorsed objectives adopted in the following corporate documents:

- Green Transport Plan 2007 - 2009
- Tourism Development Plan 2005 - 2009
- Economic Development Plan 2007 – 2011
- The Durban Commitment – Local Governments for Biodiversity.
- The Joondalup Coastal Foreshore Natural Areas Management Plan

In addition, the LPS also recognises and shares the objectives of draft strategic work underway, including:

- The Joondalup Landscape Master Plan - draft
- Biodiversity Action Plan - draft

**Legislation – Statutory Provisions:**

The Town Planning Amendment Regulations 1999 establishes the statutory process for review of Planning Schemes, and the need for a Local Planning Strategy.

**Risk Management considerations:**

Not Applicable.

**Financial Implications:**

The LPS is being prepared with in-house resources, assisted by one temporary contractor. Budget expenditure for preparation of the text amounts to approximately \$3000.

Depending on the community consultation strategy recommended/required by the WAPC, advertising costs for the next stage of the process could be approximately \$10 000.

**Policy Implications:**

The adoption of a Local Planning Strategy may result in identification of changes and desired investigation into standing Council policies.

The preparation of the strategy does not conflict with any existing planning policies.

**Regional Significance:**

The LPS will establish broad themes that have regional implications (for example - including supporting the development of the Joondalup CBD as Perth's second city, the inclusion and coordination of regional transport links, and providing a suitable response to state and regional policy of the WAPC on planning matters).

**Sustainability Implications:**

The LPS includes sustainability objectives as a theme, in recognition of state planning policies, and existing City policies and strategies. The LPS establishes sustainability objectives as a major priority to clearly indicate that economic, social and cultural sustainability objectives are included in town planning considerations for the future.

The likely outcome of the LPS, in this regard, is that sustainability themes will be included with new provisions of the next District Planning Scheme.

**Consultation:**

The themes within the LPS have been canvassed with the community by the following means.

The release of community issues papers during 2007, providing questions and statements for challenge and validation by the public, and resulting in a statistically valid response on a variety of issues.

Continual feedback and regular informal sessions with elected members of the City, to assist in gauging a range of community viewpoints.

The key objective of this report is to recommend that Council resolves to request the WAPC to allow advertising of the LPS to collect further community feedback.

In the event that the WAPC agrees that the LPS meets the requirements of the Town Planning Amendment Regulations (in terms of its content) the Regulations would require that the LPS be advertised for a period of not less than 21 days.

## COMMENT

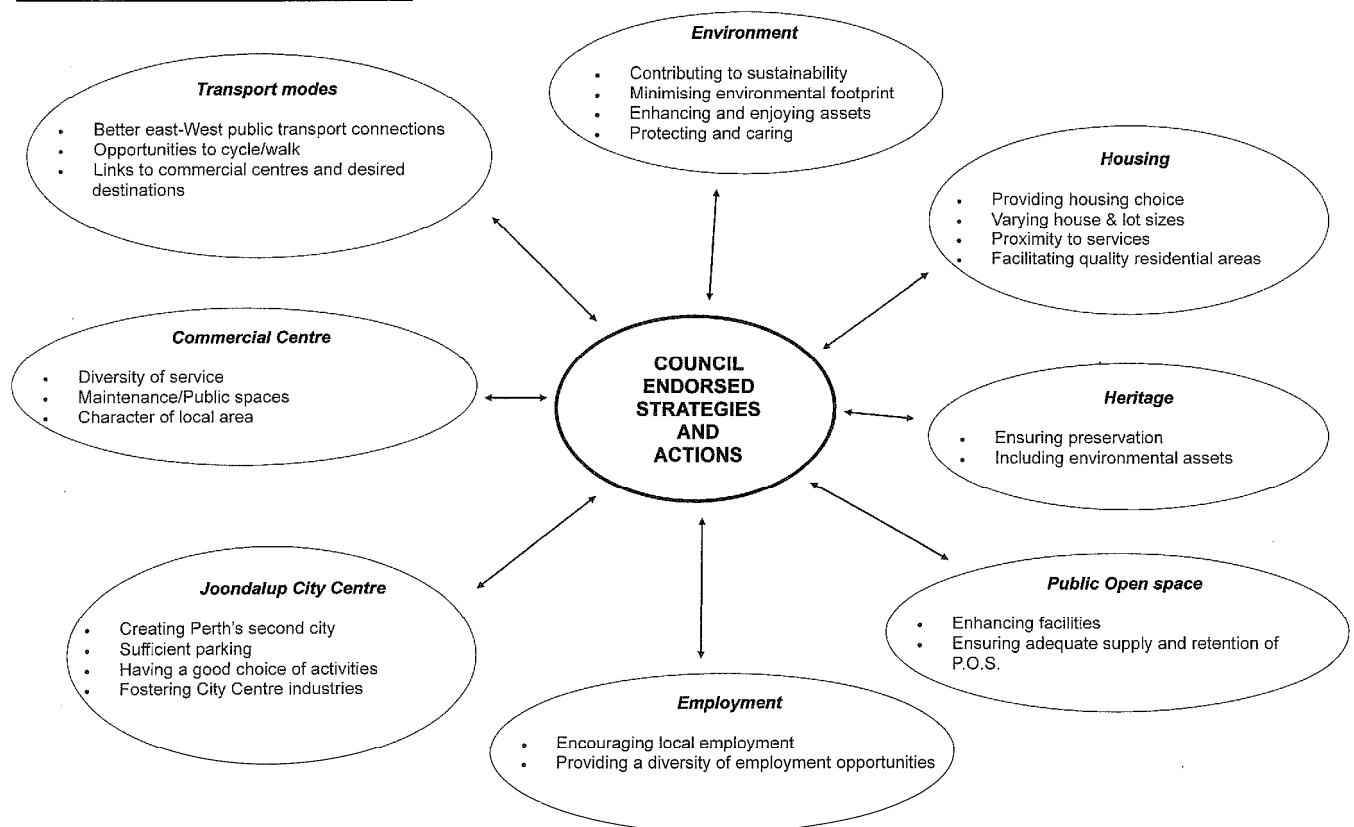
The LPS comprises various fundamental sections, which are largely determined by WAPC guidelines.

The LPS includes:

- Background statistical data demonstrating population changes and trends, together with other data providing indicators of planning needs for the future.
- A summary of issues arising from likely changes and trends.
- Identification of themes that will be brought into detailed future planning (in the form of the new Planning Scheme).

The substantive component of the Strategy is the theme areas, which are described below.

### PLANNING CONSIDERATIONS BY THEME



Note: Themes include feedback collected from 2007 Issues Papers provided for community input .

The themes have been drawn from the feedback received on these issues over time, and more particularly the release of the Issues Papers in 2007.

With these themes in mind, and subject to their adoption, it is expected that these themes will be the measure for future planning proposals and standards.

Areas will be able to be examined on the basis of:

- 1 physical characteristics
- 2 impediments
- 3 location advantages
- 4 planning desires of the Council
- 5 any other relevant town planning matters that may be identified

so that planning proposals can be applied to parts of the City, and collectively within the proposed new District Planning Scheme.

The draft LPS is provided as an attachment for consideration.

If the concepts put in this report (and the LPS) are supported, the draft can then be refined to a finished standard and provided to the WAPC for its evaluation, and approval to advertise the LPS (in accordance with the Town Planning Amendment Regulations).

It is suggested that an advertising period of 60 days would be appropriate for the LPS, if agreed by the WAPC.

## **ATTACHMENTS**

Attachment 1 Draft Local Planning Strategy text

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 SUBMITS the draft Local Planning Strategy to the Western Australian Planning Commission and seeks the Commission's consent to advertise the Strategy for a period of 60 days;**
- 2 NOTES that a public engagement strategy will be developed to complement the statutory advertising requirement that may be established by the Western Australian Planning Commission.**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf290708.pdf](#)



## **ITEM 21                    DRAFT PLANNING BULLETIN 90                    PLANNING REQUIREMENTS FOR THE PROSTITUTION AMENDMENT ACT 2008 - [83028] [08570]**

**WARD:**                    All

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

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### **PURPOSE**

The purpose of this report is to enable Council to provide its comments on the Western Australian Planning Commission's (WAPC) draft Planning Bulletin No. 90 – Planning Requirements for the Prostitution Amendment Act 2008 (Attachment 1 refers), which contains a proposed draft planning policy for dealing with Sexual Service Businesses when the Prostitution Amendment Act 2008 (PAA 2008) is proclaimed during 2008.

### **EXECUTIVE SUMMARY**

The PAA 2008 has been assented to by State Parliament and is currently awaiting proclamation before having the force of law.

The effect of the proclamation will mean that Sexual Service Businesses (previously known as brothels) will be lawful throughout the State, subject to the operators/managers:

- obtaining the relevant certificates under the PAA 2008;
- obtaining Planning Approval from the relevant Local Authority when required; and
- developing and operating a Sexual Service Business in accordance with set guidelines and approvals.

The WAPC set out its commitments to the Prostitution Law Reform Working Group on this matter. As part of that commitment, the WAPC advised that a Planning Bulletin or State Planning Policy would be prepared to set the framework for assessing and determining applications for Sexual Service Businesses. In response to its commitment, the WAPC has released draft Planning Bulletin No. 90 for public comment, following which, the final version will be released to coincide with the proclamation of the PAA 2008.

Once the PAA 2008 is proclaimed, a Local Authority will need to have regard to this Act and Planning Bulletin No. 90 if it is required to consider an application for a Sexual Service Business. Planning Bulletin No. 90 is proposed to be an interim measure until such time as a Scheme Amendment that addresses the planning issues relating to a Sexual Service Business has been gazetted.

In response to draft Planning Bulletin No. 90, it is recommended that the WAPC be advised that Council has various concerns in relation to the proposed Planning framework and standards that are proposed to be implemented relating to a Sexual Service Business.

Further, it is recommended that a subsequent report be prepared for consideration by Council on the formulation of a draft Scheme Amendment to District Planning Scheme No 2 (DPS2) in order to respond to the proposed proclamation of the PAA 2008.

## BACKGROUND

### Terminology

The PAA 2008 has the following definitions or terms, which will be referred to in this report:

‘Sexual service business’	is defined as the business of providing, or arranging the provision of, a commercial sexual act.
‘Small owner-operated business’	is defined to cover sex workers on their own or with one other sex worker who independently own or operate their own business.
‘Existing well managed places’	is defined as land being used for the purpose of a sexual service business (other than a small owner-operated business) immediately before the 12 September 2006 and continued to be used for that purpose up to and including the day on which the PAA 2008, section 1 comes into operation.

Under the umbrella of Sexual Service Business, there are three sub-categories that become relevant for the purpose of obtaining certificates under the PAA 2008 or Planning Approval under a Town Planning Scheme. These sub-categories are:

- Existing well managed place;
- Certified Sexual Service Business; and
- Small owner-operated business;

Under the PAA 2008, the CEO of the Department Racing Gaming and Liquor (DRGL) is required to issue a “certificate” to enable an existing well managed place to continue to operate. The Act also requires the CEO of the DRGL to issue a certificate to the people that will operate or manage the business. Further, the CEO of the DRGL is required to consult with the Commissioner of Police and the Local Authority in which the Existing Well Managed Place operates, before a decision is made on issuing the certificate for the business to continue to operate. The Local Authority is not consulted when the CEO of the DRGL is required to issue a certificate to the operator or manager of a Sexual Service Business. These processes are set out in Attachment 2.

Although not defined, a Certified Sexual Service Business is a sexual service business that:

- is required to obtain a certificate to operate;
- did not exist prior to the 12 September 2006; and
- excludes an “existing well managed place” or a “small owner-operated business”.

The CEO of the DRGL is also required to issue a certificate to enable a person to become an operator or manager of a Certified Sexual Service Business.

The CEO of the DRGL is not required to issue a Certificate for a Small Owner-Operated Business to operate or the staff that will operate the business.

In addition, Planning Approval is required to be obtained for a Certified Sexual Service Business or a Small Owner-Operated Business. Planning Approval is not required for an Existing Well-Managed Place. This particular point is discussed in further detail in the Comments section of the report.

### Background to Planning Bulletin No. 90

At its meeting of 20 November 2007, Council resolved to request:

*“An urgent report into the implications of the proposed Prostitution Amendment Bill for the City of Joondalup”.*

This report was prepared and considered by Council at its December 2007 meeting (CJ269/12-07 refers). The report provided a detailed background into the events leading up to the proposed Prostitution Amendment Bill. It is not proposed to repeat all the background details of the December 2007 report, in this report. However, Council resolved as follows in response to the report:

*That Council:*

- 1 WRITES to the State Government opposing the Prostitution Amendment Bill 2007 and, in particular, its provisions in relation to planning and local Government involvement;*
- 2 REQUESTS that it not be passed until the City has had the opportunity to view the associated planning guidelines from the Western Australian Planning Commission;*
- 3 ADVISES the Western Australian Local Government Association of its resolution as detailed in (1) and (2) above.*

However, since that report, the PAA 2008 has been given assent to by State Parliament on the 15 April 2008. Following its proclamation some time during 2008, the PAA 2008 will:

- permit people to submit applications to the DRGL for the purpose of being lawfully registered as an operator and/or manager of a Certified Sexual Service Business; and
- allow the Chief Executive Officer of the DRGL to give approval to a Sexual Service Business that was operating prior to the 12 September 2006 and up to the date of proclamation of the PAA 2008, as an “existing well managed place”.

In addition, it will be possible for applications to be submitted to a Local Authority for the purpose of obtaining Planning Approval for:

- Small Owner-Operated Business; or
- Certified Sexual Service Business

The WAPC advised the Prostitution Law Reform Working Group that it will:

- *ensure that the planning policy framework complements and supports any reform agenda embodied in a reform Act; and*
- *provide guidance to local government to ensure an appropriate level of uniformity in how the planning system responds to spatially regulate sex industry uses.*

To achieve those objectives, the WAPC indicated that it will:

- *assess sexual services businesses as it would assess any other business based on proper planning principles;*
- *include standard provisions in the model scheme text - it is anticipated that consideration will be given to the types of zones where it is appropriate for sexual services businesses to be located as of right or as a discretionary use; and*
- *provide guidance to local government, for instance, in the form of a Planning Bulletin or a State Planning Policy.*

In relation to the last bullet point referred above, the WAPC has released draft Planning Bulletin No. 90. This planning bulletin provides advice on the planning implications arising from the proclamation of the PAA 2008.

Planning Bulletin No. 90 sets out a draft policy for consideration and comment by Local Authorities and other stakeholders on the planning implications arising from the proclamation of the PAA 2008. Following consideration of the submissions received on Planning Bulletin No. 90, the WAPC will release its final version of its Planning Policy to coincide with proclamation of the PAA 2008.

The City has written to Department for Planning and Infrastructure (DPI) seeking clarification on certain planning matters relating to Planning Bulletin No. 90. At this stage, the City was still awaiting a response from the DPI on the issues raised in the letter. The planning matters raised in this letter are discussed in this report.

The focus of this report is to respond to the planning matters raised in Planning Bulletin No. 90.

## DETAILS

The proclamation of the PAA 2008 will set out the requirements to obtain certain certificates/approval under the PAA 2008 and/or Town Planning Scheme before a Sexual Service Business can operate lawfully. In the case of an Existing Well Managed Place, the certificate from the DRGL is a right to continue to operate.

### Approval/Certificate Process

The approval and certificates required to be obtained under a Town Planning Scheme and the PAA 2008 are set out in the following table:

**TABLE 1 – APPROVAL PROCESSES FOR DIFFERENT TYPES OF SEXUAL SERVICE BUSINESSES**

Types of Sexual Service Business	Town Planning Scheme	Prostitution Amendment Act 2008	
	Is Planning Approval required.	Certification of Business (Approval by CEO of DRGL – Consultation required with Local Authority and Police)	Certification of operators or Managers (Approval by CEO of DRGL – Consultation required with Police)
Certified Sexual Service Business	Yes	Yes	Yes
Small owner-operated business	Yes	No	No
Existing well managed place	No	Yes	Yes

Draft Planning Bulletin No. 90, which includes a draft policy, has been released for public comment to address the planning implications arising from the proclamation of the PAA 2008. In particular, it establishes a proposed planning framework for dealing with Certified Sexual Service Businesses and Small Owner-Operated Businesses.

### Land Use Permissibility Of Sexual Service Businesses

The Draft Policy (Part 3) of Planning Bulletin No. 90 sets out the criteria for considering the Land Use permissibility of a Sexual Service Business until such time as Local Authorities can amend their Planning Schemes to specifically address the matter of Sexual Service Businesses. A simplified table based on Planning Bulletin No. 90 relating to land use permissibility is shown below:

**TABLE 2 – LAND USE PERMISSABILITY BASED ON PLANNING BULLETIN NO. 90**

<b>Sexual Service Business TYPES</b>	<b>ZONE TYPES <sup>(1)</sup></b>			
	Residential or Similar Zones	Mixed use (with Residential)	Light, Service or General Industry	Other zones
Certified Sexual Service Business	X	X	P	D
Small owner-operated business	D	D	P	D
Existing Well-managed places	P – subject to certification from the CEO of DRGL (consultation with Local Authority and Police is required before decision)			

Note (1): P – means a permitted land use.  
 D – means not permitted, but could be approved with Council's discretion – advertising of development application required.  
 X – means the land use is prohibited.

### Planning Assessment Considerations

Apart from land use permissibility, the draft Planning Policy in Planning Bulletin No. 90 sets out nine planning assessment matters that the Local Authority should consider in assessing a planning application for a Certified Sexual Service Business or Small Owner-Operated Business. One of those matters includes assessing the appropriateness of the proximity of the proposed Sexual Service Business to sensitive uses such as Places of Worship and Educational Establishments (schools). Whilst Planning Bulletin No. 90 raises the matter of proximity to sensitive uses, it does not prescribe or suggest an appropriate distance that a Sexual Service Business should be located away from the sensitive use.

Other planning assessment considerations include:

- parking;
- access and egress to and from the property;
- hours of operation;
- design of the premises;
- signage ; and
- proximity to compatible uses.

In addition, Council is required to have due regard to those matters listed in Clauses 6.8 of DPS2 when it deals with any application for Planning Approval.

### Advertising of Businesses

The advertising of a commercial sex act is prohibited under Section 10A of the PAA 2008, except for advertising in newspapers, periodicals and on the internet. Planning Bulletin No. 90 suggests that signage and advertising on the site should therefore be restricted to the name of the building and cannot itself be advertising of a commercial sex act.

### Review Rights

Applicants for a sexual service business have the right to request the State Administrative Tribunal to review a decision of Council if they feel aggrieved by that decision and that decision involves an exercise of discretion.

### Review of Planning Bulletin No. 90

The final version of Planning Bulletin No. 90 will be reviewed 18 months from the date of its commencement, in consultation with Local Authorities.

### Register of Existing Well Managed Places

Under the provision of PAA 2008, the CEO of the DRGL will be required to grant approval to Existing Well Managed Places and keep a register of those businesses and persons that have been issued with certificates. At this stage, the City is unaware of any premises that are being used for a Sexual Service Business that would fall into the Existing Well Managed Place category.

Should there be any such premises operating, then those businesses are required to be approved by the CEO of the DRGL in order to continue to operate, subject to consultation with the relevant Local Authority and the Commissioner of Police.

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

The release of Planning Bulletin No. 90 for public comment will allow Council to raise issues relating to the planning implications arising out of the proclamation of the PAA 2008.

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

Not Applicable.

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

Once proclaimed, the PAA 2008 will impact on the DPS2.

### **Risk Management considerations:**

Not Applicable.

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

It is anticipated that District Planning Scheme No 2 and Local Planning Policy 7-9 Home Business would need to be amended to respond to the proposed changes in legislation. If changes to these documents are required, then there will be costs associated with:

1. Legal advice;
2. Scheme Amendment process; and
3. Local Planning Policy Process

**Policy Implications:**

Local Planning Policy 7-9 would need to be reviewed and amended if required, to ensure that Sexual Service Businesses are not capable of being considered as a Home Business, as Home Businesses are generally located within Residential areas.

**Regional Significance:**

Legislation will affect the state of Western Australia.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The DPI is consulting with Local Authorities and other Stakeholders in relation to the proposed draft Planning Policy relating to Sexual Service Businesses.

**COMMENT**

The objective of Planning Bulletin No. 90 is to set out a draft planning policy for consideration by stakeholders for feedback prior to proclamation of the PAA 2008 to address the planning implications arising from the proclamation of the PAA 2008. The final version of the WAPC planning policy will come into force when proclamation occurs.

Once proclamation occurs, a Local Authority will be required to assess and determine applications based on the final version of the WAPC Policy and Section 21Y of the PAA 2008.

Planning Bulletin No. 90 provides a proposed planning framework for dealing with applications for Planning Approval for Sexual Service Businesses, pending finalisation of any Scheme Amendment. The following table provides information on the potential land use permissibility that would apply to a Sexual Service Business in the different Zones that are listed in Table 1 – Zoning Table of DPS2 (Refer to Attachment 3). The allocation of the land use permissibility is based on the general zoning types listed in Part 3 of Planning Bulletin No. 90. This is shown below:

**TABLE 3 – LAND USE PERMISSIBILITY BASED ON PLANNING BULLETIN NO. 90  
AND TABLE 1 – THE ZONING TABLE OF DPS2**

Planning Bulletin (General Zone Types)	ZONE TYPES <sup>(2)</sup>			
	Residential or Similar Zones	Mixed use (with Residential)	Light, Service or General Industry	Other zones
<b>DPS2 Zones that could be grouped under Planning Bulletin 90 General Zone Types</b>	<b>Residential Zone; Special Residential; Rural</b>	<b>Mixed Use; Business; Commercial; Private Clubs/Recreation.</b>	<b>Service Industrial</b>	<b>Civic &amp; Cultural</b>
<b>SEXUAL SERVICE BUSINESS TYPES</b>	<b>POSSIBLE LAND USE PERMISSIBILITY</b>			
Existing well-managed place	P – existing use to continue to operate subject to certification from the CEO of DRGL, following consultation with the Local Authority and the Police			
Proposed and Existing <sup>(3)</sup> Certified Sexual Service Businesses	X	X	P	D
Small owner-operated businesses	D	D	P	D

Note (2): P – means a permitted land use.  
D – means the land use is not permitted, but could be approved with Council's discretion – advertising of development application required.  
X – means the land use is prohibited.

Note (3): Refers to existing Sexual Service Businesses that commenced operation after the 12 September 2006.

### Issues

#### Planning Approval for Existing Well Managed Place - Section 21X of PAA 2008

This section of the PAA 2008 allows Existing Well Managed Places to continue to operate if approved by the CEO of DRGL, following consultation with the Local Authority. The land use is to be treated as a "P" or permitted land use and does not require the Planning Approval of the Local Authority.

However, this is tantamount to granting retrospective approval to the use and the development. Whilst the use may be considered to be a permitted use, Planning Bulletin No. 90 is silent on whether Planning Approval is required to address the development standards that would relate to this type of development, such as parking, hours of operation, signage, etc. Further, Planning Bulletin No. 90 is silent on the process/standards if the operators/owners seek to intensify the land use.

Clarification on the process to be followed for assessing and determining proposals for intensification of the use of an Existing Well Managed Place, and the opportunity to impose appropriate conditions of Planning Approval need to be addressed in Planning Bulletin No. 90.



### Clarification of Mixed Use Zones and Residential Uses

Planning Bulletin No. 90 indicates that Certified Sexual Service Businesses will be a prohibited use in “...*residential or similar zones including mixed use zones with residential uses*”. What is not clear is whether the “Mixed Use Zones” term refers to those zones:

- that have been identified in the Planning Scheme as a “Mixed Use Zone”; or
- which are commercial zones which may permit some form of residential and consequently, would be classified as a Mixed Use Zone and therefore, a Sexual Service Business would be a prohibited use.

Therefore, Planning Bulletin No. 90 should be modified to provide greater detail in relation to the term “mixed use zones with residential uses” for improved clarity.

### Land Use Permissibility of Small Owner-Operated Businesses in Residential or Similar Zones

Home Business, which are small businesses that operate from a dwelling, are permitted to operate primarily from the Residential zone and other appropriate zones, provided they meet certain planning criteria. It is considered DPS2 and a Local Planning Policy guides the development of these uses. The assessment of these applications include consideration of such matters:

- The business operators reside in the residence;
- The type of business;
- Hours of operation (restricted to 9:00am -5pm)
- Number of staff;
- Number of visitors;
- Size of business.

A Small Owner-Operated Business, which comes under the primary heading of a Sexual Service Business, would not be a Home Business.

A Small Owner-Operated Business is proposed to be a discretionary land use within the Residential or similar zones (Special Residential and Rural Zones). Although an operator or manager of the business is required to be on the premises when the business is being operated, they are not required to reside at the premises. Therefore, there could be a scenario where an operator wishes to set up a business in the residential zone. The business operation could occur at all hours, which could result in staff and visitors arriving and leaving the premises throughout the night. Potentially, the dwellings could be vacant during the day. Having regard to the planning controls that seek to ensure that home business are operated in a way to minimise the impact on adjoining properties during the day, it seems inappropriate to consider the introduction of a use where it is likely to impact on adjoining residential properties when the community expects and demands that a high level of amenity is provided during the evenings and on weekends. Therefore, it would seem reasonable that a Small Owner-Operated Business, like a Certified Sexual Service Business, is a prohibited land use within the Residential or similar zoned areas.

### Land Use Permissibility of Certified Sexual Service Businesses in Service Industrial Zone

Table 3 indicates that there are two zones within the District where a Certified Sexual Service Businesses can potentially operate from, until DPS2 is amended to address the proclamation of the PAA 2008. These zones are the Service Industrial (Permitted land use) and the Civic and Cultural Zone (Discretionary land use).

Although a Certified Sexual Service Business is proposed to be a “P” or Permitted land use in the Service Industry zoned areas, it would appear incongruous to have such a land use

permissibility when the development is required to satisfy specific development criteria. For instance, a Certified Sexual Service Business should not be located within close proximity to a sensitive use as set out in part 3 of Planning Bulletin No. 90. It would be more appropriate that the Certified Sexual Service Business land use should be a discretionary use, having regard to the proximity and siting requirements that the proposed use needs to satisfy.

Therefore, it is considered that the WAPC should re-consider the land use permissibility where locational requirements could have a major impact on the location and operation of the proposed Certified Sexual Service Business.

#### Planning Criteria in relation to proximity of Certified Sexual Service Businesses to sensitive uses.

Although Certified Sexual Service Businesses are proposed to be a permitted land use under Planning Bulletin No. 90 within the Service Industrial Zone, the assessment of the application will need to take into account the potential impact on “sensitive uses” that may be located within the area zoned Service Industrial. There are two Service Industrial zoned areas, and these are located within the:

- Joondalup (Winton Road locality) Service Industrial area; and
- Canham Way locality; (Greenwood).

Within the Joondalup Service Industrial area, there are several “Place of Public Worship” uses that already exist within this locality. As stated in the Detail Section, the Policy does not prescribe or suggest any distance that the Sexual Service Business should be located away from sensitive uses. Therefore, consideration in the final version of Planning Bulletin No. 90 or any Scheme Amendment should be given to the setting of acceptable distances that the Certified Sexual Service Business should be located away from sensitive uses. This would result in clarity and uniformity of the application of this locational requirement across the state, and potentially reduce costly review of decisions by SAT.

#### Development of Certified Sexual Service Businesses within the Civic and Cultural Zone

The second zone that could allow applications to be submitted for a Sexual Service Business based on land use permissibility is the Civic and Cultural zone. Of the 38 sites that have been identified, all but 5 are owned or managed by the City.

If Council agrees to undertake an amendment to DPS2 to address the matter of Sexual Service Businesses within the District, a strong case could be presented to the WAPC and Minister for Planning and Infrastructure, that in this situation, Sexual Service Businesses in this zone is inappropriate.

#### Impact of PAA 2008 on Structure Plans

There are two other existing zones under DPS2 that are not identified in Table 1 – Zoning Table. These are the Centres Zone and the Urban Development Zone. These zones are generally covered by Structure Plans, which set out the individual land use permissibility's within these specific localities. An in-depth review of the impact of the PAA 2008 and Planning Bulletin No. 90 on these Structure Plans has not been undertaken. This will occur should Council resolve to amend DPS2 to address the planning issues arising out of the proclamation of PAA 2008 and adoption of the final version of Planning Bulletin No. 90.

## CONCLUSION

The proclamation of PAA 2008 will result in the potential for applications for Planning Approval for Certified Sexual Service Businesses and Small Owner-Operated Businesses to be submitted for determination by Council. DPS2 will need to be amended to address the change in the planning framework that will now permit Sexual Service Businesses to lawfully operate within the District, subject to the applicants obtaining all the relevant approvals/certificates.

Planning Bulletin No. 90 is seen as an interim measure while Councils can develop an amendment to their Planning Schemes to address the proposed changes. However, it is anticipated that the Planning Bulletin No. 90 will be used by the WAPC and Minister for Planning and Infrastructure for guidance purposes when assessing Scheme Amendments relating to Sexual Service Businesses. It is also expected that any proposals relating to a Scheme Amendment on Sexual Service Businesses would need to be based on sound planning principles and appropriate development standards.

Whilst Council should respond to the request for comments on proposed Planning Bulletin No. 90, the City will prepare a report for consideration by Council on a draft Scheme Amendment to respond to the changing legislation relating to Sexual Service Businesses, rather than relying on Planning Bulletin No. 90 to address the issues relating to the City of Joondalup.

The proposed recommendation also re-iterates Council's position in relation to the Prostitution Amendment Bill 2007, as determined at its December 2007 meeting.

## ATTACHMENTS

Attachment 1	Draft Planning Bulletin No. 90 – Planning Requirements for the Prostitution Amendment Act 2008
Attachment 2	Approval Process under PAA 2008
Attachment 3	Land Use and Planning Approval Process based on Planning Bulletin No. 90

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **In response to the request for comments from the Western Australian Planning Commission on draft Planning Bulletin No. 90:**
  - (a) **re-iterates its previous position on prostitution by sending a copy of its December 2007 resolution on Item CJ269-12/07 to the Commission for consideration;**
  - (b) **having regard to the pending proclamation of the Prostitution Amendment Act 2008, forwards the City's technical report on this matter to the Commission and raise the following issues:**

- (i) Even though the land use for an Existing Well Managed Place has been determined to be a “P” or permitted land use, clarification is sought on whether it is possible and appropriate to require and impose conditions of Planning Approval relating to the operation of the Existing Well Managed Place;
  - (ii) What is the process to be followed for assessing and determining proposals for any intensification of Existing Well Managed Places;
  - (iii) It is considered that a Small Owner-Operated Business (like a Sexual Service Business that is required to be certified) should be a prohibited land use within the Residential or similar zoned areas;
  - (iv) Draft Planning Bulletin 90 should be modified to provide greater detail in relation to the term “mixed use zones with residential uses” for improved clarity;
  - (v) The WAPC should re-consider the “P” land use permissibility to a discretionary land use permissibility where locational requirements are required to be met, which could have a major impact on the location and operation of the proposed Sexual Service Businesses that are required to be certified;
  - (vi) consideration in the final version of Planning Bulletin 90 or any Scheme Amendment should be given to the setting of acceptable distances Sexual Service Businesses that are required to be certified, should be located away from sensitive uses;
- 2 NOTES the City will prepare a report on the formulation of a draft Scheme Amendment to respond to the changing legislation relating to the introduction of Sexual Service Businesses.

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf290708.pdf](#)

## **ITEM 22                    PROPOSED PATIO ADDITIONS TO RESIDENTIAL BUILDING (SHORT STAY ACCOMMODATION) AT LOT 407 (3) GLENELG PLACE, CONNOLLY - [03180]**

**WARD:**                    North

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

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### **PURPOSE**

The purpose of this report is to request Council's determination of an application for planning approval for patio additions at Lot 407 (3) Glenelg Place, Connolly.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for patio additions to the Residential Building (short stay accommodation) at Lot 407 (3) Glenelg Place, Connolly. The proposal has setback variations to the eastern (rear) boundary and southern (side) boundary.

The determination of this application by Council is required as the proposed variations exceed that which can be determined under Delegated Authority.

The proposed variations will not affect the adjoining properties and as such, are considered acceptable. It is recommended that the application for planning approval be granted.

### **BACKGROUND**

**Suburb/Location:**    Lot 407 (3) Glenelg Place, Connolly  
**Applicant:**            Joshua Brook Proprietary Limited  
**Owner:**                Jowebo Investments Proprietary Limited  
**Zoning:**                **DPS:** Mixed Use  
                              **MRS:** Urban  
**Site Area:**            2052m<sup>2</sup>  
**Structure Plan:**        Not Applicable

The subject site is located on the eastern side of Glenelg Place, which has access from Country Club Boulevard (refer to the Aerial Plan – Attachment 1).

The property is zoned Mixed Use under the City's District Planning Scheme No.2 (DPS2) (refer to Zoning Plan – Attachment 1) and is situated between the Connolly Shopping Centre to the north and the Connolly Community Centre to the south. To the east is the Fairways Retirement Village.

The existing building was approved as a Medical Centre in 1987, and is currently approved as Residential Building (short stay accommodation).

The application to convert the existing medical centre into short stay accommodation was refused by Council in April 2005. A subsequent appeal to the State Administrative Tribunal was upheld in December 2005, effectively reversing Council's decision.

## DETAILS

The applicant proposes to erect a patio along the southern and eastern sides of the building in order to provide weather protection to the existing footpaths and entries to the units. The patio along the eastern side will be 1m in width, 39.5m in length and 2.7m in height. The patio along the southern side will be 1m in width, 8m in length and 2.4m in height.

The material of both patios will be steel (colorbond). They will be flat roofed and a cream colour. The finished ground level will not be altered.

The table below sets out the relevant development standards and requirements for non-residential buildings contained in DPS2 and those provided in this proposal.

REQUIRED	PROVIDED	COMPLIANCE
Side setback – 3 metres	Southern boundary – 2.2 metres	No
Rear setback – 6 metres	Eastern boundary – 1.5 metres	No

The development is required to be determined by Council as the setback variations exceed that which may be approved under delegated authority.

The applicant has provided justification for the proposal as follows:

- *The proposal is for a flat cream steel shelter to protect the walk-ways that access the short stay units;*
- *We ask that Council look favourably on the proposal for the comfort of the guests.*

### Issues and options considered:

Council has the discretion to:

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

### Link to Strategic Plan:

Not Applicable.

### Legislation – Statutory Provisions:

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 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.*

#### 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*

#### 6.8 *Matters to be considered by council*

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
  - (b) *any relevant submissions by the applicant;*
  - (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
  - (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
  - (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
  - (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
  - (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
  - (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
  - (i) *the comments or wishes of any objectors to or supporters of the application;*

- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposed development was advertised to the Body Corporate of the Fairways Retirement Village that adjoins the subject property. The advice of the proposed development was sent on 28 May 2008 allowing submissions to be received up to 11 June 2008. The Body Corporate submitted a statement of no objection prior to the close of advertising. The owners of the individual units that abut the common boundary of the subject property have also been contacted and do not object to the proposal.

The property to the south is Connolly Community Centre which is owned by the City of Joondalup and as such, consultation was not undertaken in this regard.

**COMMENT**

A Residential Building is not subject to the Residential Design Codes Variation 1 (R-codes), but is subject to the various non-residential building parameters of DPS2. As such, the proposal has setback variations to the rear and side boundaries.

The proposed rear setback is located in close proximity to the adjoining residential retirement village development. In order to assess the extent and impact of the variation on this property, it is considered appropriate to use the setback provisions of the R-codes as a guide. An equivalent patio addition on a residential property with the same side and rear setbacks would be compliant under the R-codes.



The R-codes specify the following objective for boundary setbacks behind the primary street setback:

*“To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy, and overshadowing on adjoining properties.”*

The proposal meets the above objective in the following ways:

- Direct sun and ventilation for the building is not compromised as the proposed patios are located to the east and south of the building, and not to the northern side.
- The impact of building bulk on the adjoining properties is not a concern in this instance as the proposed patios are a maximum of 2.7 metres in height. Similarly, due to the height of the patios, setbacks and lot orientation, overshadowing will not be a concern.
- The ground levels are remaining unchanged at 2 courses below the finished floor level of the existing building and as such there is no interference with privacy to the adjoining properties. There will be no potential for overlooking with this development.

The side setback variation abuts the property to the south which is zoned Residential. This site is used for the Connolly Community Centre. The proposal is located approximately 16 metres from the community centre and the proposal will have no impact on this property.

It is considered that the side and rear setback variations will not have a detrimental impact on the adjoining properties or the amenity of the area.

The addition of the proposed patios will result in a reduction in the amount of landscaping provided, however, the variation will not reduce the landscaping below the 8% minimum requirement.

## **Conclusion**

The proposed development is considered to be relatively minor in nature and will provide a sheltered entrance to the short stay units facing east and south. The proposal will also contribute to the amenity of the development site.

It is considered that the setback variations will have no impact on the adjoining properties and as such the proposed variations are considered acceptable.

In light of the above, it is recommended that the application be approved.

## **ATTACHMENTS**

Attachment 1	Aerial & Zoning Plans
Attachment 2	Development Plans

## **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 2.2 metres in lieu of 3 metres to the southern boundary;**
  - (b) Rear setback of 1.5 metres in lieu of 6 metres to the eastern boundary;****are appropriate in this instance;**
  
- 2 APPROVES the application for Planning Approval dated 5 May 2008 submitted by Joshua Brook Proprietary Limited, the applicant on behalf of the owners, Jowebo Investments Proprietary Limited for patio additions to the existing Residential Building (short stay accommodation) on Lot 407 (3) Glenelg Place, Connolly, subject to the following conditions:**
  - (a) All stormwater to be discharged to the satisfaction of the Manager Approvals Planning and Environmental Services. 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;**
  - (b) The colours and materials of the proposed patios shall match the existing residential building where practicable, to the satisfaction of the Manager Approvals Planning and Environmental Services.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf290708.pdf](#)*



The site is zoned Urban under the Metropolitan Region Scheme (MRS) and Reserved for Public Purposes – Primary School under the City’s District Planning Scheme No. 2 (DPS2).

The surrounding area consists of existing residential development with the exception of Penistone Reserve, and was previously the site of Allenswood Primary School.

Students from Allenswood Primary School were relocated to East Greenwood Primary School (now Greenwood Primary School) at the beginning of the 2008 school year to allow for demolition of the existing Allenswood school buildings and structures. It is proposed that all students will be relocated to the school that is the subject of this application following construction.

There have been a number of meetings held regarding the development of the proposed school. These meetings have involved the Department of Education and Training, the project’s architect, local politicians and members of the surrounding and school communities and resulted in the proposal being modified prior to its submission.

The Elected Members were notified of the development application listed under Appeals and Major Developments on the Desk of the CEO, 11 July edition.

## DETAILS

The proposal is to construct a new primary school on the subject site. The proposal incorporates:

- A pre-primary block with 3 classrooms, 2 teaching areas, an activity area, covered outdoor area, storerooms, toilets and sandpits with shade covers;
- A second teaching block with 4 general classrooms, an activity area, teachers preparation area, storerooms, toilets, and a covered verandah area;
- A third teaching block containing 4 general classrooms, an activity area, teachers preparation area, storerooms, toilets, and dental therapy clinic;
- A teaching block incorporating music room, art & craft room, storerooms, canteen and covered assembly area;
- An administration block incorporating staff room, offices, sick room and conference facilities;
- A library block;
- Grassed play areas, hard courts, bike racks; and
- 72 onsite car parking bays (including 3 accessible bays), 1 bus bay, and 24 roadside parking embayments.

Compliance with DPS2 Standards is set out in the table below:

<b>Standard</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
Front Setback (west)	9m	25m	Yes
Rear Setback (east)	6m	13m	Yes
Side Setback (north)	3m	98m	Yes
Side Setback (south)	3m	13m	Yes
Car Parking	2 bays per classroom with minimum of 10 bays = 30 bays	97	Yes

**Issues and options considered:**

- To write to the WAPC requesting an extension of time to make a recommendation on the proposed development in order to facilitate Public Consultation; or
- To provide a recommendation to the WAPC without undertaking Public Consultation.

**Link to Strategic Plan:**

Objective 1.2 of the City's Strategic Plan 2008-2011 "To engage proactively with the Community" will not be satisfied if the WAPC refuses to extend the time period the City has to comment on the proposed development.

The proposed primary school development is consistent with Objective 5.3 of this Strategic Plan – "To facilitate culture, the arts and knowledge within the community".

**Legislation – Statutory Provisions:**

The provisions of Part 2 of DPS2 – Local Reserves, specify that no person shall develop land without the prior approval of Council unless that work is a public work exempted by the Planning and Development Act 2005.

The proposed development is a public work by a public authority. The Notice of Delegation from the WAPC sets out that where a public work is to be undertaken on land zoned under the MRS, the WAPC are the determining authority.

The normal operating procedure for proposals requiring WAPC approval is that the City is required to, within 7 days of receipt of the application, refer the application to the WAPC for consideration. Within 42 days of this date the Local Government can forward a recommendation to the WAPC regarding the proposed development.

**Risk Management considerations:**

Should the WAPC refuse to grant an extension of time to provide a recommendation, Council may not have the opportunity to do so as the 42 day period in which to provide comment ends 1 August 2008.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Public advertising of the proposed development has not been undertaken as both the applicant, and the Department of Education and Training have advised that this is not required under the Metropolitan Region Scheme (MRS) and are not willing to undertake Public Consultation due to time and cost constraints.

**COMMENT**Land Use

The subject site is designated a Local Reserve for the purpose of Primary School by DPS2, and was previously utilised as Allenswood Primary School. The Primary School land use is considered to be compatible with the surrounding residential and recreational uses.

Public Concerns & Consultation

The development of the proposed primary school has raised numerous concerns in the community to date. It is understood that these concerns include, but are not limited to, the shared use of Penistone Reserve, parking and access to the site, and the location of the buildings on the site.

Due to the amount of public concern regarding the proposal it is considered appropriate that the City request that the WAPC grant an extension of time in which to comment in order to facilitate the application being advertised. This will enable Council to form a recommendation and the WAPC to be fully informed prior determining the application.

Conclusion

The proposed development complies with the standards of DPS2, and is required to be determined by the WAPC on the basis that it is a public work by a public authority. Although not required by legislation, public consultation should be undertaken (at the applicant's expense) to ensure that all members of the surrounding community are aware of the proposed development and have an opportunity to comment and contribute to the best possible design outcomes. As such it is recommended that Council write to the WAPC requesting an extension of time in which to provide its recommendation. Should WAPC agree to this extension of time, it is further recommended that the applicant be required to advertise the application for a period of 21 days at their expense.

**ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 2	Development Plans

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 WRITES to the Western Australian Planning Commission (WAPC) seeking an extension of two months to the designated 42 day comment period, in order to undertake Public Consultation;**
- 2 ADVISES the applicant that, subject to agreement by the Western Australian Planning Commission, they are required to advertise the application for a period of 21 days by way of sign on site and newspaper advertisement, at their expense;**
- 3 NOTES that, in the event that the WAPC does not agree to support the request for public consultation, the Director Planning and Community Development will provide a response to the WAPC on the proposal (in accordance with normal Delegated Authority Procedures).**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf290708.pdf](#)*

## 8 REPORT OF THE CHIEF EXECUTIVE OFFICER

### ITEM 24 HEATHRIDGE VERGE ENHANCEMENT COMPETITION – OUTCOMES - [87541]

**WARD:** North-Central

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

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#### **PURPOSE/EXECUTIVE SUMMARY**

To provide feedback to Council on the outcomes of the Heathridge Verge Enhancement Competition and seek direction on the use of the surplus prize monies and the nature of the function to be held for the winners.

#### **BACKGROUND**

Funding of \$20,000 was set aside for a Verge Enhancement Competition in the 2007/2008 budget to increase the amenity of Heathridge in ways that would encourage community pride in the area.

To this end, it was important to ensure that all Heathridge residents were made aware of:

- the competition
- the Verge Treatment Guidelines
- the differences between the verge categories of 'compliant' with the City's current "Verge Treatment Guidelines" and 'exemplary.' An exemplary verge would be waterwise and environmentally friendly.

At the April Council meeting (CJ054 – 04/08 refers), Council resolved that the categories for competition entries would be as follows:

Category One - Individual households with verges that are exemplary i.e., the verges not only comply with the City's Verge Treatment Guidelines, but have also been developed to be water-wise and environmentally friendly.

Category Two - A number of households (minimum of three) within one street with verges that are exemplary i.e., they comply with the City's Verge Treatment Guidelines, but have also been developed to be water-wise and environmentally friendly.

Category Three - Individual households that have tidied up their verges and comply with the City's Verge Treatment Guidelines.

Category Four - A number of households (minimum of three) within one street that have tidied up their verges and comply with the City's Verge Treatment Guidelines.



Entries were to include photographs of the verges and short written submissions outlining how the entry met the requirements for the category and briefly explaining why it is important to live in a suburb that looks good. Entries received by the closing date of 13 June 2008 were to be reviewed by City Officers with knowledge of the City's Verge Treatment Guidelines and a member from the Great Gardens Team against predetermined criteria. The assessments would then be forwarded to the Mayor and Elected Members from the North Central Ward for comment.

## DETAILS

Letters were sent to all residential households (approximately 2000) living in Heathridge containing an invitation to a formal launch of the competition at the Guy Daniels Clubrooms in Heathridge and competition entry forms. The launch was to be the vehicle for explaining the Verge Treatment Guidelines and how they could be used as the baseline for creating an exemplary verge.

A key strategy for encouraging attendance at the launch was to promote it as a "Great Gardens for Heathridge" workshop hosted by members of the popular Great Gardens Team. The Team has a significant profile in the community and their practical, down to earth approach to gardening has proven popular with both gardeners and 'would be' gardeners.

### Competition entries

In total, nine people sent in entries for the competition by the closing date of 13 June 2008. The following table highlights the category entries.

Category	Entries Eligible
Category One - Individual households with verges that are exemplary i.e., the verges not only comply with the City's Verge Treatment Guidelines, but have also been developed to be water-wise and environmentally friendly.	3 entries
Category Two - A number of households (minimum of three) within one street with verges that are exemplary i.e., they comply with the City's Verge Treatment Guidelines, but have also been developed to be water-wise and environmentally friendly.	0 entries
Category Three - Individual households that have tidied up their verges and comply with the City's Verge Treatment Guidelines	6 entries
Category Four - A number of households (minimum of three) within one street that have tidied up their verges and comply with the City's Verge Treatment Guidelines.	0 entries

### Assessment Panel

A panel comprising three staff with expert knowledge and skills in the area of landscape design and conservation met with Mr John McWilliams of the Great Gardens Team to review the entries.

The panel used a format designed to identify the extent to which verges:

- complied with the verge treatment guidelines and could be deemed 'standard'
- were water-wise and environmentally friendly and therefore 'exemplary'

The conclusions as determined by the Assessment Panel have been circulated to the Mayor and Ward Councillors for their comment.

### **Issue One – Prize Monies**

An amount of \$10,000 was set aside in the budget for prizes associated with the competition and with prizes to include vouchers from:

- local hardware suppliers
- local gardening suppliers
- local garden nurseries

The low number of entries has created two issues. First 12 prizes are available but there were only nine entries for the 'individual' Categories 1 and 3 leaving a surplus of prizes. There were no entries for street categories. As six prizes were made available for street categories a surplus of \$5,000 remains available.

Two options are identified for dealing with this surplus.

#### Option One

Award vouchers to the six competition winners and provide vouchers of a lesser value (\$200 each) to the remaining three entrants on the basis of their ongoing contribution to the amenity of Heathridge. Cost \$5,600.

#### Option Two

Award vouchers only to the competition winners. Cost \$5,000.

It is recommended that Option One be taken.

With respect to use of the remaining funds for prizes, (either \$4,400 if Council chooses option one above, or \$5,000 if Option 2 is chosen) Council may decide to:

#### Option One

Roll over remaining funds to the next Verge Competition proposed for Greenwood (a report on this will be presented to Council shortly).

#### Option Two

Retain funds for the development and printing of improved Verge Treatment Guidelines including information on water-wise and environmentally friendly verges. These guidelines could be given out at future competition launches and also distributed via the Welcome Pack provided to new ratepayers in all suburbs of the City.

It is recommended that Option Two be taken.

### **Issue Two - Prize Winners Recognition Event**

The prize winners event endorsed at the April Council meeting (CJ054 – 04/08 refers) was that:

*“A Civic Reception will be held for the winners and their partners. The winners will also be acknowledged via a media release featuring the competition and the winning entries.”*

However, given the low number of entries and the inability to identify 12 winners (six of whom would be groups of winners), Council may wish to reconsider the option of holding an event in association with a Council Meeting rather than a civic reception. Prizes could be handed out prior to, or at, the Council Meeting and the winners acknowledged via a media release.

Option One Hold a Civic Function

Option Two Acknowledge the winners in association with a Council meeting

It is recommended that Option Two be taken.

**Link to Strategic Plan:**

In the section on Sustainability at the City, the requirement to play a key role in sustainable development is noted, in particular with respect to:

- Raising awareness and assisting the community to achieve sustainable practices
- Providing leadership to positively influence the community

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

As outlined in this report and in accordance with the budget.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The competition has provided an opportunity to promote and guide water-wise and environmentally friendly garden and verge design practices. Whilst the number of competition entries received was disappointing, a number of Heathridge residents have since contacted the City seeking advice and information on 'how to' improve their gardens and verges, indicating that community awareness on this issue has been raised significantly.

**Consultation:**

Not Applicable.

**COMMENT**

The original date for a decision on the winners was identified as July 2008; therefore further delays in distributing awards to the winners would be inadvisable.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council APPROVES:**

- 1 Option One - with respect to awarding prizes to the six winning entries and prizes of a lesser value (\$200 each) to the remaining entrants;**
- 2 Option Two - that surplus prize money of \$4,400 be retained for the development and printing of improved Verge Treatment Guidelines to include information on water-wise and environmentally friendly verges;**
- 3 Option Two - that an event is held in association with a Council meeting with prizes to be handed out to the winners at this event and the winners to be acknowledged via a media release.**

**ITEM 25                    DEBT    OWED    BY    MULLALOO    PROGRESS  
ASSOCIATION INC. - [02089] [32027]****WARD:**                    North-Central**RESPONSIBLE  
DIRECTOR:**            Mr Garry Hunt  
                                 Office of CEO**PURPOSE**

To present to Council the actions taken to recover a debt owed by the Mullaloo Progress Association Inc. (MPA). Council is also required to consider a request from the Department of Consumer and Employment Protection (DOCEP) to pass a resolution waiving the debt due to a pending decision of the Commissioner for Consumer Protection to cancel the incorporation of the MPA.

**EXECUTIVE SUMMARY**

This report outlines the actions the City has taken to recover costs pursuant to Council's resolution of 19 June 2007 (Item CJ116-06/07 refers). All reasonable attempts at recovering the outstanding debt from the MPA have been exhausted. The DOCEP has advised the City that the Commissioner intends to proceed with cancelling the incorporation of the MPA, which in turn has ramifications for the outstanding debt owed to the City.

It is recommended that Council resolves to write off the debt owed by the MPA subject to the Commissioner cancelling the incorporation of the association.

**BACKGROUND****Council resolution**

On 19 June 2007, Council resolved as follows: (Item CJ116-06/07 refers)

*"That Council:*

- 1        *NOTES the actions taken to recover monies owing from the Mullaloo Progress Association;*
- 2        *NOTES that the Mullaloo Progress Association have neither provided a written acknowledgement of the significant costs that have been incurred by the ratepayers as a result of their unsuccessful action nor made a payment;*
- 3        *Consequently, REVOKES Points 1 and 2 of its decision of 13 December 2005 (Item CJ266-12/05 refers) being:*
  - 1        *Council AGREES not to pursue the recovery of the full costs against the Mullaloo Progress Association Inc (MPA) for the taxed amount of \$60,978.12 subject to the MPA providing a written acknowledgement to the satisfaction of the Chief Executive Officer acknowledging the significant costs that have been incurred by the ratepayers as a result of their unsuccessful action;*

- 2 *PROGRESSES action to recover the amount of \$10,000 from the Mullaloo Progress Association Inc by way of a payment plan spread over five years, which will constitute full satisfaction of the costs awarded;”*
- 4 *NOTES that should Recommendation 3 be supported, the Mullaloo Progress Association’s debt to the City will revert to the full amount of \$60,978.12;*
- 5 *AUTHORISES the Chief Executive Officer to follow normal City procedures to recover these monies;*
- 6 *AUTHORISES the Chief Executive Officer to take up the situation of the Mullaloo Progress Association with the Commissioner for Fair Trading;*
- 7 *SUPPORTS a submission to the State Government on the proposed amendments contained in the Associations Incorporation Act 1987 that is in accordance with the views identified in Report CJ116-06/07.”*

### **City’s attempts to recover costs**

On 5 July 2007, the City wrote to the MPA enclosing an invoice in the sum of \$60,978.12. The letter requested a response to the Council’s resolution of 19 June 2007 and the invoice within 30 days. The MPA was advised that normal debt recovery processes would be instituted should the MPA fail to respond.

On 18 July 2007, the President of the MPA submitted 10 questions to the City and stated that it would only respond to the City’s letter of 5 July if answers were provided to the questions. It is the City’s view that the MPA’s letter was a further attempt to protract and thwart the debt recovery process, given the nature of the questions had been previously addressed.

On 6 September 2007, a Notice of Intention to Summons was issued to the MPA. On 20 September 2007, the MPA responded to the City accusing officers of ‘personal vindictiveness’ and presenting a ‘deliberate and fraudulent report to Council’. Critically, the letter refers to the MPA as ‘bankrupt.’

### **Proposed Cancellation of Incorporation of MPA**

In accordance with item 6 of the Council’s resolution of 19 June 2007, the Chief Executive Officer met with the Commissioner for Consumer Protection on 24 July 2007. This meeting was followed up by a letter dated 13 August 2007 in which the Commissioner was advised that the City suspected that the MPA did not have the capacity to pay the outstanding amount.

On 25 September 2007, the City wrote to the Commissioner advising the MPA had made a number of statements indicating it was insolvent. The City’s position was that it would be futile commencing legal action against an insolvent entity.

On 2 October 2007, DOCEP advised the City that it was examining whether the MPA was eligible to remain incorporated. DOCEP wrote to the MPA, however, initially no response was forthcoming. DOCEP notified the City in December 2007 that it had gathered ‘sufficient information’ for cancellation of the MPA to proceed.

In February 2008, DOCEP advised the City that the Commissioner had approved the cancellation of the incorporation of the MPA under section 35 of the *Associations Incorporation Act 1987*. The Commissioner had formed the opinion that there were two possible grounds of cancellation:

- (i) No objects or purposes within the last 12 months;
- (ii) Fewer than 6 members.

On 28 February 2008, DOCEP wrote to the City advising a Notice of Proposed Cancellation had been issued to the MPA. DOCEP advised that if no reply showing cause to the contrary is received, the incorporation of the MPA will be cancelled. DOCEP also recommended that Council make a formal resolution to waive the debt and notify the Commissioner by providing a copy of the minutes.

DOCEP does not want to deny the right of the City, as a creditor, to pursue the MPA for the debt. The Commissioner would want to be confident that any action she takes would not jeopardise the City or any other creditor.

## **DETAILS**

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

#### **(a) Write off debt**

From an accounting perspective, there is no justification for holding a debt that is unrecoverable. In these circumstances, the only appropriate action for Council to take is to write off the debt pursuant to its powers under section 6.12 of the *Local Government Act 1995*.

DOCEP advised the City at a meeting on 9 April 2008 that it would undertake to cancel the MPA's incorporation following receipt of a copy of Council's resolution waiving the debt. Cancellation is effected by publishing a notice in the Government Gazette.

#### **(b) Continue debt recovery**

There is considerable evidence to suggest that the MPA has no capacity to pay the outstanding debt. It is futile continuing to invest time and resources in pursuing a debt from an incorporated body where there is evidence of insolvency and in circumstances where cancellation is pending. This is not a viable option for Council to adopt.

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

Objective 1.3 - 'To lead and manage the City effectively'. It would not be a wise management of the City's resources to continue to pursue a debt against an incorporated association that is facing pending cancellation.

**Legislation – Statutory Provisions:****Section 6.12 Local Government Act 1995 - Power to defer, grant discounts, waive or write off debts**

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

*\* Absolute majority required.*

- (2) Subsection (1)(a) and (b) do not apply to an amount of money owing in respect of rates and service charges.
- (3) The grant of a concession under subsection (1)(b) may be subject to any conditions determined by the local government.
- (4) Regulations may prescribe circumstances in which a local government is not to exercise a power under subsection (1) or regulate the exercise of that power.

The CEO currently has the ability under delegated authority to write off monies up to an amount of \$20,000, subject to a report being presented to the Audit Committee on a six (6) monthly basis.

**Section 35(1) Associations Incorporation Act 1987- Cancellation of incorporation by Commissioner**

- (1) Where the Commissioner has reasonable cause to believe that an incorporated association —
  - (a) has been inoperative for the preceding 12 months;
  - (b) has fewer than 6 members;
  - (c) has no assets and the members have resolved to discontinue the activities of the association;
  - (d) has resolved to wind up but no person is prepared to act as liquidator;  
or
  - (e) has not, within 3 months of notice being given to it by the Commissioner under section 34, requested the Commissioner to transfer its undertaking to another body corporate,

the Commissioner may send, by certified post addressed to the association at the address which appears to the Commissioner to be the address of the association, and may, if he considers advertisement to be desirable, cause to be published in a newspaper circulating generally in the State, a notice stating the ground or grounds on which it is proposed to cancel the incorporation of the association and stating that, if a reply showing cause to the contrary is not received within 2 months after the date



on which the notice is sent or published, whichever is the later, the incorporation of the association will be cancelled by the Commissioner under this section.

**Risk Management considerations:**

The waiving of a significant judgment sum awarded by a Court could potentially encourage legal actions to be commenced against the City, in the belief that payment of costs could be avoided.

**Financial/Budget Implications:**

The original debt was the Supreme Court costs order taxed at \$60,978.12 which Council affirmed at the meeting of 19 June 2007.

**Policy Implications:**

Policy 7-18 Recovery of Costs Awarded to the City. The policy provides that a report must be presented to Council on matters relating to costs recovery and it is Council that is responsible for making the final decision on whether to proceed with recovery action.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

As the City has exhausted all attempts to recover the debt, the only practical way forward is to waive the debt. The MPA will soon be a defunct entity when cancellation is effected which renders any prospect of costs recovery null and void.

The Commissioner's proposed action in cancelling the incorporation of the MPA will publicly highlight to other incorporated associations the risk of non-compliance with statutory obligations.

As the proposed amount exceeds the current delegated authority of the CEO, the matter is referred to the Council for consideration.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

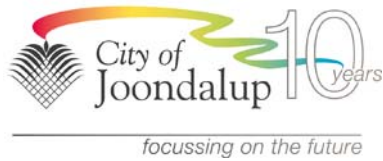
Absolute Majority

**RECOMMENDATION****That Council:**

- 1 NOTES the actions taken to recover monies owing from the Mullaloo Progress Association Inc;**
- 2 BY AN ABSOLUTE MAJORITY, in accordance with Section 6.12 of the Local Government Act 1995, WRITES off the debt of \$60,978.12 subject to the Commissioner for Consumer Protection cancelling the incorporation of the Mullaloo Progress Association Inc;**
- 3 NOTES that should Recommendation 2 be supported, AUTHORISES the Chief Executive Officer to provide a copy of Council's resolution writing off the debt to the Commissioner for Consumer Protection.**

**9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



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

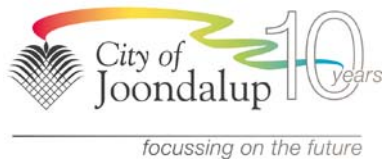
**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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.*



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
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