

Minutes **Ordinary Meeting of Council**

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

ON TUESDAY, 25 NOVEMBER 2008



**MINUTES OF COUNCIL MEETING
HELD ON TUESDAY 25 NOVEMBER 2008**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 25 NOVEMBER 2008

DECLARATION OF OPENING

The Mayor declared the meeting open at 1907 hrs.

ANNOUNCEMENT OF VISITORS

ATTENDANCES

Mayor:

TROY PICKARD

Councillors:

| | | |
|--------------------|----------------------------------|--|
| Cr KERRY HOLLYWOOD | North Ward | <i>Absent from 2230 hrs to 2235 hrs</i> |
| Cr TOM McLEAN | North Ward – <i>Deputy Mayor</i> | <i>Absent from 2312 hrs to 2315 hrs</i> |
| Cr TRONA YOUNG | North-Central Ward | |
| Cr MARIE MACDONALD | Central Ward | |
| Cr GEOFF AMPHLETT | Central Ward | |
| Cr MICHELE JOHN | South-West Ward | <i>Absent from 2146 hrs to 2230 hrs</i> |
| Cr MIKE NORMAN | South-West Ward | |
| Cr SUE HART | South-East Ward | <i>to 2337 hrs; Absent from 2105 hrs to 2107 hrs</i> |
| Cr BRIAN CORR | South-East Ward | <i>Absent from 2046 hrs to 2048 hrs</i> |
| Cr RUSS FISHWICK | South Ward | <i>Absent from 0003 hrs to 0006 hrs</i> |
| Cr FIONA DIAZ | South Ward | <i>to 0030 hrs; Absent from 2315 hrs to 2320 hrs</i> |

Officers:

| | | |
|--------------------|---|---|
| MR GARRY HUNT | Chief Executive Officer | <i>Absent from 2312 hrs to 2314 hrs</i> |
| MR IAN COWIE | Director, Planning & Community Development: | |
| MR MIKE TIDY | Director, Corporate Services | <i>Absent from 2337 hrs to 0110 hrs</i> |
| MR MARTYN GLOVER | Director, Infrastructure Services | |
| MS GLENDA BLAKE | Acting Director, Governance & Strategy | <i>Absent from 2337 hrs to 0110 hrs</i> |
| MR MIKE SMITH | Manager, Governance & Strategy | <i>Absent from 2337 hrs to 0110 hrs</i> |
| MR CHRIS TERELINCK | Manager, Approvals, Planning & Environmental Services | <i>to 2337 hrs</i> |
| MS JULIE CHENG | Principal Legal and Compliance Advisor | <i>from 2237 hrs to 0110 hrs</i> |
| MR MARK McCRORY | Media Advisor | <i>to 2337 hrs</i> |
| MRS LESLEY TAYLOR | Administrative Secretary | |
| MRS ROSE GARLICK | Administrative Secretary | <i>Absent from 2337 hrs to 0110 hrs</i> |

In Attendance

Ms Margie Tannock, Senior Associate - Minter Ellison
Mr Lee Rossetto, Associate - Minter Ellison

from 2337 hrs to 0110 hrs
from 2337 hrs to 0110 hrs

There were 35 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 28 October 2008:

Mr Charles Page: Iluka:

Q1 *With regard to the draft Cats Local Law, does the City realise that without any research or statistics on the cat population, sterilisation rates etc., it has no base line to gauge the requirement for a cat law, no base line to gauge the outcome of that law and no base line for future review?*

A1 The City consulted with the community to gain its views on the proposed Local Law.

Q2 *Does the City realise that the community consultation on the draft Cat Law is not a substitute for research which would normally be undertaken in accordance with good governance procedures?*

A2 Policies and legislation are often based on a mix of evidence and belief. Evidence can be gained in a variety of ways.

Mr S Magyar, Heathridge:

Re Item CJ220-10/08:

Q1 *How does the City's reporting of environmental indicators compare to other local Governments in Western Australia?*

A1 The City has identified indicators which are relevant to its operations. It has not looked to copy or follow the lead of others.

Dr V Cusack, Kingsley:

Q1 *How many security patrol operators are employed in the City of Joondalup?*

A1 City Watch has six vehicles in total, with a maximum of five vehicles on the road at any one time. City Watch has 15 staff on the roster. Eight of these officers are employed full time. The remaining seven are employed on a permanent part time basis.

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

Mr K Robinson, Como:

Q1 *What is the document(s) and clause(s) that give rise to the entitlement to a payment for unused sick leave at the end of employment contracts for the CEO and Directors and former Director Infrastructure Management?*

A1 The current Certified Agreement 2005 clause 3 subject to the provisions of individual contracts. The provisions of the Certified Agreement 2005 do not apply to the CEO.

- Q2 *In the event that the entitlement arises from a provision in the City's EBA for salaried officers which member(s) of the Executive was responsible for recommending the EBA to Council?*
- A2 The officer responsible for presenting the report and recommendation to the Council was the CEO.
- Q3 *Did the member(s) of the Executive with responsibility for recommending to Council that the EBA be adopted by Council declare a Financial Interest at the Council meeting at which the EBA was adopted?*
- A3 The provisions of the Certified Agreement 2005 do not apply to the CEO.
- Q4 *If the member(s) of the Executive are entitled to the payment of a portion of their unused sick leave at the end of their contracts why wasn't a Financial Interest disclosed?*
- A4 See response to A3 above.
- Q5 *Did the report recommending to Council the adoption of the EBA for Salaried Officers include a comment that the EBA attached to the report had been voted on and supported by relevant employees.*
- A5 Reports are part of the minutes of meetings, which are available for viewing by the public.

Mrs M Zakrevsky, Mullaloo:

- Q1 *What was the City of Joondalup's (CoJ's) Whitfords/Westfield City shopfront rental cost for period 1st July 2007 to 30th June 2008?*
- A1 \$67,682.00 excluding GST.
- Q2 *What was the total cost of insurance, electricity, water usage, water rates & cleaning related to the CoJ's Whitfords/Westfield City shopfront for period 1st July 2007 to 30th June 2008?*
- A2 \$8,342.32 excluding GST. The City holds insurances for "Public Liability", "Property Liability", "Casual Hirers", "Contract Works" and "Municipal Workcare Scheme" which encompasses the entire organisation, therefore there is no specific cost associated to the Whitfords Customer Service Centre.
- Q3 *What is the lease period (date from...to date) for the relocated CoJ shopfront at Whitfords City/Westfield?*
- A3 13 May 2008 to 12 May 2011.
- Q4 *What was the cost of the fitout of the relocated CoJ shopfront at Whitfords City/Westfield?*
- A4 \$66,501 excluding GST.
- Q5 *What was the total cost of relinquishing the previous CoJ shopfront at Whitfords City/Westfield?*
- A5 Nil.

Mr K Zakrevsky, Mullaloo:

Q1 *What was the total dollar cost for legal representation at SAT hearings for period 1st July 2006 to 30th June 2007?*

A1 The following figure is indicative only as fees for 'legal representation at SAT hearings' cannot be isolated from the total fees billed in relation to a matter that was appealed to the Tribunal. \$ 80,400.

Q2 *What was the total dollar cost for legal representation at SAT hearings for period 1st July 2007 to 30th June 2008?*

A2 The following figure is indicative only as fees for 'legal representation at SAT hearings' cannot be isolated from the total fees billed in relation to a matter that was appealed to the Tribunal. \$ 12,500.

Q3 *What is the City of Joondalup total employee turnover (number of employee replacements) during the period 1st July 2007 to 30th June 2008?*

A3 Total voluntary separations for the period is 98.

Q4 *What is the aggregate (percentage) City of Joondalup employee turnover to total employee complement?*

A4 15.78% (calculated by dividing separations by total people (not FTE) in workforce.

Q5 *How many City of Joondalup employees left through reaching retirement age or health disability?*

A5 Five.

Mr R Van der Voorden, Joondanna:

Note: Mayor Pickard made reference to two questions submitted by Mr R Van der Voorden, Joondanna. He advised the procedures for Public Question Time at Council did not allow an opportunity for questions to be directed to the Council.

Therefore, with regard to Questions 1 and 3 the words "Council or" have been deleted.

Q1 *Is the CEO aware of any disillusionment amongst members of the Executive with the current direction and operations of the City?*

A1 No.

Q2 *If members of the Executive are disillusioned has that disillusionment arisen due to differences between the Executive and CEO or Executive and Mayor?*

A2 Not applicable.

Q3 *Is the CEO aware that members of the Executive maybe actively seeking alternative employment as a result of difficulties they have in dealing with the Mayor or CEO?*

A3 This is not the case.

Q4 *Has the Administration knowingly included false and misleading information in the annual report relating to the number of Council meetings attended in their entirety by elected members?*

A4 The City has not knowingly included any incorrect information within the 2007/08 Annual Report.

Q5 *Why was the factually incorrect and misleading information included by the Administration in the Annual Report that if left uncorrected would create a more favourable but deliberately misleading account of the organisation's operations during the year ending 30 June 2008?*

A5 See response to Question 4.

The following questions were submitted verbally at the Council meeting held on 25 November 2008:

Ms D McFetridge, Greenwood:

Q1 *Does the City believe that it is responsible in sustaining the practice of a shared use facility between Greenwood Primary School and Penistone Reserve?*

A1 *Response by Mayor Pickard:* The City's position is that it is a sustainable practice to share ovals with schools within the City. Council has not formed a view on this and the item will be considered later this evening.

In relation to those schools where the Council has previously gone into an arrangement, the report recommends shared use. In the instance of the Penistone area the City is acknowledging that there are other issues other than joint use. The City has no recommendation for the Council other than the Council adopting which ever option it wishes.

Q2 *Is the City aware of any major issues of the shared use proposal other than have been discussed with the Department of Education and Training?*

A2 The City is not aware of any issues of significance in relation to shared use of ovals.

Mrs D Kelly, Greenwood:

Re: CJ256-11/08 – Proposed Primary School in Greenwood – Shared Use Oval Option

Q1 *When do you expect the West Australian Planning Commission to answer the City, if at all, for public consultation on the design?*

A1 No response has been received as yet. The City is unable to respond to this question as it is in the hands of another party.

Q2 *If public consultation is voted for this evening, when will it go out to the public?*

A2 The City's approach to public consultation is that if there is insufficient time to advertise and receive public comments by 16 December 2008, then it will go out early in 2009.

Mr C Page, Iluka:

Re: CJ252-11/08 – Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine

Q1 *Regarding the proposed tavern at Hobsons Gate, Currambine has the City conducted an anti social impact study for Iluka and Currambine, and if so, where may copies be obtained?*

A1 *Response by Mayor Pickard:* There has been no study.

Q2 *Has consideration been given to the fact that the proposed tavern site is only a few metres from a known anti social hot spot extending from the fast food outlets and an underpass but has not been mentioned in Report CJ252-11/08?*

A2 The behavioural issues are matters of speculation and are not covered directly by the Planning Scheme. The report has been augmented with statistical information which is known about crime and anti social behaviour in the area for Elected Members' information.

Mr T Darby-Smith, Joondalup Business Association, Joondalup:

Q1 *Re Item CJ236-11/08 – 2009/10 Business & Community Directory – Joondalup Business Association - Is the City aware that the recommendation of this report does not address the JBA proposal in that there was no request for a financial contribution for the promotion of the Directory? This was an invitation to the City to participate in the Directory by subscription for advertising space as noted in the Executive Summary for inclusion of community and Council services information.*

A1 The basis of the report is the City's understanding of the submission and the City believes the report highlights that.

Q2 *Will the City please amend the motion to adopt Option 1 or Option 2 that will see the City of Joondalup information and services and local business advertising provided to the wider community in what has proven to be a popular and effective document which would also demonstrate Council support for its largest ratepayers.*

A2 *Response by Mayor Pickard:* This is a matter for Council to determine during debate on this Item.

Ms M Moon, Greenwood:

Q1 *In Item CJ256-11/08 is impact on the wider community or school community considered as merit?*

A1 Yes.

Q2 *Why is the City considering sharing an oval when this school already has an oval?*

A2 The current plans prepared by the Department of Education and Training do not have an oval.

Mr S Magyar, Heathridge:

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

A1 This question will be taken on notice.

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

A2 This question will be taken on notice.

PUBLIC STATEMENT TIME**Mr E Burton, Kingsley:**

Mr Burton spoke in relation to Item CJ256-11/08 – Proposed Primary in Greenwood – Shared Use Oval Option.

Mr I McLennan, Iluka:

Mr McLennan spoke in relation to Item CJ252-11/08 – Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine.

Mr C Page, Iluka:

Mr Page spoke in relation to Item CJ252-11/08 – Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine.

Mrs K Schenk, Greenwood:

Mrs Schenk spoke in relation to Item CJ256-11/08 - Proposed Primary in Greenwood – Shared Use Oval Option.

Ms M Moon, Greenwood:

Ms Moon spoke in relation to Item CJ256-11/08 - Proposed Primary in Greenwood – Shared Use Oval Option.

Mrs H Chester, Kingsley:

Mrs Chester spoke in relation to Item CJ256-11/08 - Proposed Primary in Greenwood – Shared Use Oval Option.

C70-11/08**EXTENSION OF PUBLIC STATEMENT TIME – [01122] [02154]**

MOVED Cr John, SECONDED Cr Corr that Public Statement Time be extended for a period of 15 minutes.

The Motion was Put and**CARRIED (12/0)**

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

Ms D McFetridge, Greenwood:

Ms McFetridge spoke in relation to Item CJ256-11/08 - Proposed Primary in Greenwood – Shared Use Oval Option.

Mr S Magyar, Heathridge:

Mr Magyar spoke in relation to the City of Joondalup logo and also in relation to the formation of Committees.

Mrs D Kelly, Greenwood:

Mrs Kelly spoke in relation to Item CJ256-11/08 - Proposed Primary in Greenwood – Shared Use Oval Option.

Mr S Dragicevich, Iluka:

Mr Dragicevich spoke in relation to Item CJ252-11/08 – Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine.

Ms H Watkinson, Kingsley:

Ms Watkinson spoke in relation to Item CJ256-11/08 - Proposed Primary in Greenwood – Shared Use Oval Option.

Mr J McKenna, Iluka:

Mr McKenna spoke in relation to Item CJ252-11/08 – Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine.

Mr J Hendry, Currambine:

Mr Hendry spoke in relation to Item CJ252-11/08 – Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine.

Ms C Knox, Greenwood:

Ms Knox spoke in relation to Item CJ256-11/08 - Proposed Primary in Greenwood – Shared Use Oval Option.

Mr J McGowan, Currambine:

Mr McGowan spoke in relation to Item CJ252-11/08 – Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine.

APOLOGIES AND LEAVE OF ABSENCE

Apology Cr Albert Jacob, JP.

Leave of Absence previously approved

Councillor Michele John
Mayor Troy Pickard

3 December 2008 – 12 December 2008 inclusive
9 December 2008

C71-11/08 REQUEST FOR LEAVE OF ABSENCE – CR TOM MCLEAN – [29610]

Cr Tom McLean has requested Leave of Absence from Council duties covering the period 1-5 December 2008 inclusive.

OFFICER'S RECOMMENDATION:

That Council APPROVES the request from Cr Tom McLean for Leave of Absence from Council duties covering the period 1 – 5 December 2008 inclusive.

Cr Tom McLean requested that the dates for his request be amended to 3 – 5 December 2008, inclusive.

MOVED Cr Hollywood, SECONDED Cr Hart that Council APPROVES the requests for leave of absence from Council duties covering the following dates:

Cr Tom McLean 3-5 December 2008 inclusive
Cr Trona Young 10-17 December 2008 inclusive

The Motion was Put and

CARRIED (12/0)

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

CONFIRMATION OF MINUTES**C72-11/08 MINUTES OF COUNCIL MEETING, 28 OCTOBER 2008**

MOVED Cr Fishwick, SECONDED Cr Norman that the Minutes of the Council Meeting held on Tuesday, 28 October 2008 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (12/0)

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

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**SWAN MAYOR - CHARLIE GREGORINI**

On behalf of the Council, I would like to pay tribute to City of Swan Mayor Charlie Gregorini, who tragically died in a tractor accident over the weekend.

Our condolences are with his family, friends and colleagues during his difficult time.

Mayor Gregorini played a major role in serving his local community and local government as an active and dedicated worker for more than 30 years. His tireless work and commitment to others will be sorely missed by all.

ONE MINUTE SILENCE

A minute's silence was observed as a mark of respect on the recent passing of City of Swan Mayor, Mr Charlie Gregorini.

CITY WINS NATIONAL AWARDS

The City of Joondalup took centre stage at the recent National Parks and Leisure Australia (PLA) Conference in Melbourne, winning two major awards.

The 2008 National PLA awards recognised leisure facilities, parks and open space developments and events or festivals which demonstrated excellence in their fields.

The City won the award categories, Management of Leisure Facilities and Management of Events and Festivals with the City's Leisure Centre, Craigie and the 2008 Joondalup Festival winning the respective accolades.

Winning the categories at both the State and National Awards highlights the outstanding facilities and services the City provides for its community.

These National accolades reinforce that the City of Joondalup is a leader in the Australian Local Government industry in terms of provision of leisure and cultural services.

On behalf of Council and the City I would like to thank the Chief Executive Officer and his team. Particularly Clayton Higham the relevant Director and Gavin Taylor the relevant Manager that looks after both of those areas. Congratulations to one and all.

FEDERAL FUNDING

The City of Joondalup will receive \$833,000 from the Federal Government under the Regional and Local Community Infrastructure Program, announced last week.

It was pleasing that Joondalup received the most funding of any of WA's 139 Local Governments, highlighting the challenges the City faces in developing and growing to become Perth's second CBD.

The City is already reviewing all of its projects to identify which will best benefit and suit the eligibility criteria for the funding and a further report is eminent.

AUSTRALIA DAY CITIZENSHIP AWARDS

The City is seeking nominations for the Premier's Australia Day Active Citizenship Awards.

Members of the public are encouraged to nominate a local resident or group deserving of recognition for their significant contribution to our community.

The three Award categories are outstanding community contribution by a local citizen, outstanding community contribution by a local citizen under 25 years of age and outstanding community contribution by a local group or community event

Nominations close on Friday, November 28 and forms and selection criteria are available online at www.ausdaywa.com.au

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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

| | |
|---------------------------|--|
| Name/Position | Cr Brian Corr |
| Item No/Subject | CJ238-11/08 - West Greenwood Underground Power Program – Report on Results of Community Consultation |
| Nature of interest | Financial Interest |
| Extent of interest | Cr Corr resides in the survey area |

| | |
|---------------------------|--|
| Name/Position | Cr Michele John |
| Item No/Subject | CJ247-11/08 - Underground Power – West Coast Drive – [06527] [08069] |
| Nature of interest | Financial Interest |
| Extent of interest | Cr John lives in the locality |

Disclosure of interest affecting impartiality

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

| | |
|---------------------------|---|
| Name/Position | Cr Geoff Amphlett |
| Item No/Subject | CJ252-11/08 - Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine – [77608] |
| Nature of interest | Interest that may affect impartiality |
| Extent of interest | Cr Amphlett previously played soccer for various clubs sponsored by the applicant. |

| | |
|---------------------------|---|
| Name/Position | Cr Michael Norman |
| Item No/Subject | CJ257-11/08 - Confidential Report – Legal Matter |
| Nature of interest | Interest that may affect impartiality |
| Extent of interest | Cr Norman is Chairman of Joondalup Community Coast Care Forum that has commented extensively on this issue. |

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

CJ257-11/08 CONFIDENTIAL REPORT – LEGAL MATTER

The Chief Executive Officer advised that the report had been provided to Elected Members under separate cover and would be dealt with behind closed doors, with limited officers being present.

PETITIONS**C73-11/08 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 25 NOVEMBER 2008****1 PETITION OBJECTING TO PAID PARKING IN JOONDALUP AND REQUEST FOR 'DROP OFF' ZONE, DAVIDSON TERRACE, JOONDALUP - [57618]**

A 100-signature petition has been received from the Directors, Practitioners, Staff and patients of Physical Solutions, Joondalup objecting to paid parking in Joondalup.

The petitioners request a free five (5) minute parking 'drop-off' zone in the vicinity of 17 Davidson Terrace, Joondalup to assist people dropping off or picking up patients and/or deliveries.

2 PETITION REQUESTING REMOVAL/RELOCATION OF THE MACNAUGHTON SKATE PARK, KINROSS – [09103]

Cr Hollywood tabled a 295-signature petition on behalf of electors of the City of Joondalup requesting the removal and possible relocation of the Kinross MacNaughton Skate Park due to continual vandalism and anti-social behaviour creating fear in the area and causing the degrading reputation of Kinross as a suburb, and the effect this will have on property values.

3 PETITION IN RELATION TO SHARED USE OF PENISTONE PARK – [29110]

Cr Corr tabled a 130-signature petition on behalf of Mr W Hutchinson, President of Kingsley and Greenwood Residents Association, representing the residents of the South to East Ward of the City of Joondalup, requesting Council to uphold the Council decisions on 5 August 2008, (CJ168-08/08) and 25 November 2008, (CJ256-11/08), in regard to any shared use by the Department of Education and Training of Penistone Park for the new Greenwood Primary school.

MOVED Cr Hollywood, SECONDED Cr Corr that the following Petitions be RECEIVED, referred to the CEO and a subsequent report presented to Council for information:

- 1 Petition objecting to paid parking in Joondalup;**
- 2 Petition requesting the removal and possible relocation of the Skatepark at MacNaughton Park, Kinross;**
- 3 Petition requesting Council to uphold the Council decisions on 5 August 2008, (CJ168-08/08) and 25 November 2008, (CJ256-11/08) for future shared use to be considered on their merits and Penistone Reserve be advertised for public comment.**

The Motion was Put and

CARRIED (12/0)

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

C74-11/08 CONSIDERATION TO CHANGE ORDER OF BUSINESS - [02154]

MOVED Cr Hart, SECONDED Cr Young that in accordance with Clause 14(4) of the City's Standing Orders Local Law 2005, that Items CJ256-11/08, CJ253-11/08 and CJ252-11/08 be considered as the first items within the Order of Business – 'Reports'.

The Motion was Put and

TIED (6/6)

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

There being an equal number of votes, the Presiding Person exercised his casting vote and declared the Motion **LOST**

CJ235-11/08 EXECUTION OF DOCUMENTS - [15876]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 15 October 2008 to 28 October 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.

| | |
|-----------------------|--|
| Document: | Section 70A Execution |
| Parties: | City of Joondalup and Peter Peou, O.G.G. Peou and M.A.G. da Silva |
| Description: | To restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 155 (3) Kinch Lane, Hillarys |
| Date: | 15.10.08 |
| Signed/Sealed: | Sealed |

| | |
|-----------------------|---|
| Document: | Deed of Surrender of Lease |
| Parties: | City of Joondalup and W A Planning Commission |
| Description: | The City of Joondalup, as lessee of property at Part Lot 20 (11) Bindaree Terrace, Kingsley, is to surrender its lease with the W A Planning Commission which expires on 31 August 2010 |
| Date: | 15.10.08 |
| Signed/Sealed: | Sealed |

| | |
|-----------------------|--|
| Document: | Section 70A Execution |
| Parties: | City of Joondalup and Christa Lange-Bate |
| Description: | To restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 429 (25) Galleon Road, Beldon |
| Date: | 21.10.08 |
| Signed/Sealed: | Sealed |

| | |
|-----------------------|---|
| Document: | Withdrawal of Caveat (Temporary) |
| Parties: | City of Joondalup, Silkchime P/L, Warwick Entertainment Centre P/L and Westpoint Management Ltd |
| Description: | Temporary Withdrawal of Caveat to permit registration of a Lease document – Lot 22 on Strata Plan 35175 – 639 Warwick Road, Warwick |
| Date: | 21.10.08 |
| Signed/Sealed: | Sealed |

| | |
|-----------------------|---|
| Document: | Deed of Agreement |
| Parties: | City of Joondalup, Westfield Management Ltd, Perpetual Trustee Co Ltd and Dexus Funds Management Ltd |
| Description: | Deed of Agreement to lease premises known as Shop 283 Westfield Whitford City Shopping Centre and agreement to make a contribution to the lessee's cost of fitting out the premises |
| Date: | 28.10.08 |
| Signed/Sealed: | Sealed |

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Macdonald, SECONDED Cr Mclean that Council NOTES the schedule of documents covering the period 15 October 2008 to 28 October 2008 executed by means of affixing the common seal.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item C77-11/08, Page 145 refers.

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

**CJ236-11/08 2009/10 BUSINESS AND COMMUNITY DIRECTORY -
JOONDALUP BUSINESS ASSOCIATION - [03082]
[00004]**

WARD: All

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

PURPOSE

For the Council to give consideration to the request from the Joondalup Business Association (JBA) to advertise in the 2009/10 Business and Community Directory.

EXECUTIVE SUMMARY

The JBA has advised the City that it has commenced the process for the publication of the 2009/10 Business and Community Directory. It has requested the City to contribute \$50,000 plus GST to the project. The City's contribution is by way of subscription for advertising space.

In 2000 the City produced its own Community Directory for the cost of \$32,000. In 2001 the Council resolved not to continue with the production of its own publication and contribute the funds

towards the production of a Business and Community Directory to be produced by the JBA. This relationship has continued to date (with the exception of 2007) in various forms.

The JBA has advised that for a financial contribution of \$50,000 the City would receive the following:

- Front Cover - Joint Branding (logo / graphics);
- Welcome message - Joint message including photographs of the Mayor of the City of Joondalup, President of the JBA and management of Community Newspaper Group;
- Allocated 32 pages of appropriate space that will allow a mix of information on City services and listings;
- Access to post distribution market research report; and
- 7,000 copies of the Directory for use in new resident and citizenship packs, libraries, recreation centres, customer service centres.

The City has a number of options available to it:

- Agree to the proposal as submitted by the JBA;
- Provide a financial contribution to the Joondalup Business Association of \$35,000 (plus GST), as per last year.
- Provide a reduced financial contribution to the Joondalup Business Association to the value of \$20,000.
- Endorse the concept of the Directory and provide support in the form of purchasing advertising space in the Directory, for example to the value of \$10,000 to promote the City.
- Undertake the production of its own printed Directory in conjunction with the existing White Pages and Yellow Pages advertising.

Reallocate the funding budgeted for the JBA Business Directory and increase its presence in Sensis Publications such as White Pages Directory and Online Business Directory for 2009/10.

- Agree to set up a City only Online Business Directory and not participate in the JBA Directory for 2009/10.

It is recommended that the City does not provide a financial contribution to the JBA for the promotion of its 2009/10 Business and Community Directory but offers the JBA relevant community information for inclusion in the Directory, at no cost to the City.

BACKGROUND

The JBA (when it was known as the North West Metro Association) produced a Business Directory in 1999, which included City related information at no cost to the City. In 2000, the City produced its own 16 page Council Services Directory that was distributed to every household.

In March 2001, the JBA approached the City to support a joint venture in producing a combined Business and Community Directory. The City at that time agreed to subscribe to the Directory to the value of \$32,000 to acquire 16 pages of City-related information and agreed to no longer produce its own Council Services Directory.

The City has continued to support the publication since that time with further amounts of \$32,000 for the 2001/02 and 2002/03 years. The City initially agreed to subscribe to the Directory for 2003/04 to the amount of \$32,000, but further agreed to increase its contribution by \$6,500 to secure the cover and inside cover of the publication. In 2005/06 the City contributed \$40,000 for relevant pages. The City did not subscribe to the Directory in 2007. For the current edition (2008) the City subscribed to the relevant advertising to the amount of \$35,000 to acquire 32 pages.

The publication has been running for numerous years and is still not making any profit.

The two previous decisions of the Council are as follows:

- Council meeting of 28 June 2005 – Item CJ124-06/05 refers:

“That:

- 1 *Council PROVIDES a financial contribution to the Joondalup Business Association (JBA), in accordance with the City’s budgeted amount of \$40,000 (plus GST), for the production of the 2005/06 Business and Community Directory subject to:*
 - (a) the City being allocated appropriate space for information pertaining to Council services (currently this is 21 full A4 pages) with the Community front and inside cover as per the 2004/05 publication;*
 - (b) the City having two representatives on the working party for the production of the Directory;*
 - (c) the City allocated editorial space and photograph for a joint message from the Mayor and JBA President at the front of both sides of the Directory;*
 - (d) the JBA commit to continuing to develop and improve the Directory’s content and its appeal to a wider audience including identification of new markets and extended distribution channels within the community for the Directory;*
 - (e) the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome and citizenship packs, libraries, recreation centres and customer service centres;*
 - (f) continued inclusion of Community organisation/groups listings and regional maps as supplied by the City at no cost to the City;*
 - (g) the JBA, at its cost, agreeing to undertake market research between four – six months from distribution to measure the impact of the Directory and report the findings back to the City;*
 - (h) the market research in (g) above is to:*
 - *be conducted by a recognised independent market research company, who is a member of the Market Research Society of Australia (MRSA) over a sample size of a minimum of 300 residents of the City of Joondalup;*
 - *be conducted no earlier than four months following distribution of the 2005/06 Business and Community Directory;*
 - *report on the publication as a whole and the individual components being the City of Joondalup services, community groups, maps and business display advertising,*
 - *measure the level of awareness, both prompted and unprompted of the Directory and each component;*

- *measure the level of readership/usage of the Directory and each component;*
 - *measure the perception of usefulness of those who had read or used the Directory and each component;*
 - *measure why those who had read or used the Directory, for what purposes and each component;*
- 2 *Council ADVISES the Joondalup Business Association that the funding detailed in (1) above is for the production of the 2005/06 Business and Community Directory only and is not an ongoing financial commitment for future productions of the Directory;*
- 3 *Expenditure in (1) above be charged to Account No. 1 510 3720 0001 9999 – Governance Corporate Costs, Printing;*
- 4 *Council CONTINUES to explore various appropriate promotional channels that would enable the City to communicate and promote relevant community based information to its residents, businesses and ratepayers;*
- 5 *the funding detailed in (1) above be conditional upon the 2005/06 Business and Community Directory containing no advertising or other such messages which encourages persons to vote for a particular candidate or a group of candidates at a future City of Joondalup local government election.”*
- Council meeting of 9 June 2007 – Item C34-06/07 refers:

“That Council SUPPORTS an allocation of up to \$35,000 for the insertion of information relating to the City in the Joondalup Business Association’s Annual Community and Business Directory.”

The City did not receive any advice on the requested market research following the 2005 agreement to fund.

DETAILS

The JBA has invited the City to participate in the 2009/10 Business and Community Directory by subscribing to advertising space for an amount of \$50,000 plus GST. For this subscription, the JBA has indicated that the City will receive 32 full colour pages, which includes:

- Front Cover- Joint Branding (logo / graphics)
- Welcome message - Joint message including photographs of the Mayor and President of the JBA and management of Community Newspaper Group
- Allocated 32 pages of appropriate space that will allow a mix of information on City services and community listings
- Access to post- distribution market research report
- 7,000 copies of the Directory for the use in new resident and citizenship packs, libraries, recreation centres and customer services centres.

The City has recently been informed that the JBA has a partnership arrangement with Community Newspaper Group for the 2009/10 Directory. Community Newspaper Group will join the JBA in committing resources and funds to provide project management for the publication.

The City has previously only ever committed to the required number of pages necessary to communicate relevant community related information. It was never intended that the City pay for the provision of maps and community listings, as it appears to indicate in the proposal. These inclusions have evolved at the request of the JBA to strengthen the publication. The 2008 edition contained approximately 20 pages of relevant City information; the City does not have the need for 32 pages.

The JBA has provided the following information relating to the promotion of the 2008 directory:

2008 – Edition

Cost of Sales

| | | |
|----------------------|------------|---------------------|
| JBA Member Discounts | \$8,134.22 | |
| | | <u>\$8,134.22</u> |
| Gross Profit | | \$149,052.53 |

Expenses

| | | |
|---|-------------|---------------------------|
| Bank Charges | \$83.30 | |
| Merchant Fees | \$1,000.00 | |
| Bookkeeping Fees | \$629.09 | |
| JBA Admin Costs | \$13,200.00 | |
| Brokerage/Project Management - Ocean Advertiser | \$57,154.60 | |
| Distribution | \$10,141.97 | |
| Design | \$9,000.00 | |
| Maps | \$4,505.00 | |
| Postage | \$343.27 | |
| Printing | \$55,518.00 | |
| | | <u>\$151,575.23</u> |
| Net Profit / (Loss) | | <u>-\$2,522.70</u> |

Upon examination of the publication it has been identified that there has been a dramatic decline in the number of businesses advertising in the Directory. The initial Directory of 2001/02 included 81 pages of business advertising; however the current Directory has only 40 pages of business advertising. The statistics for business advertising are as follows:

- 2001 460 businesses (253 adverts and 207 line adverts)
- 2002 291 businesses (190 adverts and 101 line adverts)
- 2003 186 businesses (150 adverts and 36 line adverts)
- 2004 178 businesses (169 adverts and 9 line adverts)
- 2005/2006 209 businesses (204 adverts and 5 line adverts)
- 2007 123 businesses (121 adverts and 2 line adverts)
- 2008 160 businesses (141 adverts and 19 line adds)

The JBA has provided the following predicted income and expenses for the 2009/10 directory:

INCOME

| | |
|-----------|--------------|
| Full Page | \$ 50,000.00 |
| 1/2 Page | \$ 50,000.00 |
| 1/4 Page | \$ 42,000.00 |
| 1/8 Page | \$ 30,000.00 |
| 1/16 Page | \$ 29,000.00 |

| | | |
|--|---------------------|---------------------|
| Business Listings | \$ 5,000.00 | |
| Business Park | \$ 8,000.00 | |
| Restaurants | \$ 8,000.00 | |
| City of Joondalup Contribution | \$ 50,000.00 | |
| Premium Pages | \$ 20,000.00 | |
| Interest | \$ 2,500.00 | |
| | \$294,500.00 | |
| Less - 10% Discount on Sales (JBA and CNG) | \$ 17,000.00 | |
| Total Estimated Income | \$277,500.00 | \$277,500.00 |

EXPENDITURE

| | | |
|--|---------------------|---------------------|
| Bank Charges | \$ 1,000.00 | |
| Merchant Fees | \$ 2,000.00 | |
| Book keepings and Accounting Fees | \$ 12,000.00 | |
| JBA Admin Costs | \$ 22,000.00 | |
| Prepress - Graphics - Pagination | \$ 42,500.00 | |
| Maps | \$ 6,000.00 | |
| Postage | \$ 2,000.00 | |
| Printing | \$112,000.00 | |
| Distribution | \$ 20,000.00 | |
| Community News Selling Cost - 20% of Advertising sales | \$ 58,000.00 | |
| Total Expenditure | \$277,500.00 | \$277,500.00 |

TOTAL INCOME/(LOSS)**\$0.00**

The rate card for the 2009/10 Business and Community Directory is as follows (excluding GST):

| | |
|----------------------|---------|
| Full Page | \$2,200 |
| ½ page | \$1,330 |
| ¼ Page | \$ 790 |
| 1/8 Page | \$ 480 |
| 1/16 Page | \$ 275 |
| Advertising category | \$ 160 |

JBA members are entitled to a 10% discount.

Issues and options considered:**Option 1**

That the City Agrees to the request as proposed by JBA.

Option 2

The City provides a financial contribution to the Joondalup Business Association of \$35,000 (plus GST), as per last year.

Option 3

Provide a reduced financial contribution to the Joondalup Business Association to the value of \$20,000.

The number of pages allocated to the City could be reduced to reflect the dollar contribution. It seems that in some of the allocated 32 pages, there would be pieces of information that are not City specific. These could be removed from the City's allocated pages.

Option 4

The City to endorse the concept of the Directory and provide support in the form of purchasing advertising space in the Directory, for example to the value of \$10,000 to promote the City.

Option 5

The City agrees not to advertise in 2009/10 Directory. The City undertakes the production of its own printed Directory containing City and community related information in conjunction with the existing White Pages and Yellow Pages advertising.

There are a range of ways in which the City can produce its own Directory:

- 1 Employ an external contractor to coordinate all details of the publication from selling advertisements to design and printing. Confirmation on size, quantity etc must be decided before the City can seek quotations.
- 2 Coordinate the Directory internally.

All costs that will need to be considered and determined are:

- Staffing Cost – collation and writing of information, designing of product
- Printing Cost
- Distribution Cost

Option 6

The City produces a Calendar of Events occurring within the City, including important dates and all relevant City information.

Estimated costing based on the production of the 10th year calendar.

- \$40,000 for printing
- \$35,000 distribution to all residents

Option 7

The City agrees to set up a City only Online Business Directory and not participate in the JBA Directory for 2009/10.

The Online Business Directory is a cost-effective method to provide up-to-date local business listings, displayed on the City's website. As with the printed Directory, all businesses in City of Joondalup will be displayed.

The key benefit to this option is that information can be kept current on a daily basis if appropriate City staffing is provided.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan as it relates to promoting the services provided by the City.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

The JBA request is for the City to contribute \$50,000 towards the 2009/10 Business and Community Directory. The City has a budget for general promotional activities.

Policy implications:

Not Applicable

Regional Significance:

The JBA Business Directory currently only reaches City of Joondalup residents.

Providing information through other promotional channels that are distributed outside the City (such as the Yellow Pages Local or an Online Business Directory) will increase the awareness of services to the broader community.

Sustainability implications:

The production of a Business and Community Directory would mean the need for only one publication to be produced and assist in providing valuable information to the community and businesses.

The development of an online Directory will be an environmentally friendly initiative and enable the information to be updated on a daily basis.

Consultation:

Not applicable.

COMMENT

The Directory has been produced for the last eight years and indications from the JBA are that it has never made a profit. When the Council agreed to fund the 2002/03 Directory, it was anticipated that future editions of the publication would be done so at a profit for the JBA. Contact was made with a number of local governments to determine their approach to Business Directories. The following provides a summary of the approaches:

City of Gosnells

The City of Gosnells rarely advertises in business directories as it finds them to date quickly and offer no financial return. The City of Gosnells has been slowly reducing the amount of Directory advertising state wide and nationally.

Shire of Broome

The Shire of Broome produces its own Directory. It is 340 pages full colour and A4. It contains business listings, community information and advertising. It was not cost effective for the Shire to produce it in house so they have tendered out the production for the last few years. The Shire does not have any distribution costs as its Directory is available at the local post office and Shire reception.

City of Canning

The City of Canning has been involved with a marketing company that sells the advertising and then prints the local Directory. There has been a decline in advertising which has resulted in a lower print run. The City of Canning has limited control over the advertising content and the overall look of the Directory due to it being outsourced.

The City has recommended that it not produce the Directory for 2009, and produce an annual calendar that will be delivered to all households and include the waste calendar and verge collection calendars.

City of Bunbury

The City of Bunbury contributes to a Business Directory produced by local newspapers and also produces a visitor's guide in house.

City of Stirling

The City of Stirling does not contribute to a Business Directory, however makes an annual financial contribution to the Stirling Business Association.

City of Wanneroo

The City of Wanneroo has advised that it does not make a contribution to a local Business Directory.

There may be more benefit for the City in producing its own community information related Directory or investigating other methods or products to effectively communicate community related information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple majority

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 DOES NOT provide a financial contribution to the Joondalup Business Association (JBA) for the promotion of its 2009/10 Business and Community Directory;**
- 2 OFFERS the JBA relevant community related information to be included within the 2009/10 Business and Community Directory, at no cost to the City.**

Discussion ensued.

AMENDMENT MOVED Mayor Pickard SECONDED Cr Amphlett that additional Points 3 and 4 be added to the Motion to read:

- “3 AGREES to advertise within the 2009/10 Joondalup Business Association Business and Community Directory to the value of \$10,000;**
- 4 INVESTIGATES the potential to create a City Services Guide to be distributed to every household within the City of Joondalup.”**

Discussion ensued.

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

AMENDMENT MOVED Mayor Pickard SECONDED Cr Amphlett that:

- “3 AGREES to advertise within the 2009/10 Joondalup Business Association Business and Community Directory to the value of \$10,000;”**

The Amendment was Put and

CARRIED (8/4)

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

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Amphlett that:

- “4 INVESTIGATES the potential to create a City Services Guide to be distributed to every household within the City of Joondalup.”**

The Amendment was Put and

CARRIED (11/1)

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

The Original Motion as amended, being:

That Council:

- 1 DOES NOT provide a financial contribution to the Joondalup Business Association (JBA) for the promotion of its 2009/10 Business and Community Directory;**
- 2 OFFERS the JBA relevant community related information to be included within the 2009/10 Business and Community Directory, at no cost to the City;**
- 3 AGREES to advertise within the 2009/10 Joondalup Business Association Business and Community Directory to the value of \$10,000;**
- 4 INVESTIGATES the potential to create a City Services Guide to be distributed to every household within the City of Joondalup**

Discussion ensued.

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

The Original Motion as amended, being:

That Council:

- 1 DOES NOT provide a financial contribution to the Joondalup Business Association (JBA) for the promotion of its 2009/10 Business and Community Directory.**

was Put and

CARRIED (9/3)

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

The Original Motion as amended, being:

That Council:

- 2 OFFERS the JBA relevant community related information to be included within the 2009/10 Business and Community Directory, at no cost to the City.**

was Put and

CARRIED (12/0)

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

The Original Motion as amended, being:

That Council:

- 3 AGREES to advertise within the 2009/10 Joondalup Business Association Business and Community Directory to the value of \$10,000.**

was Put and

CARRIED (9/3)

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

The Original Motion as amended, being:

That Council:

- 4 INVESTIGATES the potential to create a City Services Guide to be distributed to every household within the City of Joondalup**

was Put and

CARRIED (11/1)

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

CJ237-11/08 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2008 – [20560]

WARD: All

RESPONSIBLE A/DIRECTOR: Ms Glenda Blake
Governance and Strategy

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2008.

EXECUTIVE SUMMARY

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2008-2009. The Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2008 is shown as Attachment 1 to this report.

A Capital Works Overview Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this report.

It is recommended that Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 July - 30 September 2008 and the Capital Works Overview for the period 1 July - 30 September 2008.

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis.

DETAILS

Issues and options considered:

The 2008-2009 Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

The milestones being reported this quarter are the shaded sections of Attachment 1.

Link to Strategic Plan:

This item has a general link to the Strategic Plan through the Key Focus Area – Leadership and Governance.

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

A copy of the Annual Plan 2008-2009 was provided to Elected Members in September 2008.

This is the first time that a detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This report provides an overview of progress against all of the projects and programs.

The report includes a column which prescribes the *Percent completed on Site* and comments regarding the project progress. The majority of projects are in the planning stage, and consequently, the *Percent complete on Site* is zero. This is however typical at the first quarter in the Capital Works Cycle.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2008. |
| Attachment 2 | Capital Works Overview Report for the period 1 July – 30 September 2008. |

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Macdonald, **SECONDED** Cr McLean that Council **RECEIVES** the:

- 1 **Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2008 forming Attachment 1 to Report CJ237-11/08;**
- 2 **Capital Works Overview Report for the period 1 July – 30 September 2008 forming Attachment 2 to Report CJ237-11/08.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item C77-11/08, Page 145refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf181108.pdf](#)

Disclosure of Financial Interest

| | |
|---------------------------|--|
| Name/Position | Cr Brian Corr |
| Item No/Subject | CJ238-11/08 - West Greenwood Underground Power Program – Report on Results of Community Consultation |
| Nature of interest | Financial Interest |
| Extent of interest | Cr Corr resides in the survey area |

Cr Corr left the Chamber, the time being 2046 hrs.

CJ238-11/08 WEST GREENWOOD UNDERGROUND POWER PROGRAM - REPORT ON RESULTS OF COMMUNITY CONSULTATION – [04396]

WARD: South-East

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To report to Council on the results of a community consultation process involving property owners in West Greenwood about a proposal to have underground power delivered to their homes and businesses through the State Government's Underground Power Program.

BACKGROUND

The Underground Power Program (a partnership between the Government of Western Australia, Western Power and Local Government) began in 1996 following a period of extensive power outages resulting from storm damage to overhead power networks. State funding for this Program is limited and West Greenwood was one of 89 areas selected to be considered for an underground power project. However, final selection for the Project will be dependent on the willingness of a

significant majority of property owners to contribute to the cost. Therefore, the purpose of the consultation was to identify the extent of owners' preparedness to make that contribution.

DETAILS

Given the cost implication that the proposal entails, it was important to ensure that surveys were distributed to the owner of every property in the designated area. To facilitate a high rate of return, prepaid envelopes were supplied with the surveys. Of the 972 mailed out, 471 were completed and sent back to the City resulting in a 48% return rate. In general, a return rate of 20% is considered acceptable and valid.

The results of analysing the returned surveys are summarised in the tables below and in the order in which questions were put to the public.

Favour installation of underground power in the area

| Response | No. of people | Percent |
|--------------------------|---------------|--------------|
| Yes | 282 | 59.9 |
| No | 176 | 37.4 |
| Preference not indicated | 13 | 2.8 |
| TOTAL | 471 | 100.0 |

Prepared to contribute approximately \$5,850 toward installation

| Response | No. of people | Percent |
|-----------------------------|---------------|--------------|
| Yes | 168 | 35.7 |
| No | 292 | 62.0 |
| Preparedness not identified | 11 | 2.3 |
| TOTAL | 471 | 100.0 |

Repayment option preferred

| Response | No. of people | Percent |
|--|---------------|--------------|
| One payment first year | 99 | 21.0 |
| 16 payments over 4 years with interest | 86 | 18.3 |
| Option not selected | 286 | 60.7 |
| TOTAL | 471 | 100.0 |

Preferred lighting colour

| Response | No. of people | Percent |
|---------------------------|---------------|--------------|
| Yellow | 67 | 14.2 |
| White | 222 | 47.1 |
| Preference not identified | 182 | 38.6 |
| TOTAL | 471 | 100.0 |

62% (292 individuals) were not prepared to contribute to the cost of installing underground power, despite nearly 60% (282 individuals) being in favour of installation. 60 people also took time to write comments on their completed surveys and in a number of cases included letters on the matter. Given that there are still a number of sites in the City of Joondalup which may be considered for nomination to the Underground Power Program in future, it is pertinent to summarise the content of these submissions at this time.

Of the comments/letters received, the majority felt the required contribution was too expensive, whether as an upfront payment or by instalment. Most identified themselves as pensioners or low income households and also expressed concerns that cheaper payment options or discounts were not available to them. Some also queried the City's contribution to the overall costs of the project.

Issues and options considered:

In light of the feedback received from the community, Council may decide to pursue one of the following options.

Option One Progress the application for the Underground Power Project for West Greenwood.

This option is not recommended given the lack of support for the project at this time.

Option Two Consider revising the contribution payable by the owners of properties in West Greenwood with the intention of reducing the cost burden on the community and thus increasing levels of community acceptance of and support for, the project.

This option is not recommended as it would require all of the City's ratepayers to specifically support a project which will have specific benefits for the values of properties in West Greenwood.

Option Three Do not pursue the application for underground power for West Greenwood.

This option is recommended based on the community feedback.

Link to Strategic Plan:

Key Focus Area: Leadership and Governance
Objective: To engage proactively with the community
Outcome: The City acts with a clear understanding of the wishes of the community

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

In the event that Council decides to pursue Option Three, an opportunity for the installation of underground power will be lost to the community. As financial concerns have been a significant disincentive for residents, consideration could be given to encouraging higher contribution levels from the State Government and Western Power for future projects.

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

As identified in report

COMMENT

A detailed information package was distributed to households along with the survey. The survey responses indicated that whilst approximately 60% of respondents favoured the installation of underground power, only 35% of respondents were prepared to contribute the cost of \$5,850 towards the installation.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hart, SECONDED Cr Fishwick that Council:

- 1 **NOTES** the feedback provided by the community as a result of the consultation process and **THANKS** the community for this feedback;
- 2 **APPROVES** Option Three and informs Western Power that the City will not be proceeding with the application for underground power in West Greenwood based on the community feedback.

The Motion was Put and

CARRIED (11/0)

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

Cr Corr entered the Chamber, the time being 2048 hrs.

CJ239-11/08 MINUTES OF EXTERNAL COMMITTEE - [02416]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of the North West Regional Road Sub Group held on 13 October 2008
- Meeting of Mindarie Regional Council held 23 October 2008

ATTACHMENTS

- Attachment 1 Minutes of Meeting of the North West Regional Road Sub Group held on 13 October 2008
- Attachment 2 Minutes of Meeting of the Mindarie Regional Council held on 23 October 2008

(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Macdonald, SECONDED Cr McLean that Council NOTES the minutes of the meeting of the:

- 1 North West Regional Road Sub Group held on 13 October 2008 forming Attachment 1 to Report CJ239-11/08;**
- 2 Mindarie Regional Council held on 23 October 2008 forming Attachment 2 to Report CJ239-11/08.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item C77-11/08, Page 145 refers.

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

To access this attachment on the electronic document, click here:

[externalminutes181108.PDF](#)

CJ240-11/08 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 23 OCTOBER 2008 – [00906]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Sustainability Advisory Committee was held on 23 October 2008.

The items of business that was considered by the Committee included:

- Item 1 Resignation from the Sustainability Advisory Committee
- Item 2 Floodlighting at Sports Venues

- Item 3 Timing of Street Lighting Operations within the City of Joondalup
- Item 4 Stormwater Outfalls and Septic Tanks within the City of Joondalup
- Item 5 Sustainability Advisory Committee – Workshop – 23 October 2008

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 23 October 2008 forming Attachment 1 to this Report;*
- 2 *NOTES the resignation of Ms Janina Pezzarini and thanks her for her contribution to the Committee;*
- 3 *BY AN ABSOLUTE MAJORITY, APPOINTS Mr John Rule to the Sustainability Advisory Committee;*
- 4 *AGREES to set the following 2009 meeting dates for the Sustainability Advisory Committee to be held at 6.00 pm in the Joondalup Civic Centre, Boas Avenue, Joondalup:*

Thursday 19 February 2009
Thursday 16 April 2009
Thursday 18 June 2009
Thursday 20 August 2009

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;
 - (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 23 October 2008 are shown below, together with officer's comments.

1 Resignation from the Sustainability Advisory Committee

“That the Sustainability Advisory Committee RECOMMENDS that Council:

- 1 ACCEPTS the resignation of Ms Janina Pezzarini;

- 2 NOMINATES Mr John Rule as the replacement member on the Sustainability Advisory Committee.”

Officer's Comment

Mr John Rule is an economist by training and has an extremely wide knowledge of all levels of government. He is now retired and in his former roles over the past 30 years he was the Head of the Department of Society and Environment at various State Government High Schools.

The Council has three options:

- 1 appoint Mr Rule based on advice from SAC;
- 2 correspond directly with interest groups; or
- 3 advertise the vacancy to the broader community.

2 Floodlighting at Sports Venues

“That the Sustainability Advisory Committee SUPPORTS the decisions made by Council namely:

- 1 NOTES the information on floodlighting contained in Report CJ175-09/08 forming Attachment 1 to this Report and in particular, that:
 - floodlights are switched on in response to booking requests;
 - floodlights are switched off 30 minutes after training times conclude;
 - clubs contribute to the cost of floodlighting through their hire fees;
- 2 NOTES that the Clubs in Focus program will continue to educate club officials about the need for, and benefit of, reducing floodlighting times and energy consumption at sporting facilities.”

Officer's Comment

No comment.

3 Timing of Streetlighting Operations within the City of Joondalup

“That the Sustainability Advisory Committee:

- 1 RECEIVES Report CJ197-09/08 - Timing of Street Lighting Operations within the City of Joondalup forming Attachment 1 to this Report;
- 2 ADVISES the Council that LED lighting technology is advancing rapidly and REQUESTS Council to liaise with the Western Australian Local Government Association and Western Power to trial LED street lighting within the City of Joondalup when suitable technology is available.”

Officer's Comment

Recommendation 2 from the Sustainability Advisory Committee is not being recommended to Council given that Council received a report at its meeting on 5 August 2008, (CJ152-08/08 – Energy Efficient Street Lighting Recommendations from the Sustainability Advisory Committee) which included two recommendations requesting the City write to WALGA regarding improvements to energy efficiency and to all State Politicians. As the City is currently dealing with responses from these first set of letters it would be premature at this point to write a subsequent letter to

WALGA without adding confusion. Officers will take the issue of LED lighting technology forward in discussions with WALGA, Western Power and State Politicians as a matter of course.

4 Stormwater Outfalls and Septic Tanks within the City of Joondalup

“That the Sustainability Advisory Committee:

- 1 NOTES Report CJ177-09/08 - Stormwater Outfalls and Septic Tanks forming Attachment 1 to this Report;
- 2 NOTES the decisions made by Council namely;
 - (a) NOTES:
 - (i) the progress that has occurred with addressing stormwater outfalls in the Yellagonga Regional Park;
 - (ii) the progress that has occurred with addressing stormwater outfalls along the coast;
 - (iii) the significant costs associated with upgrading stormwater outfalls and converting septic tanks to deep sewage;
 - (iv) the quality of water in the City’s coastal areas according to the Department of Health’s testing is not being adversely affected by septic tanks;
 - (v) the Water Corporation has completed its sewage infill program in the coastal areas of Joondalup;
 - (b) NOTES that the City is writing again to the Water Corporation to encourage it to progress the Infill Sewage Program in Kingsley;
 - (c) NOTES that the City is examining the cost of connecting the septic tanks at the surf life saving clubs and other smaller installations along the coast, and determining if there are potentially any grants available that could largely cover the associated costs;
 - (d) NOTES that the City is seeking external funding opportunities to address all stormwater outfalls and septic tanks identified within the City’s plans;
 - (e) NOTES that the City is seeking advice from the Swan Catchment Council on its future plans in relation to stormwater outfalls and septic tanks.”

Officer’s Comment

No comment.

5 Sustainability Advisory Committee - Proposed Meeting Dates for 2009

“That the Sustainability Advisory Committee:

- 1 SETS the following 2009 meeting dates to be held at 6.00 pm in the Joondalup Civic Centre, Boas Avenue, Joondalup:

Thursday, 19 February 2009

Thursday, 16 April 2009

Thursday, 18 June 2009

Thursday, 20 August 2009

- 2 HOLDS workshops as required to deal with the complexities of sustainability.”

Officer's Comment

Recommendation 2 requesting Council to endorse the holding of workshops as required is not being supported by Officers. Workshops do not form part of the Standing Orders that guide the role and conduct of Advisory Committees, and such activities should be undertaken outside of formal procedures, particularly given the resources required by the City to facilitate such requests. Should Committee Members wish to conduct workshops then they are required to seek Council endorsement and be required to self manage such requirements.

An Advisory Committee meeting with several items on the agenda can cost approximately \$5,000. This covers the cost of preparation and review of reports, and administration. This cost will fluctuate depending on the nature of the reports required. Should Council decide to support additional meetings which involve City officers, further costs will be incurred along the same lines. It should also be noted that the City has limited capacity to support additional meetings.

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

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 23 October 2008.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Corr, SECONDED Cr Norman that Council:

- 1 **NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 23 October 2008 forming Attachment 1 to Report CJ240-11/08;**
- 2 **NOTES the resignation of Ms Janina Pezzarini and thanks her for her contribution to the Committee;**
- 3 **APPOINTS Mr John Rule to the Sustainability Advisory Committee;**
- 4 **AGREES to set the following 2009 meeting dates for the Sustainability Advisory Committee to be held at 6.00 pm in the Joondalup Civic Centre, Boas Avenue, Joondalup:**

Thursday 19 February 2009
Thursday 16 April 2009
Thursday 18 June 2009
Thursday 20 August 2009

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (12/0)**

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf181108.pdf](#)

CJ241-11/08 ESTABLISHMENT OF ADVISORY COMMITTEES - COMMUNITY SAFETY AND CRIME PREVENTION COMMITTEE; STREETSCAPE ADVISORY COMMITTEE – [02153]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

For the Council to give consideration to establishing a:

- Community Safety and Crime Prevention Advisory Committee; and
- Streetscape Advisory Committee.

EXECUTIVE SUMMARY

The Council at its meeting held on 28 October 2008 agreed for a report to be prepared to establish the following advisory committees:

- Community Safety and Crime Prevention; and
- Streetscape.

The Local Government Act 1995 allows the Council to establish committees comprising various persons.

It is proposed to establish both committees with clearly defined and agreed terms of reference with a membership of four (4) elected members and eight (8) community representatives.

BACKGROUND

The Council at its meeting held on 28 October 2009 resolved to:

“Request the Chief Executive Officer to prepare a report on the establishment of:

- 1 *a Community Safety and Crime Prevention Advisory Committee consisting of community representatives and Elected Members to provide advice to Council on community safety and crime prevention issues; and*
- 2 *a Streetscape Advisory Committee consisting of community representatives and Elected Members to provide advice to Council on local streetscape amenity including, but not limited to, street trees, verges and medians.”*

The resolution of the Council was as a result of a notice of motion submitted by Mayor Pickard. In support of the motion the Mayor provided the following reasons:

“Community safety, crime prevention and streetscape amenity have a direct impact on the daily lives of residents within the City. It is envisaged that the proposed two Advisory Committees would operate similarly to the existing Advisory Committees within the City and provide relevant advice to Council on matters within their terms of reference.

It is suggested that membership of the two proposed Advisory Committees consist of Elected Members, representatives of resident and ratepayer Associations and residents and ratepayers whose experience and expertise is aligned with a particular Committee.

The establishment of a Community Safety and Crime Prevention Advisory Committee and Streetscape Advisory Committee would provide an opportunity for Council to actively engage with the community on issues and initiatives that directly relate to safety, crime prevention and streetscapes within the City, providing Council with direction on these important aspects that directly affect residents and ratepayers within the City.”

The Council has a number of advisory committees established to assist it with its decision making process.

DETAILS

If the Council were to establish the advisory committees, the following structure could be applied: -

Community Safety and Crime Prevention Advisory Committee

Terms of Reference

- To provide advice to the Council on community safety and crime prevention issues;
- To assist the Council in developing a strategic approach to ensure the safety and well being of the wider community of the City of Joondalup.

Membership

The Committee will consist of the following members, to be determined by the Council:

- Four (4) Elected Members
- Eight (8) Community Representatives (demonstrating interest and expertise in community safety and crime prevention).

It is suggested that, instead of adding to the membership of the committee, experts in the field be invited to meetings when required, such invitees to include:

- Western Australian Police;
- Department of Child Services;
- Department of Housing and Works;
- Department of Education.

Meeting Frequency

The Community Safety and Crime Prevention Advisory Committee shall not convene more than 4 ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

Streetscape Advisory Committee

Terms of Reference

- To provide advice to the Council on local streetscape amenity such as street trees, verges and medians;

- To assist the Council with the establishment of themed planting on road reserves to bolster the identity of our neighbourhoods.

Membership

The Committee will consist of the following members, to be determined by the Council:

- Four (4) Elected Members
- Eight (8) Community Representatives.

Meeting Frequency

The Streetscape Advisory Committee shall not convene more than 4 ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

In order to seek nominations from suitable community representations, advertisements will be placed in the local paper and direct correspondence will be sent to relevant ratepayer /residents groups and other relevant community groups.

Issues and options considered:

The Council has the following options:

1. Agree to establish one or both of the advisory committees as recommended;
2. Not agree to establish the committees;
3. Agree to establish the committees in a different format.

Link to Strategic Plan:

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

Strategies

5.4.1 The City develops and implements a Community Safety Plan.

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

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

Outcome

Public perceptions of City safety programs remain high or increase.

- 4.2 Objective: To progress a range of innovative and high quality urban development projects within the City.

Strategy

4.2.7 The City provides technical support for externally driven infrastructure projects that are undertaken within the City.

Outcome

Projects are completed on time, within budget and reflect the interests of the community.

Legislation – Statutory Provisions:

The Local Government Act 1995 states:

5.8. Establishment of committees

A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.*

** Absolute majority required.*

5.9. Types of committees

*(1) In this section — **other person** means a person who is not a council member or an employee.*

(2) A committee is to comprise —

- (a) council members only;*
- (b) council members and employees;*
- (c) council members, employees and other persons;*
- (d) council members and other persons;*
- (e) employees and other persons; or*
- (f) other persons only.*

The legislation allows the Council to delegate certain powers to certain committees. It is not recommended that either of these committees be delegated any powers.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

If the intention is to appoint non council members to these committees, then it will be necessary to place relevant advertisements in the local paper, and write to relevant community and other interested groups.

It should be noted that an Advisory Committee meeting with several items on the agenda can cost approximately \$5,000. This covers the cost of preparation and review of reports, and administration. This cost will fluctuate depending on the nature of the reports required. Should Council decide to support additional meetings which involve City officers, further costs will be incurred along the same lines. It should also be noted that the City has limited capacity to support additional meetings.

Policy Implications:

The Council has an adopted Governance Framework which provides the following information relating to advisory committees: -

“The role of the Advisory Committees facilitates greater community consultation in accordance with the Local Government Act 1995. Advisory Committees comprise community representatives and are resourced by the City.

Advisory Committees provide Council with the opportunity to obtain the views of community representatives and enable elected members to network with a wide range of community representatives on issues of common interest. The opportunity to obtain such view serves to assist elected members to address strategic issues and priorities.

In effect, the Advisory Committees act as advisory bodies to Council by enabling the community to have a clearly defined mechanism for communication with Council. Advisory Committees are able to make recommendations to the Council as part of the decision making process. Prior to these recommendations being submitted to the Council, as part of the CEO’s role in advising the Council, the CEO will ensure officers of the City provide professional advice and may present alternative recommendations to those submitted by the Committees in the report to Council.”

Regional Significance:

The issues that these committees will consider in providing advice to the Council are not isolated to the City of Joondalup, in particularly the issue of community safety and crime prevention. Adjoining local governments have established similar committees.

Sustainability Implications:

Dealing with matters relating to community safety and crime prevention will have an impact on the social sustainability of the City of Joondalup. Improvements in this area can impact on the life-enhancing condition within communities. Social sustainability is a positive condition marked by a strong sense of social cohesion, and equity of access to key services (including health, education, transport, housing and recreation).

Consultation:

Not applicable.

COMMENT

Effective working advisory committees can support the Council’s decision making process, however they can also be a drain on operational resources if they operate without clear direction or purpose.

If these suggested advisory committees are established by the Council, a clear set of terms of reference must be agreed to and focussed on by the group.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 ESTABLISHES the Community Safety and Crime prevention Advisory Committee to:
 - provide advice to the Council on community safety and crime prevention issues;
 - assist the Council in developing a strategic approach to ensure the safety and well being of the wider community of the City of Joondalup.

Membership:

The Committee will consist of the following members, to be determined by the Council:

- Four (4) Elected Members;
- Eight (8) Community Representatives (demonstrating interest and expertise in community safety and crime prevention).

Meeting Frequency

The Community Safety and Crime Prevention Advisory Committee shall not convene more than 4 ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

- 2 ESTABLISHES the Streetscape Advisory Committee to:
 - provide advice to the Council on local streetscape amenity such as street trees, verges and medians;
 - assist the Council with the establishment of themed planting on road reserves to bolster the identity of our neighbourhoods.

Membership

The Committee will consist of the following members, to be determined by the Council:

- Four (4) Elected Members
- Eight (8) Community Representatives.

Meeting Frequency

The Streetscape Advisory Committee shall not convene more than 4 ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

- 3 REQUESTS the CEO to advertise for the relevant community representatives on the Community Safety and Crime Prevention Advisory Committee and the Streetscape Committee and report back to the Council for its consideration of appointment of representatives at its meeting to be held on 17 February 2009.

MOVED Mayor Pickard, SECONDED Cr Macdonald that Council:

- 1 **BY ABSOLUTE MAJORITY, ESTABLISHES the Community Safety and Crime prevention Advisory Committee to:**
- provide advice to the Council on community safety and crime prevention issues;
 - assist the Council in developing a strategic approach to ensure the safety and well being of the wider community of the City of Joondalup.

Membership:

The Committee will consist of the following members, to be determined by the Council:

- Four (4) Elected Members;
- Eight (8) Community Representatives comprising individuals from ratepayer and residents associations or individuals residing within the City who have expertise in community safety and crime prevention.

Meeting Frequency

The Community Safety and Crime Prevention Advisory Committee shall not convene more than two (2) ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

- 2 **BY AN ABSOLUTE MAJORITY, ESTABLISHES the Streetscape Advisory Committee to:**
- provide advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians;
 - assist the Council with the establishment of themed planting on road reserves to bolster the identity of our neighbourhoods.

Membership

The Committee will consist of the following members, to be determined by the Council:

- Four (4) Elected Members
- Eight (8) Community Representatives comprising individuals from ratepayer and residents associations or individuals residing within the City who have expertise in streetscape design.

Meeting Frequency

The Streetscape Advisory Committee shall not convene more than two (2) ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

- 3 REQUESTS the CEO to advertise for the relevant community representatives on the Community Safety and Crime Prevention Advisory Committee and the Streetscape Committee and report back to the Council for its consideration of appointment of representatives at its meeting to be held on 17 February 2009.

Discussion ensued.

AMENDMENT MOVED Cr Young, **SECONDED** Cr John that the words “or demonstrated interest” be inserted after the word “expertise” in the composition of both the Community Safety and Crime Prevention Advisory Committee and the Streetscape Advisory Committee membership.

The Amendment was Put and

CARRIED (12/0)

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

Discussion ensued

Cr John foreshadowed her intention to move an alternate Motion should the Motion under consideration not be successful.

Cr Hart left the Chamber at 2105 hrs and returned at 2107 hrs.

AMENDMENT MOVED Cr McLean, **SECONDED** Mayor Pickard that an additional Point 4 be added to the Motion to read:

“4 a review of the two Advisory Committees be submitted to Council 12 months after their establishment.”

Discussion ensued

The Amendment was Put and

CARRIED (12/0)

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

The Original Motion as amended, being:

That:

- 1 Council **ESTABLISHES** the Community Safety and Crime prevention Advisory Committee to:
- provide advice to the Council on community safety and crime prevention issues;
 - assist the Council in developing a strategic approach to ensure the safety and well being of the wider community of the City of Joondalup.

Membership:

The Committee will consist of the following members, to be determined by the Council:

- Four (4) Elected Members;
- Eight (8) Community Representatives comprising individuals from ratepayer and residents associations or individuals residing within the City who have expertise or demonstrated interest in community safety and crime prevention.

Meeting Frequency

The Community Safety and Crime Prevention Advisory Committee shall not convene more than two (2) ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

2 Council ESTABLISHES the Streetscape Advisory Committee to:

- provide advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians;
- assist the Council with the establishment of themed planting on road reserves to bolster the identity of our neighbourhoods.

Membership

The Committee will consist of the following members, to be determined by the Council:

- Four (4) Elected Members
- Eight (8) Community Representatives comprising individuals from ratepayer and residents associations or individuals residing within the City who have expertise or demonstrated interest in streetscape design.

Meeting Frequency

The Streetscape Advisory Committee shall not convene more than two (2) ordinary meetings each between the months of February and November of each calendar year. Special meetings of the advisory committee may be held in accordance with the Standing Orders Local Law.

- 3 Council REQUESTS the CEO to advertise for the relevant community representatives on the Community Safety and Crime Prevention Advisory Committee and the Streetscape Committee and report back to the Council for its consideration of appointment of representatives at its meeting to be held on 17 February 2009;**
- 4 a review of the two Advisory Committees be submitted to Council 12 months after their establishment.**

Was Put and

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

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

CJ242-11/08 TRADING IN PUBLIC PLACES AMENDMENT LOCAL LAW 2008; LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW 2008 REPORT ON COMMUNITY CONSULTATION – [61618] [12950]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To report on the findings of the community consultation processes undertaken with respect to incorporating smoking prohibitions in two Local Laws; the *Trading in Public in Public Places Amendment Local Law 2008*; and the *Local Government and Public Property Amendment Local Law 2008*.

BACKGROUND

At the Meeting of 15 April 2008 (CJ053 – 04/08 refers), Council resolved to agree in principle to introducing a smoking ban within alfresco dining areas throughout the City of Joondalup and supported drafting a Local Law Amendment that involved a ban across the entire local government area and included offences for both proprietors and individuals.

A draft *Trading in Public Places Amendment Local Law 2008* was presented for consideration at Council on 10 June 2008 (CJ096 – 06/08) with the following purpose and effect:

The purpose of this local law is to prohibit the act of smoking in outdoor dining areas that are situated on public property within the City of Joondalup.

The effect of this local law is that patrons to restaurants and cafes within the City of Joondalup will be prohibited from smoking in licensed outdoor dining areas situated on public property.

To extend smoking prohibitions to include the entrances of City owned buildings, Council resolved to request a report to enable further amendments to the draft Amendment Local Law. Subsequently, the report to Council identified the need to amend two Local Laws to achieve the full extent of the desired prohibitions. The other Amendment Local Law was the *Local Government and Public Property Amendment Local Law 2008* with the following purpose and effect:

The purpose of this Amendment Local Law is to prohibit the act of smoking within 5 meters of the entrances, exits and apertures of all City-owned buildings within the City of Joondalup.

The effect of this Local Law is that a system for prohibiting smoking within 5 meters of the entrances, exits and apertures of all City-owned buildings will be operational.

On 15 July 2008 (*CJ121 – 07/08 refers*), Council decided to progress the Local Government and Public Property Amendment Local Law 2008 and the Trading in Public Places Amendment Local Law 2008 authorising a six-week public consultation period on both draft Local Laws.

The advertisement for the public consultation was published in the state newspaper on Saturday 16 August 2008 and subsequently in the two local newspapers.

To coincide with the appearance of the first advertisement, posters were placed in all the City's libraries and at the Customer Service Centres in the Whitford City Shopping Centre and the City's Administration Centre, Boas Avenue, Joondalup. For the duration of the consultation, which closed on 30 September 2008, Public Notices on the City's website carried links to online surveys and the electronic copies of the proposed Local Laws.

Letters and copies of the proposed Local Laws were sent to stakeholders including restaurants, cafes and pubs for their consideration. The mailing lists also included local residents' and ratepayers' associations, the Minister for Health, Action on Smoking and Health, the Heart Foundation and the Cancer Council.

DETAILS

The feedback on each proposed Amendment Local Law will be provided separately.

Trading in Public Places Amendment Local Law 2008

In total, 33 surveys were received by the closing date of 30 September 2008. Thirty people returned hard copies of the survey using the prepaid envelopes supplied in the mailout and 3 completed the online version of the survey at the City's website. 82% supported the Amendment Local Law and most surveys (9) were returned from Joondalup, the area in which the Local Law is to be applied.

Qualitative (non numeric) feedback on the surveys indicated some concern about members of the public, or customers, who smoke, noting in one instance that alfresco areas had developed "to replace non-smoking areas in restaurants and...[to]...permit people who choose to smoke and enjoy a coffee/meal etc to do so".

Local Government and Public Property Amendment Local Law 2008

In total, 41 surveys were received by the closing date. 37 people used the online survey facility and the remainder were hard copies. 95% supported the Amendment Local Law. As with the Trading in Public Places Amendment Local Law, most surveys (11) were returned from Joondalup. With respect to this Local Law, qualitative feedback was unambiguous with strong negativity toward smoking behaviours and support for introducing it.

Feedback from the Minister for Health, Action on Smoking and Health, the Heart Foundation and the Cancer Council was strongly supportive.

Issues and options considered:

Trading in Public Places Amendment Local Law 2008

- Option 1: Adopt the Amendment Local Law
- Option 2: Make minor changes to the proposed Amendment Local Law prior to adoption
- Option 3: Do not adopt the Amendment Local Law

Local Government and Public Property Amendment Local Law 2008

- Option 1: Adopt the Amendment Local Law
- Option 2: Make minor changes to the proposed Amendment Local Law prior to adoption
- Option 3: Do not adopt the Amendment Local Law

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Relevant Legislation:
Local Government Act 1995 – section 3.12

Risk Management considerations:

The Department of Local Government and Regional Development advised the City that the Joint Standing Committee on Delegated Legislation may have concerns with the *Trading in Public Places Amendment Local Law* in that it imposes liability on a proprietor for the unlawful behaviour of another. The City does not consider this to be a risk given that the Standing Committee has already accepted the City of Fremantle's Amendment Local Law which included the same offence.

Concerns that businesses would not support the *Trading in Public Places Amendment Local Law 2008* have not been borne out by the consultation.

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

As detailed in the report.

COMMENT

Given that Council has indicated a strong policy position in relation to smoking prohibitions in the past (eg: the City's "Smoke-Free Beaches Initiative"), the City considers this as a good opportunity to expand on previously successful campaigns. It will also further position the City as a leader in this regard.

ATTACHMENTS

Attachment 1: Draft *Trading in Public Places Amendment Local Law 2008*
Attachment 2: Draft *Local Government and Public Property Amendment Local Law 2008*

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Fishwick, **SECONDED** Cr Amphlett that Council, in accordance with Section 3.12(4) of the Local Government Act 1995 **ADOPTS** the following local law amendments:

- 1 **Trading in Public Places Amendment Local Law 2008 forming Attachment 1 to Report CJ242-11/08;**
- 2 **Local Government and Public Property Amendment Local Law 2008 forming Attachment 2 to Report CJ242-11/08.**

Discussion ensued

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (12/0)**

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf181108.pdf](#)

CJ243-11/08 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 20 OCTOBER 2008 - [50068]

WARD: All

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

PURPOSE

To submit the unconfirmed minutes of the Audit Committee to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 20 October 2008.

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

- Item 1 2007/08 Annual Financial Report
- Item 2 Write Off of Fixed Assets

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 20 October 2008, forming Attachment 1 to this Report;*
- 2 *WRITES OFF Asset 15817 – a Samsung 40 inch LCD, that is no longer held by the City, with a book value of \$1898.74.*

BACKGROUND

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

DETAILS

Issues and options considered:

The Motions carried at the Audit Committee meeting held on 20 October 2008 are shown below, together with officer's comments.

Item 1 – 2007/08 Annual Financial Report

The following motion was carried:

“That the Audit Committee RECOMMENDS that Council BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying audit report for the financial year 2007/08 forming Attachment 1 to this Report.”

Officer's comment

No further action is required in relation to the 2007/08 Annual Financial Report as this matter was presented to the Council meeting held on 28 October 2008.

Item 2 – Write Off of Fixed Assets

The following motion was carried:

“That the Audit Committee recommends that Council WRITES OFF Asset 15817 – a Samsung 40 inch LD, that is no longer held by the City, with a book value of \$1898.74.”

Officer's Comment

The asset has been verified to have been stolen in a break-in previously reported to Police and claimed on insurance. The recommendation is supported.

Link to Strategic Plan:

1.1 Objective:

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

Legislation – Statutory Provisions:

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

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

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

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

Section 6.4 of the Local Government Act 1995 states:

6.4 Financial report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*
 - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
 - (b) *the annual financial report of the local government for the preceding financial year.*

Risk Management considerations:

The risk associated with not accepting the Annual Financial Report for the financial year 2007/08 is that it could lead to failure to set a date for the Annual General Meeting of Electors resulting in non-compliance with the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 20 October 2008 are submitted to Council for noting.

ATTACHMENTS

Attachment 1 Unconfirmed minutes of the Audit Committee meeting of 20 October 2008

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Macdonald, SECONDED Cr McLean that Council:

- 1 NOTES the unconfirmed minutes of the Audit Committee Meeting dated 20 October 2008 forming Attachment 1 to Report CJ243-11/08;**
- 2 WRITES OFF Asset 15817 – a Samsung 40 inch LCD, that is no longer held by the City, with a book value of \$1898.74.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item C77-11/08, Page 145 refers.

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf181108.pdf](#)

CJ244-11/08 PROPOSED REGIONAL PARK BETWEEN BURNS BEACH AND MINDARIE – [58582]

WARD: North

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE/ EXECUTIVE SUMMARY

For Council to consider whether or not to support the City of Wanneroo's approach to the State Government in relation to a shared pathway between Burns Beach and Mindarie. It is recommended that the City of Wanneroo's approach be supported.

BACKGROUND

The City of Wanneroo recently resolved to request the State Government to develop a management and infrastructure implementation plan for the proposed regional park between Burns Beach and Mindarie which would incorporate a shared pathway.

The City of Wanneroo report arose from a petition signed by 627 persons requesting the following:

"We respectfully call upon the Council to:

- 1. Initiate community consultation with key stakeholders, including the City of Joondalup, to progress the design of a dual access footpath & cycleway linking Burns Beach to Mindarie.*
- 2. Obtain the necessary environmental approvals and develop a conservation management plan to protect the natural environment through measures such as conservation fencing and interpretive signage.*
- 3. List the project for consideration in the City's Forward Capital Works Budget."*

Wanneroo Council acknowledged that the proposed shared path would traverse through Bush Forever sites within the Cities of Joondalup and Wanneroo which would evoke environmental constraints on any developments through the area.

The Council also indicated that the area is reserved as "Parks and Recreation" under the Metropolitan Regional Scheme and would therefore be better developed by the State Government to create a regional park under the care and control of the Department of Environment and Conservation. A management and infrastructure plan would also need to be developed to clearly define acceptable infrastructure, associated costs and funding programs to implement.

In light of the acknowledgements above, the Wanneroo Council resolved to:

- "1. APPLY to the State Government to amalgamate the parcels of land reserved 'Parks and Recreation' in the Metropolitan Regional Scheme between Burns Beach and Mindarie, west of Marmion Avenue and create a Regional Park under the care, control and maintenance of the Department of Environment and Conservation;*
- 2. REQUEST the State Government to develop a management and infrastructure implementation plan for this proposed Regional Park, incorporating a shared pathway between Burns Beach and Mindarie and associated facilities;*

3. *SEEK the support of the City of Joondalup for the proposal, and*

4. *ADVISE the petition organisers of the Council's decision."*

Subsequent to resolving the above, Wanneroo wrote to the City of Joondalup seeking support for the proposal and for the City to make a submission to the State Government.

DETAILS

The creation of a Regional Park is considered appropriate for the land in the coastal strip between Burns Beach and Mindarie. The City recently nominated one Elected Member and a City Officer to participate in a committee which was being convened by the Department of Planning and Infrastructure in relation to this land. It is understood that this committee has yet to meet.

Within the City of Joondalup, the shared path could be located within the following parcels of land:

- Lot 3000 1551 Marmion Avenue 144.01ha
MRS Reserve Parks and Recreation
Owner Burns Beach Pty Ltd
This is a 'Bush Forever' site.
- Location 10489 Reserve 38526 4.67ha
Crown Land with a City of Joondalup Management Order.
This is a 'Bush Forever' site.
MRS Reserve Parks and Recreation.
- Lot 154471 Reserve 47831 12.33ha
Crown Land with a City of Joondalup Management Order.
This is a 'Bush Forever' site.
MRS Reserve Parks and Recreation.

Attachment 1 provides a visual representation of the potentially affected areas for both the City of Joondalup and the City of Wanneroo.

Issues and options considered:

Council could decide to:

- Support the City of Wanneroo's request and make a submission to the State Government;
or
- Not support the City of Wanneroo's request and not make a submission.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

This report relates to an issue which affects both the City of Joondalup and the City of Wanneroo.

Sustainability implications:

Not directly applicable.

Consultation:

Not applicable.

COMMENT

The City of Wanneroo's request appears reasonable and consequently it is recommended that Council write to the State Government in support of Wanneroo's position for the creation of a regional park between Burns Beach and Mindarie and the development of a management and infrastructure implementation plan for this land which would incorporate a shared pathway.

ATTACHMENTS

Attachment 1 Maps of the Affected Areas

VOTING REQUIREMENTS

Simple majority

OFFICER'S RECOMMENDATION: That Council SUPPORTS the City of Wanneroo in its proposal to create a Regional Park under the care, control and maintenance of the Department of Environment and Conservation and its request for a management and infrastructure implementation plan, for the proposed regional park and expresses its support to the State Government.

MOVED Cr Hollywood, SECONDED Cr McLean that Council SUPPORTS the City of Wanneroo in its proposal to create a Regional Park under the care, control and maintenance of the Department of Environment and Conservation and its request for a management and infrastructure implementation plan, including the construction of a dual use path connecting the existing path network in Burns Beach and Mindarie, for the proposed regional park and expresses its support to the State Government.

Discussion ensued.

AMENDMENT MOVED Cr Fishwick, SECONDED Cr Macdonald that the words "at the cost of the Department of Environment and Conservation" be inserted after the word "construction".

The Amendment was Put and

CARRIED (11/1)

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

Discussion ensued in relation to the original motion as amended.

Cr Young foreshadowed her intention to move an amendment to the wording of the Motion.

AMENDMENT MOVED Cr Young, SECONDED Cr Macdonald that the Motion be amended as follows:

- **Deletion of the following words:**

“.....including the construction of a dual use path connecting the existing path network in Burns Beach and Mindarie...”

- **Addition of Point 2 of the Motion relating to funding as follows:**

“2 the management and infrastructure implementation plan include the construction of a shared path connecting the existing path network in Burns Beach and Mindarie and REQUESTS that the costs of the construction and maintenance of the path be borne by the Department of Environment and Conservation.”

The Amendment was Put and

CARRIED (10/2)

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

The Original Motion as amended, being:

That:

- 1 **Council SUPPORTS the City of Wanneroo in its proposal to create a Regional Park under the care, control and maintenance of the Department of Environment and Conservation and its request for a management and infrastructure implementation plan, for the proposed regional park and expresses its support to the State Government;**
- 2 **the management and infrastructure implementation plan include the construction of a shared path connecting the existing path network in Burns Beach and Mindarie and REQUESTS that the costs of the construction and maintenance of the path be borne by the Department of Environment and Conservation.**

Discussion ensued

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

The Original Motion as amended, being:

That:

- 1 Council SUPPORTS the City of Wanneroo in its proposal to create a Regional Park under the care, control and maintenance of the Department of Environment and Conservation and its request for a management and infrastructure implementation plan, for the proposed regional park and expresses its support to the State Government.**

Was Put and

CARRIED (12/0)

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

The Original Motion as amended, being:

That:

- 2 the management and infrastructure implementation plan include the construction of a shared path connecting the existing path network in Burns Beach and Mindarie and REQUESTS that the costs of the construction and maintenance of the path be borne by the Department of Environment and Conservation.**

Was Put and

CARRIED (11/1)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf181108.pdf](#)

CJ245-11/08 LANDSCAPE MASTER PLANNING - ICONIC ARTERIAL ROAD PROJECTS - TIMEFRAMES AND PROCUREMENT OF PLANTING STOCK – [53597]

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE/ EXECUTIVE SUMMARY

To provide Council with an overview of the implementation plan and processes required to undertake the Burns Beach Road and Hodges Drive Landscaping Master Projects. Subsequent to Council's decision to undertake these iconic landscaping projects, a number of operational matters have now been identified as a consequence of the detailed design and costing work that has recently been undertaken.

This report seeks Council's endorsement for a revised timeframe for the delivery of iconic landscaping projects and a proposed methodology for the long term procurement of local provenance plant stocks, ie plants germinated from collected seed indigenous to the Joondalup area.

BACKGROUND

Council resolved at its meeting on 2 September 2008 (*CJ176-09/08 refers*) to:

“AGREE that the Burns Beach Road median strip will be the first iconic project to be implemented during 2008/09; and

REQUEST the Chief Executive Officer to commence the implementation program as outlined in Report CJ176-09/08.”

Further to this request, Council through its budget process for 2008/09 also requested that the City undertake landscaping on the verge and median strips in the section of Hodges Drive situated between the Mitchell Freeway exit and Joondalup Drive.

Funding was allocated for both these projects in the 2008/09 capital works program.

DETAILS

The City of Joondalup has contracted Plan-E Landscape Architects to undertake detailed design and cost estimates for the Burns Beach Road median and Hodges Drive verge and median. These projects will be treated as Iconic Landscaping Projects in accordance with the concept design approved by Council and the consultants are also required to prepare documentation for tendering contracts including hard and soft landscaping components. The species selection is being undertaken in consultation with Everlasting Concepts, who are local native and local provenance specialists, and will provide specialist advisory support to the principal consultants Plan E.

Given the program of works will call for the provision of plants that cover an area of about 30,000 – 40,000 square metres the City will require a significant number of local provenance plant species to be procured in accordance with the design.

The consultants have been investigating the plant supply market for next season's planting and have identified that it is not possible to find enough nurseries with the capacity to supply the local provenance plant species required in the quantities needed for these projects and to have them ready for delivery by April 2009. Therefore, it is highly unlikely that the City will be in a position to fully implement the Burns Beach Road and the Hodges Drive iconic projects during 2008/09.

Most of the plant species to be used in these iconic landscaping projects will need to go through a specialised propagation process. This will require that local provenance seed and cuttings are collected during spring through to summer and these materials are propagated accordingly. It is unlikely that the resulting plants will be larger than small tube stock in time for the planting season starting April 2009. Similar constraints were experienced during the Joondalup Drive Stage 1 project in 2007/08 where plant stock (tube stock) was very small and the full order of plants made was not received due to propagation failure.

For the City to build the capacity to deliver upon Council's resolution three key matters need to be considered and are outlined in detail as follows.

1. Project Timeframes for Delivery of Iconic Road Projects

In order to address this key issue of project delivery it is therefore recommended that the City is given approval to stage the implementation process for these iconic landscaping projects as follows:

Stage 1 - 2008/09

The City will undertake the planning and construction of works, including soil preparation, weed control, installation of irrigation and garden beds, mulching, hardstand landscaping and transplanting of available mature specimens. (e.g. grass trees and zamia) for Zone 1-3 Burns Beach Road (Delgado Road to Mitchell Freeway) and Hodges Drive Verge and Median (Mitchell Freeway to Joondalup Drive).

The City will also establish a plant procurement management contract, and initiate seed bank collections and propagation processes of a selected group of local provenance plant species to form the mainstay of the City's supply for iconic projects into the future.

Stage 2 - 2009/10

The City will complete Zone 1-3 Burns Beach Road (Delgado Road to Mitchell Freeway) and Hodges Drive Verge and Median (Mitchell Freeway to Joondalup Drive) dependant upon successful propagations. Mass plantings of the required local provenance species will commence from April 2010.

The City will undertake the planning and construction of works, including soil preparation, weed control, installation of irrigation and garden beds, mulching, hardstand landscaping and transplanting of mature specimens (e.g. grass trees and zamia) for Zone 4-5 Burns Beach Road (Mitchell Freeway to Joondalup Drive).

Stage 3 – 2010/11

The City will complete Zone 4-5 of Burns Beach Road (Mitchell Freeway to Joondalup Drive) with mass plantings of the required local provenance species commencing from April 2011.

Mass planting of any remaining plants or plants that have not survived from the previous year will be undertaken to complete the projects for Burns Beach Road median and Hodges Drive verge and median.

The extent of the projects is included in Attachment 1 (Burns Beach Road) and Attachment 2 (Hodges Drive).

This program of implementation, if approved, will then be applied to an ongoing program of works for all other iconic road landscaping projects if they are funded in future years. It should be noted that under the proposed program additional iconic road projects will be implemented every third year.

2. Long Term Nursery Supply Contract

It is further advised that the City should enter into a long term supply contract with plant nurseries as a necessary tactic to obtain a reliable supply of the unique plant stock envisioned for the iconic landscaping developments of the City's seven east-west major road arteries.

Long-term contractual supply arrangements are necessary for the following reasons:

- The City of Joondalup needs to source highly specialised plant stock for its iconic arterial roads projects. Plant species utilised in the designs are local provenance, thus they are generally not found in the stock of native plants carried by nurseries. Local provenance implies that the seed or cuttings used to propagate the stock must be sourced from a narrowly defined geographical area. For the purposes of the iconic arterial road projects it would not be acceptable to use propagation materials of the same species sourced from another location since local genetics and micro-climates can strongly influence plant form and structure within species. In other words, the projects are designed to showcase, and help to preserve, the natural forms of plants found within the City of Joondalup.
- Local seed and cutting propagation materials must be sourced from local remnant vegetation and some research trial and error may be needed to perfect their propagation. A nursery is unlikely to undertake these tasks without having assurances provided by a long-term supply agreement.
- The numbers of plants required for the current and subsequent iconic arterial road projects is large; thus the opportunity cost to nurseries in supplying the City is of such a magnitude that they would only commit their resources subject to a formal commitment by the City.

An appropriate mechanism for the City to negotiate with suppliers would be a specialised contract involving several plant suppliers who would, if given the right long term assurances from the City, be prepared to produce the quality and quantities of plants required for these projects.

Such a contract is considered necessary and would likely require regional Western Australian and/or local plant nurseries to ensure supplies of specialised local provenance species as required by the City, to be delivered on a yearly basis to the City over the next few years. This approach would ensure a greater level of security to the City in the area of plant procurement and would also enable the City to better achieve its landscaping goals.

3. Developing Long Term Internal Capacity to Supply Local Provenance

In the longer term the City can develop its own in house capacity with respect to local provenance propagation. The City currently has a small propagation nursery operating from its Works Operations Centre, and the City would investigate the feasibility of expanding this aspect of its services to better ensure that the long term supply of plants can be accommodated at the most cost effective levels. It is anticipated that this matter will be the subject of a future report to Council.

Issues and options considered:

Firstly, in the short term the City has a resolution of Council to have the Burns Beach Road landscaping program implemented in 2008/09. In keeping with the resolution it would seem that it is not possible to complete the project without losing the integrity of the design, due to the inadequate supply of local provenance plant species for mass plantings. Council is therefore presented with two key issues, namely, implementation timeframes and plant supplies. Two options for each issue are presented:

Issue 1 - Project Timeframes for Delivery of Iconic Road Projects

Option 1 Approval of a variation of the Burns Beach Road and Hodges Drive iconic projects to allow implementation over three-stages, commencing in 2008/09 and concluding in 2010/11.

This variation to the two current iconic projects would not preclude a second arterial road project commencing in 2010/11 subject to funding.

Option 2 Decline approval of a variation of the current Iconic Landscape Projects

In this case, for the projects to continue as planned, the City could order any available City of Joondalup local provenance species that may be currently available through the nursery trade, with any shortfalls in supply being compensated with plants species that fall outside the scope of the iconic species identified in the detailed species list. This approach would incorporate native plants species from around Australia.

The risk with this approach is that the Council and the community have an expectation that the landscaping will be done in accordance with the approved design and principles of landscape master planning which specify the utilisation of local provenance species to ensure the landscaping preserves and enhances local biodiversity.

Issue 2 - Long Term Nursery Supply Contract

Secondly, the City has been advised that it will not be possible to obtain the range and quantity of local provenance plant stock required for the arterial roads projects unless the City is willing to enter into a long-term procurement contracts with nursery suppliers. Therefore, the following two options are to be considered by Council:

Option 1 Approve the City's involvement in a specialised supply contract for a period of at least three years with nursery suppliers for the provision of specific plant stock for the Burns Beach Road and Hodges Drive projects as well as for subsequent arterial roads iconic landscaping projects. This option implies Council's commitment to roll out one of the seven iconic arterial roads projects every three years.

Option 2 Decline approval for the City to establish a long-term procurement contract with nursery suppliers

A consequence of this option will be the inability of the City to implement the designs approved by Council for the seven iconic arterial road treatments.

Link to Strategic Plan:

This report links to key focus area – Caring for the Environment which requires the City to implement its Environment Plan.

The City's Environment Plan has three key actions relating specifically to landscape master planning:-

Action 1.1.1

Develop a comprehensive Landscape Master Plan that incorporates environmental aspects.

Action 1.1.2

Develop a generic Landscape Management Plan for the City (i.e. planning templates, species lists and user guides).

Action 1.1.3

Develop Individual Landscape Management Plans in accordance with the Generic Landscape Management Plan. (Note Individual Management Plans will be developed for parks, verge/medians and building surrounds)

Legislation – Statutory Provisions:

Compliance with the Local Government Act 1995, Local Government (Financial Management) Regulations 1996, and Local Government (Functions and General) Regulations 1996 in respect of the City utilising specialised supply Contracts for the provision of goods and services will be ensured by adherence to the City's appropriate procurement protocol.

Risk Management considerations:

A key risk to the City in achieving Council's resolution to implement the Burns Beach Road median and Hodges Drive verge and median landscaping project during 2008/09, and the future six iconic arterial road landscaping projects is that insufficient quantities of the local provenance plant varieties sought will be available from nursery stocks to complete the projects.

The proposed action to remedy this predicament is for the City to enter into a long-term supply agreement with a number of nursery stock suppliers, which will ensure the availability of suitable local provenance propagation materials and growing these in sufficient quantities to complete the projects.

For the City to enter such a supply agreement would require re-affirmation of Council's long-term commitment to undertake the seven iconic east-west arterial road treatments. This approach has the attendant risk that Council priorities can change over the long-term.

Another risk in committing to a long-term supply contract is that community reaction to the changing profile of arterial roads is unknown. This will be managed through close monitoring of community consultation, particularly during the implementation stages of the Burns Beach Road and Hodges Drive projects.

Finally, any long-term supply contract entered into by the City will need to have flexibility to react to changes in the plant species chosen which may result from community consultation or other reasons.

Financial/Budget Implications:

It is anticipated that neither a variation to the schedule for the Burns Beach and Hodges Drive projects which allows a three-staged approach, nor the City's entering into long term specialised supply contracts will have any affect on the 2008/09 budget approved by Council for this project. The budget amount approved for this year was \$725,000 which will be adequate to complete the program of works as outlined in this report. It is noted that two-thirds of these funds are sourced as part of the Metropolitan Regional Road Grant for Burns Beach Road.

In the event that the City enters into a long-term plant procurement agreement, it is anticipated that funding will be sourced from future budget allocations for the iconic roads projects (which will be in the order of one million dollars per annum). This cost will be embedded in the City's Long-term Strategic Financial Plan and subject to annual Council approval.

The project is the first stage of a fifteen year program where up to \$1M per annum will be committed to the upgrade of the east-west arterial road landscaping. The total cost of the Burns Beach Road project when completed will be \$1.84M.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

The iconic arterial road projects of the City's Landscape Master Plan will be a major resource in ensuring the protection of the local biodiversity of the City. These projects will contribute to the preservation of local biodiversity through the collection, propagation and mass planting of local iconic species, thus ensuring the preservation of local native germplasm resources. Showcasing the City's unique natural plants through the arterial road projects, as well as in other works under the City's Landscape Master Plan, will encourage the community to include local provenance plants in home gardens, all of which will enhance the availability of suitable habitat for local fauna.

Consultation:

The envisaged community awareness campaign intended for the Burns Beach landscaping project will reflect the purpose and objectives of the staged approach to on-ground works.

COMMENT

The draft concept designs previously approved by Council for the seven iconic east-west arterial road treatments are an important opportunity for the City to lead by example in the areas of biodiversity management, water conservation and community education. Professional advice received by the City indicates that procurement of the specialised, local provenance nursery stock intended for the designs can only be achieved if the City adopts a long-term supply agreement, which implies the necessity for Council to affirm its long-term commitment to undertaking these iconic road treatments.

The recommended method of supply for this project is the key to delivering the provenance plants which will make this project truly iconic. The City will arrange for the provenance seed to be sourced, then germinated at a reputable native plant specialist, and finally transferred to a larger native plant nursery in "plug" form to be grown to the required size.

With respect to the Local Government landscaping, this is taking the native landscape to a new level not previously attempted at this scale. Furthermore, it will be achieved at a lesser cost than the exotic alternatives and will provide improved availability of plants for other native rehabilitation projects.

The City has sought advice from Dr Kingsley Dixon, Director of the Kings Park Authority regarding the approach the City is proposing and his comments, as follows, support the approach to implementation being recommended:

“The Authority applauds the use of local indigenous species in regional landscape projects. The use of local provenanced plants protects and enhances urban biodiversity values, minimises weed and pest species impacts (particularly rainbow lorikeets) and provides sound water-wise and locally adapted landscapes that are resilient to climate change. I was particularly impressed with the City’s approach that “landscaping preserves and enhances local biodiversity” as a concept to connect local communities with their regional biodiversity values. Thus the staging of the landscaping works to optimise the use of local provenanced material though extending the works period, will deliver landscape values and, ultimately, cost-savings in maintenance that will more than compensate for the staged approach. Importantly this landscape concept represents an iconic project that places the City at the forefront of implementing a world-class landscape that celebrates and enhances the unique biodiversity of the Joondalup region. I therefore recommend and applaud the City on this visionary approach.”

It should be noted that whilst the delay of the Burns Beach Road and Hodges Drive projects will occur, this will not preclude a second iconic project being planned and funded in 2010/11. Should this be the case then additional plants will be ordered in the 2009/10 plant order.

ATTACHMENTS

Attachment 1 Burns Beach Road – Zone Plan
Attachment 2 Hodges Drive Iconic Project Area

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION

That Council:

- 1 APPROVES a revised timeframe for the delivery of the Burns Beach Road and Hodges Drive Iconic Arterial Road Landscaping Projects to allow implementation over three-stages, commencing in 2008/09 and concluding in 2010/11;
- 2 AGREES to adopt a rolling three year program for implementation of future iconic road landscaping projects;
- 3 ENDORSES the City’s participation in specialised supply contracts for a period of three years with nursery suppliers for the provision of local provenance plant stock for the Burns Beach and Hodges Drive projects as well as all subsequent arterial iconic landscaping projects as required.

MOVED Mayor Pickard, SECONDED Cr Corr that Council:

- 1 **APPROVES a revised timeframe for the delivery of the Burns Beach Road and Hodges Drive Iconic Arterial Road Landscaping Projects to allow implementation over three-stages, commencing in 2008/09 and concluding in 2010/11;**
- 2 **AGREES to adopt a rolling three year program for implementation of future iconic road landscaping projects;**

- 3 **ENDORSES** the City's participation in specialised supply contracts for a period of three years with nursery suppliers for the provision of local provenance plant stock for the Burns Beach and Hodges Drive projects as well as all subsequent arterial iconic landscaping projects as required;
- 4 **SEEKS** a report from the Chief Executive Officer on the potential to apply the landscape master planning principles to the key intersections on the east-west arterial roads in the next two financial years to enable the concept to be progressed more rapidly.

Discussion ensued.

The Motion was Put and

CARRIED (12/0)

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf181108.pdf](#)

CJ246-11/08 TENDER 033/08 SUPPLY AND INSTALLATION OF SYNTHETIC RUBBER SAFETY SURFACING – [51618]

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Retech Rubber for the Supply and Installation of Synthetic Rubber Safety Surfacing (Tender 033/08).

EXECUTIVE SUMMARY

Tenders were advertised on 26 July 2008 through state wide public notice for the Supply and Installation of Synthetic Rubber Safety Surfacing. Tenders closed on 12 August 2008. Two (2) submissions were received from:

- Retech Rubber; and
- Reclaim Industries Ltd.

The submission from Retech Rubber represents best value to the City. They demonstrated a comprehensive understanding of the requirements, the capacity to meet the City's needs and significant experience in providing similar services to other local governments while they have been the City's service provider for the past three years.

It is recommended that Council ACCEPTS the Tender submitted by Retech Rubber for the Supply and Installation of Synthetic Rubber Safety Surfacing for a period of three (3) years in accordance with the statement of requirements as specified in Tender 033/08 at the submitted Schedule of rates (exclusive of GST).

BACKGROUND

This Contract is for the supply and installation of synthetic rubber safety surfacing on a stabilised base surface layer to new and existing play areas within the City of Joondalup.

The City had a single Contract for the Supply and installation of synthetic rubber safety surfacing with Retech Rubber which expired on 20 March 2008. DETAILS

Tenders were advertised on 26 July 2008 through state wide public notice for the Supply and Installation of Synthetic Rubber Safety Surfacing. Tenders closed on 12 August 2008. Two (2) submissions were received from:

- Retech Rubber; and
- Reclaim Industries Ltd.

Evaluation Criteria

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

| Qualitative Criteria | | Weighting |
|-----------------------------|--|------------------|
| 1 | Capacity | 40% |
| 2 | Demonstrated experience in completing similar projects | 30% |
| 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 estimated expenditure over a twelve (12) month period the four (4) items nominated for use in the scheduled playground upgrade projects for 2008/09 as approved by Council have been used to calculate the total price. These items will form 95% of the contract value and the following table provides a comparison of the estimated expenditure. 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. For the purposes of evaluation a 4.9% increase was applied to the rates of years two and three. The four (4) items are:

- EPDM Maximum Fall Height 1200mm;

- EPDM Maximum Fall Height 1600mm;
- EPDM Maximum Fall Height 2300mm; and
- EPDM Maximum Fall Height 2500mm.

EPDM is ethylene propylene diene 'M' class rubber safety surfacing. This is a hard-wearing surface fully coloured throughout which will not turn black when worn.

Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The estimated cost of the Contract for each Tenderer is as follows:

| Estimated Cost | Retech Rubber | Reclaim Industries Ltd |
|-----------------------------|----------------------|-------------------------------|
| Year 1 | \$209,950 | \$265,100 |
| Year 2 | \$220,238 | \$268,649 |
| Year 3 | \$231,029 | \$281,813 |
| Total Estimated Cost | \$661,217 | \$806,562 |

During the last financial year 2007/08, the City incurred \$252,332 for the supply and installation of synthetic rubber safety surfacing and is expected to incur in the order of \$661,217 over the three (3) year Contract period.

Evaluation Summary

| Respondent | Evaluation Score | Estimated Contract Price | Qualitative Rank |
|------------------------|-------------------------|---------------------------------|-------------------------|
| Reclaim Industries Ltd | 77.7% | \$806,562 | 1 |
| Retech Rubber | 72.5% | \$661,217 | 2 |

Issues and options considered:

The supply and installation of synthetic rubber safety surfacing is required for the maintenance and upgrades to playground areas in the City's parks. The City does not have the internal resources to supply the required goods and services and as such requires an appropriate external service provider.

Link to Strategic Plan:

5. Community Wellbeing.
- Objective 5.2 To facilitate healthy lifestyles within the community.
- Strategy 5.2.1 The City provides high quality recreation facilities and programs.

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 would be unable to complete scheduled upgrades and replacements to playground equipment with soft fall.

The traditional form of softfall on the City's playgrounds was sand. Recently broken glass, needles and cat faeces has been found buried in the sand and despite the City's best efforts, the sand has therefore become a high public liability risk. The use of rubber softfall resolves these issues and the City has been using this medium in recent years including park playgrounds such as Mawson Park.

It is considered that awarding the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to provide the services to the City. The use of rubber softfall also provides a low public liability risk for the City.

Financial/Budget Implications:

| Current Year Budget Allocation for this Contract | Projected Expenditure on these Services to 30 June 2009 | Projected Expenditure on these Services in first 12 Months of Contract if Accepted | Projected Expenditure on these Services over the Life of the Contract if Accepted |
|---|--|---|--|
| \$210,065 | \$30,865.45 (1-Jul-08 to date) \$122,471 (new Contract) | \$209,950 | \$661,217 |

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 \$661,217.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Synthetic rubber safety surfacing is produced by the conversion of waste materials such as tyres, reducing waste going to landfill and provides a positive impact on the environment.

Consultation:

Not applicable.

COMMENT

The Tender submitted by Reclaim Industries Ltd achieved a qualitative score of 77.7% and was ranked second in price. They demonstrated a thorough understanding of the required tasks, significant experience in providing similar services to other local governments and have the capacity to meet the City's requirements.

The Tender submitted by Retech Rubber achieved a qualitative score of 72.5% and was ranked first in price. They demonstrated significant experience in providing similar services to other local governments and have been the City's service provider for the past three years. While they are a smaller organisation than Reclaim Industries, they have the capacity to meet the City's needs and have a comprehensive understanding of the City's requirements.

Although Reclaim Industries Ltd scored 5.2% higher than Retech Rubber, the difference between the two organisations was chiefly their capacity. Retech Rubber is a smaller organisation, however they have demonstrated through past high quality service to the City that they have the capacity to meet our requirements.

As both tenderers were assessed as being capable of completing the services to the standards required by the City, selection was based upon cost to the City. The lowest submitted Offer was that of Retech Rubber at an estimated contract sum of \$661,217. Reclaim Industries Ltd at the estimated contract sum of \$806,562 was 22% more expensive than the Offer by Retech Rubber and the estimate of the first year's expenditure was \$55,035 more than the allocated 2008/09 budget for this requirement of \$210,065.

The evaluation panel considered all factors and concluded that the submission from Retech Rubber 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.

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

ATTACHMENTS

Attachment 1 – Summary of Tender Submissions.

Attachment 2 – Photograph – Mawson Park Playgrounds

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Norman, SECONDED Cr John that Council ACCEPTS the tender submitted by Retech Rubber for the supply and installation of synthetic rubber safety surfacing for a three (3) year period in accordance with the statement of requirements as specified in Tender 033/08 at the submitted schedule of rates (exclusive of GST).

The Motion was Put and

CARRIED (12/0)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf181108.pdf](#)

Disclosure of Financial Interests

| | |
|---------------------------|---|
| Name/Position | Cr Michele John |
| Item No/Subject | CJ247-11/08 - Underground Power – West Coast Drive – [06527] [08069] |
| Nature of interest | Financial Interest |
| Extent of interest | Cr John lives in the locality |

Cr John left the Chamber, the time being 2146 hrs

CJ247-11/08 UNDERGROUND POWER - WEST COAST DRIVE – [06527] [08069]

WARD: South & South West

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To advise Council of the issues and costs involved in a property owner and ratepayer funded underground power and lighting scheme for West Coast Drive from Beach Road to The Plaza, Marmion and Sorrento.

EXECUTIVE SUMMARY

At the Ordinary Meeting of 15 July 2008 Council received a report – CJ131-07/08, dealing with a number of issues on the design and funding of the upgrading of West Coast Drive Dual Use Path. In its resolutions to approve the design and funding, Council also resolved to:

“REQUEST a report be prepared to initiate consideration of a ratepayer funded underground power project in West Coast Drive between Beach Road, Marmion and The Plaza, Sorrento;”

The section of West Coast Drive extends from Beach Road in the south, adjacent to City of Stirling, to The Plaza in the north, a distance of 1700 metres. The existing power supply for properties and street lighting in West Coast Drive is by overhead power using timber poles and cross arms, porcelain insulators with bare (uninsulated) aerial aluminium and copper conductors. The area experiences unreliable power and has an ageing aerial copper network with replacement of some sections of it by Western Power expected over the next few years.

This report deals with the issues involved in undertaking a survey of the West Coast Drive Project area, scheme costs, property charges and the method of collection. It also discusses the level of ratepayer support and future actions as a result of the survey.

It is recommended that Council

- 1 PROCEEDS with a detailed survey of all lots and owners within the West Coast Drive project area from Beach Road to The Plaza and as shown at Attachment 1 to this Report;*

- 2 *INDICATES in the survey that the City will accept a level of ratepayer support of 75% of all properties, excluding those owned by the City of Joondalup, as a benchmark to undertake further investigation of an underground power scheme along West Coast Drive from Beach Road to The Plaza;*
- 3 *REQUESTS a further report on the outcome of the detailed survey of residents and owners within the West Coast Drive underground power project area;*
- 4 *INCLUDES sufficient information in the survey regarding payment plans and indicative charges for the residents' information.*

BACKGROUND

At the Ordinary Meeting of 15 July 2008 Council received a report – CJ131-07/08, dealing with a number of issues on the design and funding of the upgrading of West Coast Drive Dual Use Path. In its resolutions to approve the design and funding, Council also resolved to:

“REQUEST a report be prepared to initiate consideration of a ratepayer funded underground power project in West Coast Drive between Beach Road, Marmion and The Plaza, Sorrento;”

The section of West Coast Drive extends from Beach Road in the south, adjacent to City of Stirling, to The Plaza in the north, a distance of 1700 metres – see Attachment 1. The existing power supply for properties and street lighting in West Coast Drive is by overhead power using the common standard across the metropolitan area. Street lighting is 150 & 250 watt high pressure sodium luminaires mounted on the timber poles. The power network in the Marmion/Sorrento area is a combination of high voltage distribution (HV) and low voltage (LV) overhead cables. There are no HV transmission cables or transformers in the project area.

All the residential properties on the east side of West Coast Drive are zoned Urban R20 with the five properties between Raleigh Road and The Plaza zoned commercial. The land west of West Coast Drive road reserve is zoned Parks and Recreation with management orders on use and function.

This section of West Coast Drive was included in the City's Expression of Interest submission for underground power in the Marmion/Sorrento project area in 2005 for Round 4 of the State Underground Power Program (SUPP) for Major Residential Projects (MRP) scheme. The Marmion/Sorrento project area rated behind the suburbs of Greenwood and Duncraig in terms of unreliability and was not selected.

The City made a further submission for underground power to this section of West Coast Drive under the Local Enhancement Projects (LEP) scheme for the same round of funding in the SUPP Program in 2006. As the length limit for these projects was restricted to 1000 metres, the submission was divided into two projects – North and South – refer to Report CJ248-12/06.

The LEP submissions were not selected for undergrounding by the Office of Energy for the following reasons:

- Both submissions rated 18th and 20th out of 42 proposals – only the top eight were chosen.
- The projects scored low on Regional Preference criterion, i.e., - rural town site or metro area “high street”.
- The projects scored low on Heritage Significance criterion.

However, the projects scored highly on power system degradation but this criterion did not increase the points score sufficiently to be selected in the top eight.

DETAILS

Issues and options considered:

Issues to be considered for underground power and lighting in this area are:

- Maintenance and Reliability of Area;
- Western Power Contribution;
- Estimated Cost of Scheme;
- Distribution of Costs;
- Percentage Ratepayer Support for City to Proceed with the Scheme;
- Method of Collection;
- Street Lighting.

Maintenance & Reliability of Area

Although Western Power rates the area as having a more reliable power supply than Duncraig or Greenwood in its assessment of all of the City's overhead power areas for area wide undergrounding as a MRP project, pole top fires are not uncommon and arcing insulators are a common occurrence from condensation and salt laden water vapour.

Western Power is also in the process of replacing some of the poles in West Coast Drive and has converted a section of the bare aerial cables from Beach Road to Ozone Road to a single insulated bundled cable. This type of cable – aerial bundled cable (ABC) has also been installed to some side streets as well other roads in the two suburbs. This type of cable does not require porcelain insulators and therefore pole top fires and leaking energy from arcing insulators is minimised. ABC does not require a cross arm on the top of the pole, as it bundles 3 or 4 conductors into one cable, however, the visual impact may be greater than the same number of bare conductor wires.

Western Power has also advised the City that it has plans to underground portions of the low voltage network in the Marmion and Sorrento area to underground power. These sections of the network have old copper conductors that are degraded, affect power reliability and require replacement. Western Power has analysed the cost of replacement and determined that undergrounding is the same cost of ABC in these areas which are shown at Attachment 2. However, Western Power would only underground the LV component of the network so that if a street has both LV and HV, the LV would be underground and the HV would remain on poles, as would the street lighting.

Western Power Contribution

Western Power has indicated that if the West Coast Drive ratepayer funded underground power project proceeds, it may make a contribution to the scheme equivalent to the cost it would incur if the scheme did not proceed. If the West Coast Drive scheme does not proceed, the section of West Coast Drive from Ozone Road to Marine Terrace will be undergrounded including new street lighting, at no cost to the City or ratepayers. Western Power has deferred its plans for network improvements to West Coast Drive until early in 2009 to give time for the City to undertake community consultation.

The City would also approach Western Power to consider a contribution based on reduced maintenance costs of an underground power scheme compared to the existing overhead network. The ongoing cost of timber pole replacement, fungicide treatment and equipment failures may enable some further reductions of the scheme cost.

Estimated Cost of Scheme

The area of the ratepayer funded underground power project as shown on Attachment 1 is confined to the first row of properties fronting West Coast Drive with no provision for extension along adjacent streets. Any future decision to include properties in adjacent streets is determined by Western Power if it proceeds and depends upon the location of poles, how the aerial cable will be terminated on the boundary of an underground power scheme and the space to install stay poles to maintain cable tension to overhead wires further east of West Coast Drive. As Western Power is the asset owner and maintainer it retains responsibility for the network after the underground project is completed.

Based on previous projects and advice from the Office of Energy for LEP projects, the unit rates for the scheme may vary from a lower cost of \$650 per metre to \$1,000 per metre.

Because the scheme is located along a coast cliff and foreshore zone and based on feedback from sewer infill works over previous years, it is likely that rock and hard digging and drilling will be encountered during the works. As well, the City will be specifying a high standard of street lighting to adequately illuminate the path on the west side of West Coast Drive as part of the dual use path enhancement project. Based on these factors, it is considered that an appropriate rate per metre is \$1,000. The total length of the project is 1700 metres. Therefore, the estimated cost of the scheme is \$1,700,000.

The cost of the scheme may be reduced by any contribution for Western Power's section of undergrounding – 350 metres from Ozone Road to Marine Terrace. This would potentially reduce the cost to \$1,350,000.

Distribution of Costs

The number of properties in the scheme area is:

- Single Residential – 58
- Strata Residential - 6
- Commercial – 5
- Marmion Angling and Aquatic Club – 1
- City Toilet Block – 1
- City Park - 1
- Water Corp Sewer Pump Station – 1

Total = 73 properties

Should property owners support the scheme, the City needs to determine how the scheme costs will be distributed amongst property owners and energy users. There are two options:

- Gross Rental Value (GRV)
- Service Charge

Gross Rental Value

The Gross Rental Value (GRV) provides the easiest method of working out costs for all lots and commercial users, except the sewer pump station, a City toilet block and park as these have no valuation. Information from Water Corporation indicates the sewer pump station uses about the same power as a residential lot (3.5kW) thus it is equivalent to the average of a normal sized house. The toilet block has an energy requirement for a mini-pump sewer station and some load and it has been set at half of an average residential consumption.

A charge based on GRV also allows for pensioner discounts. However, using GRV to work out a contribution means that various houses within the scheme will have different contributions, that is, the individual ratepayers would pay different amounts for the same service. This is likely to be considered as an unfair scheme.

Service Charge

A service charge method of cost distribution sets an average figure for residential properties and then other property types are greater or less than this charge. A typical budget scheme and unit cost is shown at Attachment 3.

If the service charge method is selected, the distribution of the cost could be by two different methods:

- Equal share to each property;
- Design power load.

The equal share to each property would mean that residential, government and commercial properties would pay exactly the same amount no matter what size the property or how much of the power network was required for their property.

A fairer system is using the design power load which is the method predominantly adopted through the SUPP.

This method assumes that most homes have a common consumption or load (approx 4kW) and that all other commercial and civic users have a varying usage based on purpose and function. This method is similar to providing a base rate for residential lots and working out additional costs for high load users. It will result in most residential lot owners paying about the same amount (a fixed charge) and the commercial users paying more based on design consumption. A fixed charge scheme does not allow for pensioner discounts.

On this basis, the cost per residential lot will be approximately \$20,840 with other property prices as shown at Attachment 3. Note that these figures may be reduced if:

- further calculations are applied to work out actual power usage for the commercial lots between Raleigh Road and The Plaza, the Marmion Angling and Aquatic Club and Sewer Pump Station;
- Western Power changes the project area boundary to meet its own requirements;
- Western Power contributes to the section of undergrounding between Ozone Road and Marine Terrace.
- The property has an existing underground power connection from the mini-pillar (green dome) to the meter box.

Should Council resolve to proceed with the scheme after a survey of residents, the City will liaise with Western Power to undertake a detailed design where costs can be more accurately estimated. The indicative cost for a preliminary scheme design would be in the order of \$5,000 and take approximately eight weeks whereas full design, documentation and project management would be in the range from \$50,000 to \$100,000 and take 3-6 months.

It is considered that the City adopt a service charge method for the scheme and include the costs shown in Attachment 3 in the Community Survey.

Should the scheme be supported and implemented by Council, either on a GRV basis or as a service charge, all residents will be required to contribute, whether or not they voted in support of the scheme.

Percentage Ratepayer Support for City to Proceed with the Scheme

The budget cost per residential lot of this proposed underground power scheme is relatively high compared to other metropolitan underground power schemes because:

- the area has substantial geological issues for direct drilling or trenching with hard rock;
- it is at the full cost of the property owner;
- there is no additional City contribution apart from its own facilities;
- there is no State Government contribution;
- Western Power's contribution is yet to be formalised.

As a result, the City needs to give careful consideration to determine the level of support required for acceptance when undertaking a survey of residents. The City needs to be mindful that setting the percentage support figure too low will mean the scheme might proceed but with a comparatively high number of residents who voted "no" to the scheme. Alternatively, setting it too high means that the level of support cannot be achieved and the opportunity of having underground power at this time is lost, especially if Western Power contribute to the project cost.

For example, setting the level of acceptance of community support at 90% would mean that for 58 single residential properties, 52 property owners would need to agree to the contribution and 6 would not. At a rate of \$20,840 per lot, these 6 lot owners who do not agree would incur a total amount of \$125,040 that may be "hard to obtain" with ongoing customer relationship management issues if these owners are forced to pay. Alternatively, setting the level of acceptance too low at around 60% would mean that for 58 single residential properties, 35 property owners would need to agree to the contribution and 23 would not. At a rate of \$20,840 per lot, these 23 lot owners would incur a total amount of \$479,320 that may also be "hard to obtain" and possibly with extensive ongoing customer relationship management issues.

Although the City can legally levy rates and charges under the Local Government Act 1995 to provide a service such as underground power and force people to pay, it should try to achieve a voluntary payment scheme with the highest number of residents possible. When undertaking a survey of residents and businesses to determine the level of support for the scheme and full payment with no or limited contribution from the State Government, it is important to consider that the "no" voters will be forced into paying a fee for a service they do not want at the specified price or perhaps cannot afford.

Method of Collection

The City can offer a range of options for collecting the contribution to the scheme. These can vary from a single payment up to payments over a number of years.

Should the project proceed, a final scheme cost will be known before project commencement and the City will need to sign a contract document and agree to a number of payments over the 12 month construction period.

The City will have to collect the monies for the scheme in the first instance and make payments when required by the project manager.

In the Greenwood scheme, either an upfront or four year payment scheme with interest was offered to the participants of the scheme. The Greenwood proposal provided a ratepayer contribution of \$5,850.

Because the individual cost in the West Coast Drive proposal is significantly higher at \$20,840 (3.5 times higher), it is proposed that a number of options from up front to ten years be offered. It is also suggested that the quarterly payment option within each year also be offered so that the participants could spread these costs over 40 payments of approximately \$600.

The two payment options are therefore:

Single Upfront Payment

The total cost is paid upfront.

Payment by Instalments

The funds are borrowed for the anticipated cost of the project and all payment options accrue interest on the term of the payment. Early payment after entering into a payment plan does not reduce the total payment cost as the City has to borrow funds for a fixed term against each option, although in consideration of the small size of the project, the City could offer a discount based on potential interest earnings of the early payment. Given the higher than normal cost for the scheme, it is considered that a 10 year payment plan be offered.

Therefore in consideration of an interest rate of 7.0%, the payment schedules are included in the following table:

| Estimated Property Contribution Costs | | | | | | | |
|--|------------|---------------------------|-----------------------|-------------------|-----------------------------------|--------------------------------|--|
| Property | No. | Rounded Unit Price | Principal Cost | Interest * | Per Property Interest Cost | Per Property Total Cost | Per Quarterly (3 month) Payment |
| Single Residential | 58 | \$20,840 | \$1,208,720 | \$482,116 | \$8,312 | \$29,152 | \$729 |
| Strata Residential | 6 | \$28,160 | \$168,960 | \$67,392 | \$11,232 | \$39,392 | \$985 |
| Commercial | 5 | \$45,050 | \$225,250 | \$89,844 | \$17,969 | \$63,019 | \$1,575 |
| MAAC | 1 | \$45,050 | \$45,050 | \$17,969 | \$17,969 | \$63,019 | \$1,575 |
| CoJ Park | 1 | \$20,840 | \$20,840 | \$8,312 | \$8,312 | \$29,152 | \$729 |
| CoJ Toilet Block | 1 | \$10,420 | \$10,420 | \$4,156 | \$4,156 | \$14,576 | \$364 |
| WC Sewer | 1 | \$20,840 | \$20,840 | \$8,312 | \$8,312 | \$29,152 | \$729 |
| | 73 | | \$1,700,080 | \$678,102 | | | |

* Loan over 10 Years with quarterly instalments @ 7.0% per annum

Street Lighting

The existing street lighting layout is based on existing pole locations, i.e. a 150 or 250watt high pressure sodium luminaire every 40 metres. When undergrounded, pole spacing, luminaire type and illumination standard will be designed to match the road function, level of pedestrian usage, safety and required amenity. Street lighting is designed to illuminate the road reserve - the carriageway, verge and paths with little intrusion into property and minimal glare to users and householders. There are two options for street lighting:

- a Western Power owned and maintained asset or,
- a City owned and maintained asset.

If owned by Western Power, its full cost is included in the scheme and the installation is maintained in perpetuity to the standard set by Western Power. There are a range of ornamental fittings with energy efficient luminaires available for selection.

If the street lighting is owned by the City, its cost is separated out from the underground scheme cost and it needs a separate design and quotation. The City will become responsible for maintenance, operational costs and replacement of equipment in a corrosive coastal environment.

All sections of street lighting along West Coast Drive are currently owned, operated and maintained by Western Power. For uniformity of poles and equipment it is preferred that the street lighting system is owned and maintained by Western Power, subject to the availability of energy efficient lighting and luminaires that provides for a high standard of illumination to the dual use path on the western side of West Coast Drive for that section which is at carriageway level.

Link to Strategic Plan:

This project is in line with the City's Strategic Plan. It meets:

Objective 4.2 and Strategy 4.2.4 – Support of initiatives for the undergrounding of power to improve the amenity of areas

Legislation – Statutory Provisions:

The City has the authority to levy charges and rates for works and projects under the Local Government Act 1995.

Risk Management considerations:

As Western Power is proposing the undergrounding of the aerial cabling along West Coast Drive in lieu of aerial bundled cable for degraded sections of copper cabling and removal of hazardous timber poles close to the kerb, the City needs to recognise the cost, safety and maintenance advantages of an underground power scheme in the same location. As well as improved amenity and property values, the consideration of the project could contribute or provide a favourable economic incentive to Western Power to undertake other underground power installations where power reliability is low and reduce the City's risk of negative ratepayer reaction in the future.

Financial/Budget Implications:

At this time there are no financial implications. The City can undertake the community survey, consider the results and make further recommendations when that information is available. It is noted that the report on the Greenwood project has recommended that this project not proceed due to lack of community support notwithstanding the contribution was \$5,850 and the funding was matched by the State Government and Western power. It may be appropriate for the City to consider supplementing the funding of the project because there are only houses on one side of the street and the other side is the foreshore reserve which is vested in the City. Assuming the City's contribution was then half the cost of the project, the cost to the City could be as high as \$850,000.

The City has written to the Minister for Energy and Training bringing his attention to the project and seeking his support to consider State Government funding towards undergrounding the power in the location.

Policy implications:

Not Applicable

Regional Significance:

None

Sustainability implications:

There is no reduction of green house gas emissions as the existing high pressure sodium lighting is highly efficient and will be replaced by similarly efficient luminaires.

Consultation:

The project will need community consultation to determine the level of support for a fully ratepayer funded underground power scheme. The outcome from a community survey will determine if the project proceeds and what further action is required.

COMMENT

A survey is required to inform property owners of the advantages and disadvantages of the scheme, to indicate the likely costs to the individual property owners and to determine the level of support for those costs.

A high level of support for the scheme does not automatically mean the City is committed to approving the scheme. It only indicates a level of support and enables the City to undertake further actions such as:

- determine if it is feasible to refine the scheme costs by getting a preliminary quote from Western Power and an indication and confirmation of Western Power's contribution, if any;
- refine the method of cost distribution if the scheme costs are reduced following Western Power's design and contributions;
- choose a method of collection – either by a one-off payment and/or instalments.

If the City wishes to consider contributing a significant amount of funding to the project, as detailed in the Financial/Budget Implications this should be covered in the survey, that is:

1. Are you prepared to contribute up to \$20,840 to the scheme; or
2. Are you prepared to contribute up to \$10,420 to the scheme if the City matches your contribution?

The City has not previously offered this level of discount to ratepayers, consequently it has not been recommended that a survey question referring to a City contribution be included.

Irrespective of the decision of Council on this report, the West Coast Drive Dual Use Path Project is proceeding and on track.

ATTACHMENTS

| | |
|--------------|---|
| Attachment 1 | Project Area |
| Attachment 2 | Western Power Underground Power Schemes |
| Attachment 3 | Estimated Property Contribution Costs |

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman, SECONDED Cr Fishwick that Council:

- 1 PROCEEDS with a detailed survey of all lots and owners within the West Coast Drive project area from Beach Road to The Plaza and as shown at Attachment 1 to Report CJ247-11/08;**
- 2 INDICATES in the survey that the City will accept a level of ratepayer support of 75% of all properties, excluding those owned by the City of Joondalup, as a benchmark to undertake further investigation of an underground power scheme along West Coast Drive from Beach Road to The Plaza;**
- 3 REQUESTS a further report on the outcome of the detailed survey of residents and owners within the West Coast Drive underground power project area;**
- 4 INCLUDES sufficient information in the survey regarding payment plans and indicative charges for the residents' information.**

Discussion ensued.

AMENDMENT MOVED Cr Fishwick, SECONDED Cr Corr that an additional Point 5 be added to the Motion to read:

- 5 subject to the residents not supporting the undergrounding of power proposal as detailed in Report CJ247-11/08, the City lodges two (2) applications for the undergrounding of power from the Local Enhancement Project Scheme for that section of West Coast Drive between Beach Road and Ozone Road and secondly that section of West Coast Drive between Marine Terrace and The Plaza for the next round of submissions.**

The Amendment was Put and

CARRIED (7/4)

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

Discussion ensued.

AMENDMENT MOVED Cr Corr, SECONDED Cr Fishwick that the Motion be amended as follows:

- **additional Points 5 and 6 be added to the Motion to read:**
 - “5 NOTES that in line with similar surveys in other areas, the City will not make any further financial contribution to this project other than City owned and managed infrastructure;**
 - 6 WRITES to the State Government requesting a one-third share from each of Western Power, Office of Energy and the property owners in all future undergrounding projects;”**
- **original Point 5 be renumbered to Point 7.**

The Amendment was Put and

CARRIED (9/2)

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

Following a request, Mayor Pickard advised Points 1-5 would be voted on separately, followed by Points 6-7.

The Original Motion as amended, being:

That Council:

- 1 PROCEEDS with a detailed survey of all lots and owners within the West Coast Drive project area from Beach Road to The Plaza and as shown at Attachment 1 to Report CJ247-11/08;**
- 2 INDICATES in the survey that the City will accept a level of ratepayer support of 75% of all properties, excluding those owned by the City of Joondalup, as a benchmark to undertake further investigation of an underground power scheme along West Coast Drive from Beach Road to The Plaza;**
- 3 REQUESTS a further report on the outcome of the detailed survey of residents and owners within the West Coast Drive underground power project area;**
- 4 INCLUDES sufficient information in the survey regarding payment plans and indicative charges for the residents’ information;**
- 5 NOTES that in line with similar surveys in other areas, the City will not make any further financial contributions to this project other than City owned and managed infrastructure;**

Was Put and

CARRIED (9/2)

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

The Original Motion as amended, being:

That:

- 6 Council WRITES to the State Government requesting a one-third share from each of Western Power, Office of Energy and the property owners in all future undergrounding projects;
- 7 subject to the residents not supporting the undergrounding of power proposal as detailed in Report CJ247-11/08, the City lodges two (2) applications for the undergrounding of power from the Local Enhancement Project Scheme for that section of West Coast Drive between Beach Road and Ozone Road and secondly that section of West Coast Drive between Marine Terrace and The Plaza for the next round of submissions.

Was Put and

CARRIED (11/0)

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

*Cr John entered the Chamber at this point, the time being 2230 hrs;
Cr Hollywood left the Chamber at this point, the time being 2230 hrs.*

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf181108.pdf](#)

CJ248-11/08 PETITION - INSTALLATION OF MEDIAN ISLAND AT THE INTERSECTION OF AMALFI DRIVE AND MARBELLA DRIVE, HILLARYS – [44225] [40224]

WARD: South-West

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To consider a 20 signature petition requesting installation of a traffic island on Amalfi Drive at the intersection with Marbella Drive, Hillarys.

EXECUTIVE SUMMARY

Council in April 2008 received a letter and petition signed by 20 residents of Hillarys requesting that a traffic island be installed at the intersection of Amalfi Drive with Marbella Drive to reduce the speed at which motorist can negotiate the corner. A report into this request was presented to Council at its Ordinary Meeting of 15 July 2008 (CJ132-07/08 refers).

Further detailed investigation and traffic analysis for Amalfi Drive and Marbella Drive has been carried out in October and November 2008 to determine the need for traffic management treatments.

The investigation confirmed that the bend in the road alignment on Marbella Drive east of Amalfi Drive would benefit from channelisation to separate opposing traffic flows to reduce traffic speeds and limit the potential for corner cutting.

It is recommended that Council:

- 1 *LISTS \$10,000 for consideration in the draft 2009/2010 Capital Works Program for the provision of a trafficable median island to the bend on Marbella Drive, Hillarys east of Amalfi Drive;*
- 2 *ADVISES the letter signatories of Council's decision.*

BACKGROUND

Council in April 2008 received a letter and petition signed by 20 residents of Hillarys requesting that a traffic island be installed at the intersection of Amalfi Drive with Marbella Drive. A report into this request was presented to Council at its Ordinary Meeting of 15 July 2008 (CJ132-07/08 refers), where it was resolved that Council:

- "1 NOTE the request for a median island at the intersection of Amalfi Drive and Marbella Drive, Hillarys;*
- 2 REQUESTS Main Roads Western Australia installs give way statutory signage and line marking at the intersection of Amalfi Drive and Marbella Drive, Hillarys;*
- 3 REQUESTS that an investigation of the issue of speeding traffic in the area of Amalfi Drive and Marbella Drive be completed and a report be prepared for the November 2008 Meeting of the Council including consideration of traffic management devices if necessary;*
- 4 ADVISES the letter signatories of Council's decision."*

The City requested Main Roads WA (MRWA) to install a statutory give way sign, holding line and centreline marking on Amalfi Drive at the intersection with Marbella Drive in July 2008. MRWA has since advised that this request would not be approved on the basis that *"Give way or stop control are only provided at 3 way intersections where the layout is such that it is not clear how the T junction rule would operate."*

A follow up traffic investigation and traffic analysis for Amalfi Drive and Marbella Drive to determine the extent of the traffic issue and the need for traffic management treatments has been undertaken in October and November 2008.

Issues and options considered:

The structure planning for this part of Hillarys in the vicinity of Amalfi Drive and Marbella Drive has been deliberately designed with a narrower road reserve and carriageway widths. The streetscape was installed by the developers to ensure verge trees are retained to improve amenity and add to the slow speed environment by providing a vertical element and a closed in effect on drivers.

The intersection of Amalfi Drive and Marbella Drive is at an angle of 115 degrees. Due to this high entry angle, the intersection has been configured to allow appropriate turning manoeuvres for vehicles and provide adequate sight distance, refer locality plan **Attachment 1**.

To determine the extent of the traffic issue, five day traffic counts were recorded on both Amalfi Drive and Marbella Drive in the vicinity of the intersection during November. The results of the traffic count survey revealed that the 85th percentile traffic speeds on Amalfi Drive and Marbella Drive were 41km/h and 44km/h respectively. The recorded traffic speeds confirm that the majority of drivers are complying with the default urban speed limit of 50km/h.

Under the City's Functional Road Hierarchy both roads are classified as local Access Roads and may reasonably be expected to carry up to 3,000 vpd. Traffic volumes for Amalfi Drive and Marbella Drive were 680 vehicles per day (vpd) and 700 vpd respectively. The recorded traffic volumes confirm that both roads are operating well within the acceptable range.

A detailed crash analysis for the period 1 January 2003 to 31 December 2007 revealed that no reported crashes had occurred at the intersection of Amalfi Drive and Marbella Drive over this period. However two non injury crashes had occurred midblock on Amalfi Drive and one non injury crash had occurred midblock on Marbella Drive in this period.

The traffic analysis confirmed that sight lines at the intersection of Amalfi Drive and Marbella Drive are clear and unobstructed and meet AUSTROAD Guidelines for Safe Intersection Sight Distance being 80 metres for a 50km/h road. The sight lines through the bend on Marbella Drive 30 metres east of the intersection with Amalfi Drive were also found to be clear and unobstructed. However the bend on Marbella Drive does not incorporate a median island treatment to limit corner cutting and control traffic movements. The traffic situation is also influenced by the down-hill gradient on Marbella Drive on the approach to Amalfi Drive.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

The cost of the trafficable median island treatment will be \$10,000, to be considered in the draft 2009/2010 Infrastructure Capital Works budget.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Detailed design and community consultation will be undertaken when the project is funded in the Capital Works Programme.

COMMENT

It is proposed that a flush red asphalt median island approximately 43 metres in length be installed on Marbella Drive through the curved portion of the road alignment east of Amalfi Drive. The 1.2 metre wide median island treatment would also include a small raised island, 8 metres in length at the western end of the treatment to further control vehicle movements and provide pedestrian refuge. The proposed median island is shown on **Attachment 2**.

The proposed median island treatment will maintain and allow full access for residential properties on the north side of Marbella Drive and at the same time reduce the potential for corner cutting and limit vehicles speeds on the approach to Amalfi Drive. The increase in available reaction time as a result of the reduced traffic speeds will benefit drivers accessing and egressing Amalfi Drive.

ATTACHMENTS

Attachment 1 Location plan of Amalfi Drive and Marbella Drive, Hillarys
Attachment 2 Proposed median island concept plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cr John, SECONDED Cr Norman that Council:

- 1 LISTS \$10,000 for consideration in the draft 2009/2010 Capital Works Program for the provision of a trafficable median island to the bend east of Amalfi Drive and Marbella Drive, Hillarys;**
- 2 ADVISES the letter signatories of Council's decision.**

The Motion was Put and

CARRIED (11/0)

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf181108.pdf](#)

CJ249-11/08 TENDER 042/08 SUPPLY AND DELIVERY OF ONE (1) SUCTION STREET SWEEPER MOUNTED ON 15,000 KG MINIMUM GVM TRUCK – [4918]

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by MacDonald Johnston (MJ) for the Supply and Delivery of One (1) Suction Street Sweeper Mounted on 15,000 kg Minimum GVM Truck (Tender 042/08).

EXECUTIVE SUMMARY

Tenders were advertised on Saturday, 11 October 2008 through state wide public notice for the Supply and Delivery of One (1) Suction Street Sweeper Mounted on 15,000 kg Minimum GVM Truck. Tenders closed on 28 October 2008. Four (4) Submissions were received from:

- MacDonald Johnston (MJ);
- Rosmech Sales & Service Pty Ltd (Option 1);
- Rosmech Sales & Service Pty Ltd (Options 2 to 4); and
- Unimog Sales Australia / New Zealand.

The submission from MacDonald Johnston (MJ) represents best value to the City based on the price and whole of life costing. MacDonald Johnston is an established supplier that has for over 35 years been supplying road sweepers to Australian municipal authorities and contractors including WA businesses and local governments. The company has excellent after sale service with 2 major manufacturing facilities, Melbourne and Perth, and operates a fleet of on site service vans.

It is recommended that Council ACCEPTS the Tender submitted by MacDonald Johnston (MJ) for the Supply and Delivery of One (1) Suction Street Sweeper, MacDonald Johnston Model VT605, Mounted on 15,000 kg Minimum GVM Truck, Hino Model 1527 Auto, in accordance with the statement of requirements as specified in Tender 042/08 for the fixed lump sum of \$308,000.00 (GST Exclusive) for delivery within twelve to sixteen (12 to 16) weeks from issue of the letter of acceptance.

BACKGROUND

The City requires one (1) Suction Street Sweeper mounted on a 15,000 kg minimum GVM Truck for use to improve the streetscape within the Joondalup CBD and surrounding areas including coastal areas and car parks. The sweeper must also be suitable for the collection of sand and loose aggregate on new road works and car parks.

DETAILS

Tenders were advertised on Saturday, 11 October 2008 through state wide public notice for the Supply and Delivery of One(1) Suction Street Sweeper Mounted on 15,000 kg Minimum GVM Truck. Tenders closed on 28 October 2008. Four (4) Submissions were received from:

- MacDonald Johnston (MJ);
- Rosmech Sales & Service Pty Ltd (Option 1);
- Rosmech Sales & Service Pty Ltd (Options 2 to 4); and
- Unimog Sales Australia / New Zealand.

Evaluation Criteria

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

| Qualitative Criteria | | Weighting |
|----------------------|---|-----------|
| 1 | Price for the goods offered and whole of life costings | 60% |
| 2 | Demonstrated ability to provide after sales service and product spare parts | 25% |
| 3 | Scheduled delivery period | 10% |
| 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.

Tender Submissions

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

Unimog Sales Australia / New Zealand's Submission and Rosmech Sales & Service Pty Ltd's Submission, for Options 1 to 3, have variations to the Specification which were as follows:

Unimog Sales Australia / New Zealand

| <u>Clause</u> | <u>Proposed Offer</u> | <u>Specified Requirements</u> |
|---------------|--|---|
| 2.3.1.1 (b) | Engine output 178 kW | Minimum 185 kW gross output |
| 2.3.1.2 | Transmission automated manual with working gear group. | Automatic Allison World Series 5/6 speed. |
| 2.3.1.3 (a) | GVM 12,000 kg | GVM 15,000 kg minimum |
| 2.3.2.1 | Auxiliary Engine, not fitted, all sweep function and controls operated via truck hydraulics. | Auxiliary Engine is required. |

Unimog Sales Australia / New Zealand's Submission is deemed to be non-conforming and was not considered further.

Rosmech Sales & Service Pty Ltd (Options 1 to 3)

| <u>Clause</u> | <u>Proposed Offer</u> | <u>Specified Requirements</u> |
|---------------|---|-------------------------------|
| 2.3.1.1 (b) | Engine output 168 kW (Options 1 and 3) Engine output 175 kW (Option 2) | Minimum 185 kW gross output |
| 2.3.2.1 | Single engine. | Auxiliary Engine is required. |

Rosmech's Submission for Options 1 to 3 is deemed to be non-conforming and was not considered further.

Evaluation Summary

| Respondent | Evaluation Score | Lump Sum \$ (Exclusive GST) | Rank |
|---|------------------------------------|--------------------------------|------|
| MacDonald Johnston (MJ) | 76% | \$308,000.00 | 1 |
| Rosmech Sales & Service Pty Ltd (Option 4) | 59% | \$295,553.00 | 2 |
| Unimog Sales Australia / New Zealand | Not assessed – non compliant offer | | |
| Rosmech Sales & Service Pty Ltd (Options 1 to 3) | Not assessed – non compliant offer | | |

This Contract is for a fixed lump sum with the Goods to be supplied within twenty (20 weeks) from issue of the letter of acceptance. MacDonald Johnston proposed delivery of goods within twelve to sixteen (12 to 16) weeks. Rosmech Sales' timeframe for goods to be delivered was within twelve to twenty (12 to 20) weeks.

Issues and options considered:

The City is experiencing considerable difficulties in maintaining an adequate level and standard of street sweeping. The City does not currently have its own equipment and has a contracted service in place. The contract has a limited scope and its priority focus is on the City Centre and other high profile areas. This leaves limited capacity to meet the general needs across the rest of the City. A larger scale contract was considered but there are limited suppliers of this service in Perth and flexibility is a key criterion which would be difficult to manage through a contract. In the longer term the City having its own sweeper will be more cost effective and deliver a better level and standard of sweeping.

The requirement of the City, therefore, is for a suction street sweeper mounted on a 15,000 kg minimum GVM truck.

Link to Strategic Plan:

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

4 Built Environment

Objective 4.2 To progress a range of innovative and high quality urban development projects within the City

Strategy 4.2.5 The City develops and implements its Asset Management Strategy

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 build up of road litter will be a concern when contractor cannot cope with City's requirement and standards.

It is considered that awarding the Contract will represent a low risk to the City as the recommended Respondent is a well established supplier that has for many years been supplying similar road sweepers to the WA local governments and the company has excellent after sale service.

Financial/Budget Implications:

| Current Year Budget Allocation for this Contract | Projected Expenditure on these Services to 30 June 2009 | Projected Expenditure on these Services in first 12 Months of Contract if Accepted | Projected Expenditure on these Services over the Life of the Contract if Accepted |
|---|--|---|--|
| \$300,000.00 | \$308,000.00 | Not Applicable | Not Applicable |

The shortfall of \$8,000 will be sourced from savings in the Plant Replacement Budget due to the recent amendment to the changeover periods recommended by the City's Plant Consultant.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

Unimog Sales Australia / New Zealand's submission and Rosmech Sales & Service Pty Ltd's submission for Options 1 to 3, have a number of variations to the specification, in particular, they did not meet the essential requirement for an auxiliary engine to be fitted and for minimum engine gross output. These submissions were deemed to be non-conforming and were not considered. The submissions from Rosmech Sales & Service Pty Ltd's for Option 4 and from MacDonald Johnston did meet all requirements and were assessed.

In the evaluation, Rosmech Sales & Service Pty Ltd's Option 4 scored 59% compared to MacDonald Johnston's 76%. As part of the evaluation an assessment was made of the potential residual value of the two sweepers offered based on holding the item for five (5) years and current market value. The sweeper offered by Rosmech Sales & Service Pty Ltd, was a Scarab Model Mistral, and truck, Hino 500 Series and its residual was found to be 32% less than the MacDonald Johnston Model VT605, Mounted on 15,000 kg Minimum GVM Truck, Hino Model 1527 Auto.

Although the sweeper offered by Rosmech Sales & Service Pty Ltd was \$12,447 (excluding GST) cheaper the offer representing value for money to the City is that submitted by MacDonald Johnston (MJ) at the lump sum of \$308,000.00 (Exclusive of GST) for the supply and delivery of One (1) Suction Street Sweeper, MacDonald Johnston Model VT605, Mounted on 15,000 kg Minimum GVM Truck, Hino Model 1527 Auto.

The company is a well established supplier that has been supplying road sweepers to Australian municipal authorities and contractors including WA businesses and local governments for over 35 years. It has 2 major manufacturing facilities including one in Perth.

ATTACHMENTS

Attachment 1 Summary of Tender Submissions

VOTING REQUIREMENTS

Simple majority

MOVED Cr Macdonald, SECONDED Cr Mclean that Council ACCEPTS the tender submitted by Macdonald Johnston (MJ) for the supply and delivery of one (1) suction street sweeper, Macdonald Johnston Model VT605, mounted on 15,000 kg minimum gvm truck, hino Model 1527 auto, in accordance with the statement of requirements as specified in tender 042/08 for the fixed lump sum of \$308,000.00 (GST exclusive) for delivery within twelve to sixteen (12 to 16) weeks from issue of the letter of acceptance.

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item C77-11/08, Page 145refers.

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

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf181108.pdf](#)

CJ250-11/08 AMENDMENTS TO THE PLANNING AND DEVELOPMENT (LOCAL GOVERNMENT PLANNING FEES) REGULATIONS 2000 – [07032]

WARD: All

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

PURPOSE

To endorse the recent amendments made to the *Planning and Development (Local Government Planning Fees) Regulations 2000 (the Regulations)*.

EXECUTIVE SUMMARY

The Town Planning Fees were originally gazetted under the *Town Planning Regulations 2000* in accordance with section 33B of the *Town Planning and Development Act 1928*.

The *Planning and Development (Local Government Planning Fees) Regulations 2000* have been amended to increase the 2007/08 fees by the Consumer Price Index (CPI) rate of 3.4 per cent as advised by the WA Treasury.

The attached Planning Bulletin 93 outlines the changes to the *Planning and Development (Local Government Planning Fees) Regulations 2000*. This Planning Bulletin supersedes the previous Planning Bulletin 84.

The amended regulations were gazetted on 10 October 2008. Council incorporates and adopts these fees and charges as part of its annual budget and therefore these amendments are required to be adopted by the Council prior to implementation.

BACKGROUND

The regulations provide a framework for Local Government fees and charges for planning services and include details of the fees that may be levied.

The fees were gazetted in 2000 and reviewed in 2007 and 2008. In 2007 amendments to the *Town Planning (Local Government Planning Fees) Regulations 2000* were gazetted. Those amendments increased fees to reflect an increase in CPI of approximately 17% from December 2000 to 2006/07.

The amendments also introduced penalties, by way of additional fees for applications for approval of development that has commenced or been completed. These fees were set at 3 times the ordinary fee.

The regulations were further amended on 22 June 2007 to increase 2006/07 fees by CPI for the 2007/08 financial year. These amendments became effective from 1 July 2007.

DETAILS

The regulations provide fees for the following:

- development applications;
- subdivision clearances;
- town planning scheme amendments;
- adoption of structure plans;
- home occupations;
- change of use;
- zoning certificates;
- property settlement questionnaires; and
- written planning advice.

Fees for development applications and subdivision clearances are based on a sliding scale. The applicant is required to provide an estimate of the cost of development from which fees are to be calculated at the time of lodgement.

Where a specific Local Government is not satisfied that the estimated cost is a reasonable estimate of the proposed development, it may require the applicant to provide additional information to justify the cost.

Fees for Scheme Amendments and Structure Plans are calculated using the fee calculation table (attachment 1 refers). This table is based on estimated salary costs, direct costs, specialist report costs and documentation costs.

The current and proposed fees are set out in the table below:

| Description | Basis of Charge | GST Y/N | Current Gross Fee (inc. GST) | Proposed Gross Fee (inc. GST) |
|--|------------------------|----------------|--|--|
| Administrative Fee – Administrative Charges | | | | |
| Scheme Amendments | Per Amendment | Y | Costs estimated from hourly rates in Regulations + GST | Calculated on same basis. Hourly rates have increased. |
| Structure Plans | | Y | Costs estimated from hourly rates in Regulations + GST | Calculated on same basis. Hourly rates have increased. |
| Administration Fee – Subdivision Clearance | | | | |
| Administration Charge | 0-5 Lots | N | \$62.00 per lot | \$64.00 per lot |
| Administration Charge | 5-195 Lots | N | \$62.00 for first 5 lots, thereafter \$31.00 per lot | \$64.00 for first 5 lots, thereafter \$32.00 per lot |
| Administration Charge | 196 plus lots | N | \$6,154.00 | \$6,400.00 |
| Application Fees – Development Application Fees | | | | |
| a) Change of use application or for alteration or extension or change of a non-conforming use to which development application fees do not apply | | N | \$246.00, and if the change of use or the alteration or extension or change of the non-conforming use has commenced, an additional amount of \$492.00 by way of penalty. | \$254.00, and if the change of use or the alteration or extension or change of the non-conforming use has commenced, an additional amount of \$508.00 by way of penalty. |
| b) Development Applications | Less than \$50,000 | N | \$123.00 | \$127.00 |

| Description | Basis of Charge | GST Y/N | Current Gross Fee (inc. GST) | Proposed Gross Fee (inc. GST) |
|--------------------------------|------------------------------|----------------|--|--|
| c) Development Applications | \$50,000 - \$500,000 | N | 0.23% of estimated development cost | 0.29% of estimated development cost |
| d) Development Applications | \$500,000 - \$2.5million | N | \$1415.00 plus 0.18% of amount >\$500,000 | \$1450.00 plus 0.23% of amount >\$500,000 |
| e) Development Applications | \$2.5million - \$5million | N | \$5846.00 plus 0.15% of amount >\$2.5million | \$6050.00 plus 0.19% of amount >\$2.5million |
| f) Development Applications | \$5million - \$21.5million | N | \$10,462.00 plus 0.1% of amount >\$5million | \$10,800.00 plus 0.12% of amount >\$5million |
| g) Development Applications | More than \$21.5million | N | \$30,769.00 and if the development has commenced or been carried out, an additional amount by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (b), (c), (d), (e), (f), or (g) | \$30,600.00 and if the development has commenced or been carried out, an additional amount by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (b), (c), (d), (e), (f), or (g) |
| h) Home occupation application | Initial Fee | N | \$185.00 and, if the home occupation has commenced an additional amount of \$370.00 by way of penalty | \$191.00 and, if the home occupation has commenced an additional amount of \$382.00 by way of penalty |
| i) Home occupation application | Renewal fee (where required) | N | \$62.00 and, if the approval to be renewed has expired an additional amount of \$124.00 by way of penalty | \$64.00 and, if the approval to be renewed has expired an additional amount of \$128.00 by way of penalty |

| Description | Basis of Charge | GST Y/N | Current Gross Fee (inc. GST) | Proposed Gross Fee (inc. GST) |
|--|-----------------|---------|------------------------------|-------------------------------|
| Application Fees – Written Planning Advice | | | | |
| Written Planning Advice | | Y | \$68.00 inc. GST | \$64.00 inc. GST |
| Application Fees – Zoning Certificate | | | | |
| Zoning Certificate | | N | \$62.00 | \$64.00 |
| Application Fees – Written Report to Settlement Agency | | | | |
| Written Report to Settlement Agent | Per premises | Y | \$64.90 inc. GST | \$64.00 inc. GST |
| Licences – Building Licences | | | | |
| Building Application Codes Variation | Per Application | N | \$123.00 | \$127.00 |

Issues and options considered/Risk Management Considerations:

Nil.

Link to Strategic Plan:

Nil

Legislation – Statutory Provisions:

The *Planning and Development (Local Government Planning Fees) Regulations 2000* provide a framework for Local Government fees and charges in relation to planning services and include details of the fees that may be levied.

Relevant sections of the Local Government Act 1995 state as follows: -

6.16. Imposition of fees and charges

(1) A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required.*

(2) A fee or charge may be imposed for the following —

(a) providing the use of, or allowing admission to, any property or facility wholly or partly owned, controlled, managed or maintained by the local government;

- (b) *supplying a service or carrying out work at the request of a person;*
- (c) *subject to section 5.94, providing information from local government records;*
- (d) *receiving an application for approval, granting an approval, making an inspection and issuing a licence, permit, authorisation or certificate;*
- (e) *supplying goods;*
- (f) *such other service as may be prescribed.*

(3) *Fees and charges are to be imposed when adopting the annual budget but may be —*

- (a) *imposed* during a financial year; and*
- (b) *amended* from time to time during a financial year.*

** Absolute majority required.*

6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) *its intention to do so; and*
- (b) *the date from which it is proposed the fees or charges will be imposed.*

Financial/Budget Implications:

Council adopting the fee amendments established by the legislation will allow the City to charge planning fees that are consistent with the *Planning and Development (Local Government Planning Fees) Regulations 2000*.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Planning and Development (Local Government Planning Fees) Regulations 2000 set out the fees that may be charged for Local Government Planning Services. The amendments to this fee structure are a result of a rise in the CPI and are required to be adopted by Council prior to the City charging these fees.

It is recommended that the Fees set out in Planning Bulletin 93 – *Planning and Development (Local Government Planning Fees) Regulations 2000* are adopted by Council.

ATTACHMENTS

Attachment 1 Planning Bulletin 93 – *Planning and Development (Local Government Planning Fees) Regulations 2000*

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Amphlett, **SECONDED** Mayor Pickard that Council:

- 1 **NOTES** the amendments to the *Planning and Development (Local Government Planning Fees) Regulations 2000*.
- 2 **AMENDS** its 2008/09 schedule of Fees and Charges as follows:

| Description | Basis of Charge | GST Y/N | Proposed Gross Fee (inc. GST) |
|--|-----------------|------------|--|
| Administration Fee – Subdivision Clearance | | | |
| Administration Charge | 0-5 Lots | N | \$64.00 per lot |
| Administration Charge | 5-195 Lots | N | \$64.00 for first 5 lots, thereafter \$32.00 per lot |
| Administration Charge | 196 plus lots | N | \$6,400.00 |
| Description | Basis of Charge | GST Y/N | Proposed Gross Fee (inc. GST) |
| Application Fees – Development Application Fees | | | |
| a) Change of use application or for alteration or extension or change of a non-conforming use to which development application fees do not apply | | N | \$254.00, and if the change of use or the alteration or extension or change of the non-conforming use has commenced, an additional amount of \$508.00 by way of penalty. |

| Description | Basis of Charge | GST Y/N | Proposed Gross Fee (inc. GST) |
|---------------------------------------|-----------------------------------|----------------|---|
| b) Development Applications | Less than \$50,000 | N | \$127.00 |
| c) Development Applications | \$50,000 - \$500,000 | N | 0.29% of estimated development cost |
| d) Development Applications | \$500,000 - \$2.5million | N | \$1450.00 plus 0.23% of amount >\$500,000 |
| e) Development Applications | \$2.5million - \$5million | N | \$6050.00 plus 0.19% of amount >\$2.5million |
| f) Development Applications | \$5million - \$21.5million | N | \$10,800.00 plus 0.12% of amount >\$5million |
| g) Development Applications | More than \$21.5million | N | \$30,600.00 and if the development has commenced or been carried out, an additional amount by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (b), (c), (d), (e), (f), or (g) |
| h) Home occupation application | Initial Fee | N | \$191.00 and, if the home occupation has commenced an additional amount of \$382.00 by way of penalty |

| Description | Basis of Charge | GST Y/N | Proposed Gross Fee (inc. GST) |
|---|------------------------------|---------|---|
| i) Home occupation application | Renewal fee (where required) | N | \$64.00 and, if the approval to be renewed has expired an additional amount of \$128.00 by way of penalty |
| Application Fees – Written Planning Advice | | | |
| Written Planning Advice | | Y | \$64.00 inc. GST |
| Application Fees – Zoning Certificate | | | |
| Zoning Certificate | | N | \$64.00 |
| Application Fees – Written Report to Settlement Agency | | | |
| Written Report to Settlement Agent | Per premises | Y | \$64.00 inc. GST |
| Licences – Building Licences | | | |
| Building Application Codes Variation | Per Application | N | \$127.00 |

3 **AGREES** that the fees and charges detailed in (2) above be effective as from 15 December 2008;

4 in accordance with Section 6.19 of the Local Government Act 1995 **GIVES** local public notice of the changes in its fees and charges as detailed in (2) above.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (11/0)**

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf181108.pdf](#)

CJ251-11/08 MINUTES OF THE ART COLLECTION AND ADVISORY COMMITTEE MEETING HELD ON 14 OCTOBER 2008 - [35613]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To submit the unconfirmed minutes of the Art Collection and Advisory Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

EXECUTIVE SUMMARY

A meeting of the Art Collection and Advisory Committee was held on 14 October 2008.

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

- Recommended acquisitions from the 2008 Invitation Art Award

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Art Collection and Advisory Committee held on 14 October 2008 forming Attachment 1 to Report CJ251-11/08;*
- 2 *NOTES the acquisition of recommended artworks from the 2008 Invitation Art Awards;*
- 3 *REQUESTS a report in relation to the opportunity for a photographic competition, with the criteria to specifically address people, places, culture and the environment within the City of Joondalup.*

BACKGROUND

At its meeting on 15 April 2008, Council resolved to establish an Art Collection and Advisory Committee for the purpose of acquiring art works to add to the City's growing art collection - (CJ052-04/08 refers).

The Terms of Reference of the Art Collection and Advisory Committee are to:

- approve art acquisitions within the available adopted budget funds;
- develop and maintain a visual art collection of significance and repute that reflects the cultural aspirations of the City of Joondalup and its expressed goals and policies;
- build an art collection of appreciating financial value, which constitutes a sound investment for the City;
- collect works of visual art of demonstrable excellence by artists of significance, consistent with the perceived developments in West Australian contemporary art;

- collect and commission selectively works of art which enhance the existing Collection and which foster an understanding, enjoyment and appreciation of the visual arts among the broader community and members of the general public;
- review the criteria established to determine the award winners.

DETAILS

Issues and options considered:

The Motions carried at the Art Collection and Advisory Committee meeting held on 14 October 2008 are shown below, together with officer's comments.

1 Recommended acquisitions from the 2008 Invitation Art Award

“That the Art Collection and Advisory Committee AGREES to:

- 1 the following acquisitions of artwork as detailed in Confidential Report – Recommended Acquisitions from the 2008 Invitation Art Awards:

- Item A: *Warmurungu* by Nyarrapyi Giles, acrylic on canvas, 121 x 137cm
- Item B: *Grey Nomad Tracking V* by Susanna Castleden, gesso on ply, 120 x 120cm
- Item C: *Apprehended* by Thea Costantino, Graphite and chalk on paper, 41 x 29cm

- 2 the purchase of a fourth piece of artwork titled *Stand by Me* (Storyboard) by Tom Freeman, watercolour and acrylic on stretched cotton, 122 x 91cm;

at a total cost of \$8,460.”

Officer's Comment

In accordance with the Committee's resolution and its delegated authority for decision making, the four (4) abovementioned artworks were purchased for the City's Art Collection.

Acquisition of these artworks represents an important addition to the City's Art Collection, reinforcing the City's objectives to:

- support contemporary Western Australian art and artists; and
- provide Joondalup citizens with access to high quality, contemporary visual art.

It is considered that the acquired artworks meet best practice Management and Acquisition criteria and are each quality examples that will make a significant addition to the Collection and enhance its current scope.

All the works recommended also suit practical considerations such as having the capacity to be displayed in a Council building or other appropriate space, without hindrance to public access or safety. The City has the necessary resources allocated to resolve all foreseeable issues related to conservation, presentation and storage, as part of the acquisition.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

The following report was requested at the meeting of the Art Collection and Advisory Committee:

- A report in relation to the opportunity for a photographic competition, with the criteria to specifically address people, places, culture and the environment within the City of Joondalup.

Officer's Comment:

A report can be provided.

Link to Strategic Plan:

Development of the City's Art Collection relates to:

Objective 5.3:

To facilitate culture, the arts and knowledge within the community.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

| | |
|-----------------------|----------|
| Account No: | |
| Budget Item: | Artworks |
| Budget Amount: | \$10,000 |
| YTD Amount: | \$0 |
| Actual Cost: | \$8,460 |

Policy Implications:

Policy 5-3 "The City's Art and Memorabilia Collections" determines that the City will support Western Australian art and artists through an art acquisition program. The policy also states that the City will adopt a multi-criteria approach to its art collection, acquisitions and awards. This approach will ensure that the collection, acquisitions and awards include contemporary art and art demonstrating local content and context.

By acquiring works from the 2008 Invitation Art Award the City will be adhering to Policy 5-3 in its support of Western Australian artists and the acquisition of contemporary art.

Regional Significance:

Acquisition of the proposed artworks will represent an important addition to the City's Art Collection, reinforcing the City's objectives to:

- support contemporary Western Australian art and artists; and

- provide Joondalup citizens with access to high quality, contemporary visual art.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The City of Joondalup Invitation Art Award is an annual exhibition which brings together a diverse selection of Western Australia's leading artists. An acquisitive prize is awarded by an independent panel of art industry experts with the winning artwork entering the City's Collection. Each year the City also allocates an Annual Acquisition Budget for the purchase of additional artworks for inclusion in its Art Collection.

Through showcasing artwork by leading Western Australian contemporary artists here in the locality of Joondalup, the Art Award provides the City with an excellent opportunity to view and assess artworks of high artistic, cultural and investment value for possible acquisition for the City's Art Collection.

Artworks are recommended to the Art Collection and Advisory Committee for acquisition in accordance with the objectives outlined in the City's Policy 5-3 for the City's Art and Memorabilia Collections. This policy ensures that in recommending a work for acquisition, factors such as artistic excellence, collection management considerations and investment potential are considered.

The Art Collection Advisory Committee has delegated authority from the Council to acquire artworks within the available adopted budget funds, based on written advice from the City's Curator and Visual Arts Officer.

A report will be provided in relation to the opportunity for a photographic competition, with the criteria to specifically address people, places, culture and the environment within the City of Joondalup.

ATTACHMENTS

Attachment 1 Minutes of the Art Collection and Advisory Committee meeting held on 14 October 2008.

VOTING REQUIREMENTS

Simple Majority

Cr Hollywood entered the Chamber at this point, the time being 2235 hrs.

MOVED Cr Macdonald, SECONDED Cr McLean that Council:

- 1 **NOTES** the unconfirmed minutes of the Art Collection and Advisory Committee held on 14 October 2008 forming Attachment 1 to Report CJ251-11/08;
- 2 **NOTES** the acquisition of recommended artworks from the 2008 Invitation Art Awards;
- 3 **REQUESTS** a report in relation to the opportunity for a photographic competition, with the criteria to specifically address people, places, culture and the environment within the City of Joondalup.

The Motion was Put and **CARRIED (10/0)** by En Bloc Resolution following consideration of Item C77-11/08, Page 145 refers.

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf181108.pdf](#)

Disclosure of interest affecting impartiality

| | |
|---------------------------|---|
| Name/Position | Cr Geoff Amphlett |
| Item No/Subject | CJ252-11/08 - Proposed Tavern, Offices and Shop at Lot 5003 (14) Hobsons Gate, Currambine – [77608] |
| Nature of interest | Interest that may affect impartiality |
| Extent of interest | Cr Amphlett previously played soccer for various clubs sponsored by the applicant. |

CJ252-11/08 PROPOSED TAVERN, OFFICES, AND SHOP AT LOT 5003 (14) HOBSONS GATE, CURRAMBINE – [77608]

WARD: North

RESPONSIBLE A/DIRECTOR: Mr Ian Cowie
Planning and Community Development

PURPOSE

To request Council's determination of an application for a tavern, two offices, and a shop on Lot 5003 (14) Hobsons Gate, Currambine.

EXECUTIVE SUMMARY

The applicant proposes to construct a single storey development consisting of a tavern, two offices, and a shop on the subject site which is within the Currambine District Centre.

The proposal generally meets the requirements of the Currambine District Centre Structure Plan (CDCSP) and the City of Joondalup District Planning Scheme No2 (DPS2) with exception of car parking where a shortfall of 15% is proposed and some variations to development standards. Notwithstanding the variation proposed, the development satisfies the objectives of the CDCSP in relation to design and land use.

A total of 28 submissions and a petition were received as part of the public consultation process with 14 being objections, 5 being no objections and 9 letters of support. The submissions received primarily raised concerns regarding noise, and anti-social behaviour as a potential result of the operation of the proposed tavern. The petition received contained 112 signatures objecting to the proposal as the proposed tavern is considered to be too small and does not meet the facilities and amenities requested by Currambine and the surrounding communities. This petition was received by Council at its October 2008 meeting.

The proposed development is consistent with the type of development that is desirable in the main street of a district centre. The proposed tavern will not have an adverse impact on adjoining and nearby properties due to the design of the development and proposed management plan of the tavern.

It is recommended that the application be approved subject to conditions.

BACKGROUND

| | |
|-------------------------|--|
| Suburb/Location: | Lot 5003 (14) Hobsons Gate, Currambine |
| Applicant: | Total Hospitality Services |
| Owner: | Resolve Nominees Pty Ltd (previous owners were Goldprime Corporation Pty Ltd) |
| Zoning: | DPS: Business |
| | MRS: Urban |
| Site Area: | 6242m ² |
| Structure Plan: | Currambine District Centre Structure Plan |

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located at the centre of the Currambine District Centre, immediately to the south of Hobsons Gate and to the east of Chesapeake Way.

The CDCSP guides development within this area. The CDCSP follows main street principles with the aim of creating an integrated retail centre that can serve the local community with its required retail needs as well as form a liveable town centre.

The surrounding land is vacant; however there are several applications that have been submitted to the City. Of relevance to this proposal are the developments:

- Lot 5004 (4) Hobsons Gate (located to the west of the subject site). This is proposed to be developed as four showrooms and a shop; and
- Lot 1032 (1) Hobsons Gate (located to the north-west of the subject site). This is proposed to be developed as seven showrooms and seven warehouses.

The site immediately to the east is zoned Civic and Cultural and is owned by the City.

DETAILS

The applicant proposes to construct a single storey development which includes:

- A tavern with a capacity for a maximum of 360 people which includes:
 - Standing/Lounge area of 160m²;
 - Lounge/Dining area of 140m²;
 - Alfresco area of 52m²;
 - Function Room area of 44m²; and
 - Bar area of 44m².
- Two offices with a combined floor area of 785m² NLA; and
- Shop with a floor area of 200m² NLA.

For comparison purposes, the table below indicates the maximum capacity of other taverns within the City.

| Tavern Name | Address | Maximum Capacity |
|-------------------------|---|------------------|
| Beldon Tavern | Gunter Grove, Beldon | 177 |
| Craigie Tavern | Eddystone Avenue, Craigie | 200 |
| Kingsley Tavern | Kingsley Drive, Kingsley | 500 |
| Mullaloo Beach Hotel | Oceanside Prom Mullaloo | 528 |
| Glengarry Tavern | Warwick Road, Duncraig | 569 |
| Old Bailey | Reid Promenade, Joondalup | 600 |
| Grand Boulevard Tavern | Grand Boulevard, Joondalup | 626 |
| Whitfords Tavern | Whitfords Avenue/Marmion Avenue, Hillarys | 682 |
| The Greenwood | Warwick Road, Greenwood | 730 |
| Moon & Sixpence | Trappers Drive, Woodvale | 878 |
| Carine Glades Tavern | Beach Road, Duncraig | 900 |
| Breakwater Tavern (old) | Hillarys Boat Harbour, Hillarys | 970 |

The proposed plans are provided in Attachment 3.

The following table summarises the compliance of the proposal with the requirements of the CDCSP and DPS2.

| Standard | Required | Proposed | Complies |
|-------------------------------------|---|--|----------|
| Front Setbacks | Nil (Urban Edge) | Nil with portions up to 4m setback of 10m width. | No |
| Side Setback (southern boundary) | Compliance with BCA (Non Urban Edge) | 14.5m | Yes |
| Rear Setback (eastern boundary) | Compliance with BCA (Non Urban Edge) | 18.5m | Yes |
| Building Height | Maximum two storeys | Single storey with two storey façade. | Yes |

| Standard | Required | Proposed | Complies |
|------------------|---|---|---|
| Landscaping | 8% | 9.49% | Yes |
| Building facades | Active frontages with 70% glazing. Window sills not less than 600mm above ground floor level | Active street frontages with 33% glazing over both street facades. Window sills 0mm above ground floor level | No No |
| Footpaths | A continuous footpath (3m minimum) along the building edge | Street frontage footpaths. Footpath of between 1m and 2m wide along rear building edge. | Yes (recommended condition of approval) No |

Car Parking:

| Proposed Use | Required by DPS2 |
|--|------------------|
| Office (1 per 30m ² NLA) | 27 |
| Shop (7/100m ² NLA) | 14 |
| Tavern | |
| • Standing (1 per 3m ² NLA)(217m ²) | 73 |
| • Seating (1 per 5m ² NLA)(240m ²) | 48 |
| | |
| Total | 162 |
| Provided | 138 |

There is a proposed shortfall of 24 bays over the site.

The applicant has provided the following justification for the proposal:

- *The application is for a modern contemporary food and beverage facility to serve the community's interests and needs within Currambine District Shopping Centre and surrounding suburbs;*
- *The application combines both day and night time uses and therefore the car parking shortfall will not affect the operation of the site as the peak periods for the day and night time uses occur at different times;*
- *The site is on a main street and zoned to include food and beverage venues in addition to retail shops and offices;*
- *The tavern will front Chesapeake Way and the closest residents will be on Hobsons Gate to the rear/south-end of the development;*
- *The tavern consists of a patron dining capacity of 360 people in total including the capacity to serve small functions and an alfresco area fronting Chesapeake Way;*

- *From experience and market research this size of establishment is ideal for a suburban shopping centre, given that there will be other restaurants within the vicinity, and that larger venues are more prone to risks of anti-social behaviour as crowd control becomes more difficult to manage;*
- *The venue will operate until 12 midnight only; and*
- *There is no bottle shop or drive through in this application.*

An acoustic report was submitted as part of the application which concludes that with proper design noise levels can be controlled to comply with the Environmental Protection (Noise) Regulations 1997. The applicant submits that this will include:

- *Keeping bi-fold doors shut when there is entertainment inside;*
- *Air lock doors on main entry and exit doors;*
- *Glass windows and doors treated with acoustic material; and*
- *No external speakers.*

A management plan was also submitted as part of the application which details procedures and policies of the operation of the tavern. Relevant to this report are policies to minimise noise and the potential for anti-social behaviour.

With relation to noise, the management plan includes the following measures:

- *Sound limiters to all amplified systems will be set so as not to exceed the noise levels stipulated under the Environmental Protection (Noise) Regulations;*
- *Operators will maintain a working relationship with local community groups and residents to address any concerns regarding both noise and any other such matters with regards to the operation of the development;*
- *Music throughout the venue will come from one controlled sound system which will be locked and only accessible by the licensees (or representative) and/or approved manager*
- *The venue will maintain a log book for any complaints regarding noise and disturbance in the area. Any complaint is entered into the book – with the date and time of the complaint, the staff member who received the complaint and the action taken. The approved manager will then contact the complainant to ascertain whether the action taken was sufficient to answer their concern;*
- *Deliveries will occur between the hours of 7am and 7pm only;*
- *All entry/exit points will be fitted with door closers; and*
- *No rubbish will be cleared from the premises or keg movement after 10pm and before 7am on any day.*

With relation to the potential for anti-social behaviour, the management plan includes the following measures:

- *Security will patrol the area of the tavern on a random basis during operating hours;*

- *Security on site will be in accordance with the Department of Racing, Gaming and Liquor's Security at Licensed Premises policy;*
- *CCTV will be present at each entry/exit point (a Liquor Control Act requirement);*
- *Signage will be erected at entrances advising of the dress standard which will be, "Neat casual dress is required at all times. Management reserves the right to refuse entry to anyone not suitably attired". This will assist in attracting the right client base to the venue;*
- *Intoxicated patrons will not be served (a Liquor Control Act requirement);*
- *Intoxicated patrons will be offered coffee or other non-alcoholic beverage. Where appropriate staff will inquire as to how the patron is getting home and offer to call them a taxi;*
- *Any activity that could lead to or result in excessive consumption of alcohol or the promotion of alcohol involving excessive or rapid consumption of alcohol will be discouraged (a Liquor Control Act requirement); and*
- *Low alcohol and non alcohol drinks will be promoted and available on the premises and glasses of tap water will be available, free of charge, upon request (a Liquor Control Act requirement).*

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The proposal is consistent with objective 4.1 of the City of Joondalup Strategic Plan 2008-2011 – to ensure high quality urban development within the City.

Legislation – Statutory Provisions:

The proposed development includes variations to the requirements of the Structure Plan. Clause 4.5 of DPS2 allows for these variations to be considered.

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

The matters listed under Clause 6.8 require consideration:

6.8 *MATTERS TO BE CONSIDERED BY COUNCIL*

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

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

As the Tavern is a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration:

6.8.2 *In addition to the matters referred to in the preceding sub clause of this clause, the Council when considering whether or not to approve a “D” or “A” use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclasses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

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 proposal was advertised for public comment for a period of 21 days. A total of 77 nearby owners were advised in writing, a sign was erected on the road verge adjacent to the site and advertisements were placed in the Joondalup Weekender on 11, 18 and 25 September 2008. Advertising closed on 2 October 2008.

A total of 28 responses were received, being 5 letters of no objection, 14 objections and 9 letters of support.

Key issues arising from Public Consultation

Comments received in support of the application are summarised as follows:

- As a proposed district centre, Currambine needs to have more shops, offices and especially a tavern for local residents.
- There is nothing on the coast side from Mullaloo Tavern to Ocean Keys in the way of social facilities. This facility will allow local residents to socialise within the community and being in walking distance to residents will reduce the temptation to drive;
- The location is a good position for the proposal;
- It will provide job opportunities close to home for adults;
- Increased adult presence in the area will assist with current issue of underage drinking and vandalism; and
- More local facilities will help keep residents as consumers in the area and reduce vehicle use.

Objections to the proposed development raised the following concerns:

- Noise from the tavern will negatively affect the amenity of nearby residential properties;
- The tavern will encourage anti-social behaviour by patrons in the car park and on the surrounding streets;
- The alfresco area is out in the open and it will be difficult to control both noise and anti-social behaviour at this location;
- People leaving the tavern at night on foot will use residential lanes and streets which will create noise and antisocial behaviour and create a nuisance;
- The tavern belongs in a town or city centre, not the residential suburbs;
- After hours uses within this area should be aimed at family activities;
- There will be an increase in litter;
- There will be an increase in traffic;
- The tavern will negatively affect on the resale value of nearby properties;
- The development may contain a bottle shop in the future;
- The tavern is in conflict with designing out crime principles;
- Underage youths will be able to obtain alcohol via friends who can purchase alcohol legally;
- There is not sufficient demand from the surrounding suburbs to support a tavern and a tavern is contrary to the needs of the community;

Attachment 2 provides a diagram indicating where submissions were received from. Attachment 4 provides a summary of the objections received, the applicant's response to these comments and the City's comments.

A 112 signature petition was received by Council at its October 2008 meeting objecting to the proposed tavern because it is considered to be 'too small and the facilities and amenities are inadequate for the facilities and amenities requested by the community'.

The development consists of a patron capacity of 360 people including the capacity to serve small functions and an alfresco area fronting Chesapeake Way. The applicant has stated that from their experience and market research that an establishment of this size would be ideal for a suburban shopping centre given that there will be other restaurants within the vicinity. The applicant also states that in their experience larger venues are more prone to risks of anti social behaviour as crowd control can become more difficult to manage.

COMMENT

Status of the Structure Plan (CDCSP)

A review of the structure plan was requested by Council at its 10 June 2008 meeting. It is understood that Council's primary concern when requesting a review of the CDCSP was in relation to certain land uses that may result in antisocial behaviour or a general loss of amenity for the locality, in particular liquor outlets.

The review of the Structure Plan is underway. In the meantime, this application needs to be considered under the existing CDCSP provisions.

The proposed land use would fall into the group of land uses classed as liquor related. Although the Structure Plan review might result in restrictions on the location of liquor related activities, it is considered that the proposed development is located in a suitable location within the Currambine District Centre for this type of use as:

- The subject site is the furthest site from existing and established residential areas within the Currambine District Centre; and
- The proposed tavern is likely to be opposite showrooms, warehouses and a shop and the tavern will not have an adverse effect on the operations of these future businesses.

Location and Use of the Proposed Development

The site is located within the Business Zone of the Currambine District Centre. The CDCSP guides development within this area and sets out objectives whereby:

- The Currambine District Centre is to be developed to the diversity and robustness of a small town centre;

The objectives for the Business Zone are:

- To create an active focus for the community with a diversity of non-retail main street uses that generate day and evening activity; and
- To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community.

The proposed tavern development is focused on Chesapeake Way as the main frontage. Chesapeake Way is the central main street of the Currambine District Centre which links the northern Business Zone sites with the existing Currambine Marketplace and Cinemas to the south.

The proposed development will have both day and evening activity by combining offices and a shop, which would predominantly be day time uses, with a tavern which includes a bar and restaurant which will predominantly be an evening use. This achieves the main street activity and diversity from the morning right through to the evening.

The proposed tavern faces Chesapeake Way and Lot 5004 (4) Hobsons Gate, Currambine. An application has been received for Showrooms and a Shop on this site. It is considered that the proposed Tavern use is compatible with this type of development and will not have an adverse affect on the operation of future showroom and shop businesses.

The proposed office and shop faces Hobsons Gate and Lot 5005 (11) Chesapeake Way, Currambine. No applications have been lodged for this property at this time. However the proposed office and shop use is one which is compatible with most uses.

The proposed development meets the objectives of the Business zone and the CDCSP given its compatibility with the intended use of the main street area of Currambine District Centre and compatibility with future development of surrounding properties given that the tavern is located opposite a future commercial development and away from residential areas.

Design Variations to the CDCSP

The proposed development is subject to the CDCSP. The proposal seeks to vary the following standards of the CDCSP:

- Street setback of 4m in lieu of nil.

The CDCSP seeks to have developments provide an 'Urban Edge' whereby nil setbacks to street boundaries are required. The proposed development does not achieve this on the corner of Hobsons Gate and Chesapeake Way due to the awkward shape of the lot boundary.

- Blank facades facing access ways to car parking areas at the east and south of the proposed building:

The CDCSP requires that there be no blank facades to the building other than where the building directly abuts another building or a loading bay. Two blank facades are proposed on the east and south ends of the building. It is considered that the blank facades are acceptable as they face the main access into the site and area of car parking. Surveillance is provided to the car park via windows on all other facades.

- Building frontages with less than 70% glazing:

The proposed glazing of both street frontages is approximately 33% of the area of the building facade. Whilst this is a large reduction to the 70% required by the CDCSP, it is considered that the glazing does promote surveillance of the street via large ground floor windows.

In addition, the Structure Plan requires all windows to be a minimum of 600mm above ground floor level, with the proposal incorporating a number of windows to both the Hobsons Gate and Chesapeake Way facades that begin at ground level. Additionally, some of the portions of the windows to the proposed tavern are bi-fold doors allowing activities of the tavern and restaurant to interact with the street at times which are considered appropriate. It should also be noted that the applicant intends to lodge a separate application for an alfresco area in the future which will also enhance surveillance opportunities and main street activity.

This aspect of the proposal satisfies one of the objectives for the Business Zone under the Structure Plan, this being to “*encourage high standards of Main Street built form and an active edge to create an attractive facade to vehicle and pedestrian routes providing visual amenity and interaction*”.

- Footpaths

The Structure Plan requires all developments to have footpaths with a minimum width of 3 metres surrounding the proposed building. The footpath that abuts the rear of the building varies in width between 1 metre and 4 metres; however this is considered sufficient given the inclusion of a raised pedestrian footpath through the middle of the car park and the inclusion of traffic calming devices to slow traffic within the car park area.

It is recommended that a condition be imposed requiring that a footpath of the width of the verge be provided at the applicant’s expense on Chesapeake Way and Hobsons Gate given that it is the main street of the Currambine District Centre, and that pedestrians will be likely to use this footpath from the rear car park to the front of the development. This will also benefit the applicant in relation to any future application for alfresco dining.

The proposed design variations to the CDCSP are minor in nature and the design of the building is consistent with that encouraged by the CDCSP.

Energy Efficiency

Energy efficiency measures were introduced into the Building Code of Australia in May 2007. The new Five Star energy efficiency provisions for the design and construction of commercial buildings include:

- The thermal performance of walls, ceilings, floors, glazing including shading in order to avoid or reduce the use of artificial air conditioning (heating and cooling);
- The sealing of buildings to reduce energy loss through air leakage;
- Natural ventilation and internal air movement, where appropriate, to avoid or reduce the use of artificial air conditioning; and
- Changes to services to better reduce energy consumption including:
 - lighting systems;
 - energy efficient air-conditioning, heating and ventilation systems;
 - hot water supply systems; and
 - maintenance of these systems.

The objective of introducing energy provisions into the Building Code is to reduce greenhouse gas emissions by focusing on energy efficiency as a means of achieving this goal. Although this will be assessed at the building licence stage, the applicant has provided the following additional information with regard to energy efficiency:

- *Windows are positioned to take advantage of northern light, reducing lighting and heating requirements;*
- *Bi-fold doors of the tavern can be opened to take advantage of westerly breezes at appropriate times, reducing cooling requirements;*
- *Fluorescent lights will be used internally where appropriate to reduce energy consumption;*

- *Air conditioning will be controlled in 'zones' to allow areas of the building not in use to be switched off;*
- *Waterless urinals will be used which save water use;*
- *The 'e-water system' will be investigated which produces alkaline and acidic cleaning products from tap water, reducing chemical use;*
- *LED lights will be considered for the car parking area, which use less power during operation;*
- *All refrigerators will be MEPS (Minimum Energy Performance Standards) tested; and*
- *Staff training will have the best practice in mind, including small things such as switching off appliances when they are not in use, recycling, and stock management to reduce waste.*

Noise

A number of comments received during the public consultation period identified the potential for noise from the proposed tavern as a concern.

The proposed development is located in the centre of the Currabine District Centre and is located approximately 185m from existing residential properties to the west, 240m from the north, 100m to the east, and 450m to the south.

An acoustic report was submitted as part of the application. The report concludes that with proper design noise level emissions attributable to the development can be controlled such that compliance with the Environmental Protection (Noise) Regulations 1997 can be achieved.

The management plan also proposes a number of policies in order to control the level of noise emitted from the proposed tavern (see details section).

The combination of design and management policies of the tavern are sufficient to ensure that the amenity of residents will be maintained with regard to noise impact. The separation distance between the proposed tavern and existing residences is sufficient to ensure that noise emitted from the tavern will dissipate before reaching the existing residential area.

Anti-Social Behaviour

A number of comments received during the public consultation period identified potential anti-social behaviour as a concern.

The submitted management plan also proposes a number of policies to minimise the potential for anti-social behaviour by patrons of the proposed tavern.

The management plan for the tavern also states that the venue operator will provide staff after closing hours to assist with the dispersal of all guests with minimal disruption to residents. The proposal includes two taxi bays within the Chesapeake Way road reserve outside of the tavern which will be provided at the applicant's cost. The applicant has submitted that Swan Taxis are supportive of any taxi rank development within this area to assist with the needs of the venue. This will prevent the need for tavern patrons to wander the surrounding streets in search for transport after the venue has closed which will help prevent any nuisance or disturbance to surrounding properties.

The proposed management plan policies, and requirements of the Liquor Control Act will be sufficient in controlling the potential for anti-social behaviour from the tavern patrons.

Crime Prevention through Environmental Design (CPTED)

The WAPC and Office of Crime Prevention have developed guidelines for development to reduce the opportunity for crime through simple design solutions. The following designing out crime measures have been met by the proposed development:

- Surveillance

A substantial number of windows overlook Hobsons Gate and Chesapeake Way which will assist in providing natural surveillance and discourage criminal behaviour not only on the site but also on properties across the road.

Surveillance to the car park is provided via large windows from the office and shop, and highlight windows from staff areas of the tavern (such as the kitchen).

The tavern will also incorporate CCTV at each entry and exit point and crowd controllers in and around the tavern.

- Activity Generation

The proposed development combines day (offices and shop) and night time (tavern) uses, which will provide activity and surveillance throughout the day and night.

- Lighting

It is recommended that a condition of any approval be that a detailed lighting plan be submitted as part of the building licence to address proper lighting in and around the development.

- Landscaping

Landscaping is proposed throughout the development and it is recommended that a condition of any approval be that a detailed landscaping plan is submitted as part of the building licence where it can be confirmed that landscaping will not obstruct surveillance.

- Predictable Routes and Spaces Safe from Entrapment

The external areas of the proposed development are open in nature reducing the potential for anti-social behaviour to occur.

- Management and Maintenance

The submitted management plan indicates that staff will clean garden areas and verge areas nightly which will maintain a high standard of development and act as a deterrent for anti social behaviour.

Further, it is recommended that a condition of any approval be that the east and south facing walls (as indicated on attachment 2) be treated with non-sacrificial anti graffiti coating.

Traffic & Parking

The proposed development has a car parking shortfall of 24 bays (15%) to that required by DPS2.

The proposed development site combines both day (offices and a shop) and night (tavern and restaurant) uses which experience their peak customer periods at different times of day. Separately the day uses (offices and shop) would require 41 bays, and the night uses (tavern) 121 bays. Given the peak customer periods of the tavern fall outside the operating hours of the office and the shop, and the provision of 138 bays, it is considered that the proposed shortfall is acceptable.

Two access ways are proposed to the car parking area, one off Hobsons Gate and one off Chesapeake Way. This provides a safe and efficient flow of vehicles through the site and is in accordance with the CDCSP indicative concept plan.

Access to the east from Delamere Avenue is not available, however local patrons will be able to access the proposed development from the north via Delamere Avenue and Chesapeake Way. It is anticipated that there will be no significant increase to traffic volumes on Delamere Avenue as a result of the development. Direct access from Marmion Avenue to the proposed development is via Hobsons Gate. Access from the south will also be available once the extension of Ocean Gate Parade and link to Chesapeake Way occurs as part of the future development.

Conclusion

The proposed development complies with the requirements of DPS2 and the CDCSP with the exception of the matters discussed above. It is considered that the design variations should be supported as the proposal meets the objectives for the Currambine District Centre.

The subject site is an appropriate and acceptable location for development of this nature. The design of the tavern and the proposed management policies are sufficient in ensuring that potential adverse affects on the amenity of the existing residential area and future developments on the adjoining and nearby properties are minimised. The development will also contribute to the day and night time main street activity which the CDCSP aims to achieve.

The proposed office and shop floor space will contribute to the mixture of commercial and retail services that the Currambine District Centre is expected to provide to the surrounding community.

It is therefore recommended that the application be approved, subject to conditions.

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: Plan of Objectors
- Attachment 3: Plans Received
- Attachment 4: Summary of Comments Received from Public Consultation and the Applicant's and City's response.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:-
 - (a) Setbacks up to 4m in lieu of nil to the northern and western boundaries;
 - (b) Northern and Western building facade having 33% glazing in lieu of 70%, with windows being 0mm from the ground floor level in lieu of 600mm;
 - (c) Internal footpaths of between 1m and 3m around the building in lieu of 3m;
 - (d) Blank facade to a portion of the eastern and southern facades;are appropriate in this instance;
- 2 APPROVES the application for planning approval, dated 24 July 2008, submitted by Hospitality Total Services on behalf of the owners, Goldprime Corporation Pty Ltd for Tavern, Offices and a Shop at Lot 5003 (14) Hobsons Gate, Currambine, subject to the following conditions:
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
 - (b) Crossovers to be minimum 100mm thick concrete to the satisfaction of the Manager Infrastructure Management Services;
 - (c) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
 - (d) The lodging of detailed landscaping plans based on water sensitive urban design and Designing Out Crime principles, to the satisfaction of the Manager Approvals, Planning and Environmental Services, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;
 - (e) Landscaping, reticulation and all verge treatments are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
 - (f) The bin storage areas shall be provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;
 - (g) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;

- (h) Obscured or reflective glazing shall not be used at ground floor level fronting Hobsons Gate or Chesapeake Way;
 - (i) Any advertising signage shall be subject to a separate development application;
 - (j) The southern and eastern ground level facades marked in RED on the approved plans shall be treated with non-sacrificial anti-graffiti coating;
 - (k) The taxi bays in Chesapeake Way shall be constructed and marked as taxi bays only, at the owner's expense and to the satisfaction of the Manager Infrastructure Management Services;
 - (l) The taxi bays shall not be used for loading/unloading or deliveries at any time;
 - (m) The Chesapeake Way and Hobsons Gate verge marked in RED on the approved plans shall be brick paved at the owners cost to match the existing paving to the satisfaction of the Manager Approvals, Planning & Environmental Services;
 - (n) The tavern shall maintain a noise and disturbance complaint log book detailing the date, time, and details of complaints and the actions taken. This log book shall be available for inspection at any time;
 - (o) Deliveries are not permitted between the hours of 7pm and 7am;
 - (p) No rubbish, keg movement or any other loading or unloading is to be carried out between the hours of 10pm and 7am;
 - (q) All entries and exits to the tavern shall be fitted with automatic door closers;
 - (r) All amplified sound systems of the tavern shall be fitted with a sound limiter which shall be set to not exceed noise levels stipulated under the Environmental Protection (Noise) Regulations 1997;
 - (s) The parking area shall be artificially illuminated at night. A lighting plan detailing all pole and fixture positions, lux levels and light spillage shall be submitted with the Building Licence Application for approval of the Manager Approvals, Planning & Environmental Services;
 - (t) The tavern shall accommodate a maximum of 360 people at any one time;
 - (u) Notwithstanding the requirements of the Liquor Control Act 1988 the Tavern is permitted to operate until 12 midnight only;
 - (v) A minimum of one CCTV camera shall be installed at each entrance to the Tavern;
 - (w) The Management Plan received by the City on 18 July 2008 forms part of this approval. The operation of the tavern shall at all times conform to this Management Plan.
- 3 WRITES to the Department of Racing Gaming and Liquor inviting its involvement and endorsement of the proposed management plan for the Tavern, including (but not limited to) management of patrons, hours of operation, and security measures.

ADDITIONAL INFORMATION

It has been highlighted that the following additional new clause requires to be added to the City's recommendation:

“1(e) car parking provision of 138 bays in lieu of 162 bays;”

This is due to the fact that the proposed parking reduction should be acknowledged in Point 1 of the recommendation, as a result of the Council being required to exercise its discretion in relation to development standards.

MOVED Cr McLean, SECONDED Mayor Pickard that Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:-**
 - (a) Setbacks up to 4m in lieu of nil to the northern and western boundaries;**
 - (b) Northern and Western building facade having 33% glazing in lieu of 70%, with windows being 0mm from the ground floor level in lieu of 600mm;**
 - (c) Internal footpaths of between 1m and 3m around the building in lieu of 3m;**
 - (d) Blank facade to a portion of the eastern and southern facades;**
 - (e) car parking provision of 138 bays in lieu of 162 bays;**

are appropriate in this instance;
- 2 APPROVES the application for planning approval, dated 24 July 2008, submitted by Hospitality Total Services on behalf of the owners, Goldprime Corporation Pty Ltd for Tavern, Offices and a Shop at Lot 5003 (14) Hobsons Gate, Currambine, subject to the following conditions:**
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;**
 - (b) Crossovers to be minimum 100mm thick concrete to the satisfaction of the Manager Infrastructure Management Services;**
 - (c) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;**

- (d) The lodging of detailed landscaping plans based on water sensitive urban design and Designing Out Crime principles, to the satisfaction of the Manager Approvals, Planning and Environmental Services, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;
- (e) Landscaping, reticulation and all verge treatments are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (f) The bin storage areas shall be provided with a concrete floor graded to a 100mm commercial floor waste connected to sewer and the provision of a hose cock;
- (g) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from ground level;
- (h) Obscured or reflective glazing shall not be used at ground floor level fronting Hobsons Gate or Chesapeake Way;
- (i) Any advertising signage shall be subject to a separate development application;
- (j) The southern and eastern ground level facades marked in RED on the approved plans shall be treated with non-sacrificial anti-graffiti coating;
- (k) The taxi bays in Chesapeake Way shall be constructed and marked as taxi bays only, at the owner's expense and to the satisfaction of the Manager Infrastructure Management Services;
- (l) The taxi bays shall not be used for loading/unloading or deliveries at any time;
- (m) The Chesapeake Way and Hobsons Gate verge marked in RED on the approved plans shall be brick paved at the owners cost to match the existing paving to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (n) The tavern shall maintain a noise and disturbance complaint log book detailing the date, time, and details of complaints and the actions taken. This log book shall be available for inspection at any time;
- (o) Deliveries are not permitted between the hours of 7pm and 7am;
- (p) No rubbish, keg movement or any other loading or unloading is to be carried out between the hours of 10pm and 7am;
- (q) All entries and exits to the tavern shall be fitted with automatic door closers;
- (r) All amplified sound systems of the tavern shall be fitted with a sound limiter which shall be set to not exceed noise levels stipulated under the Environmental Protection (Noise) Regulations 1997;
- (s) The parking area shall be artificially illuminated at night. A lighting plan detailing all pole and fixture positions, lux levels and light spillage shall be

submitted with the Building Licence Application for approval of the Manager Approvals, Planning & Environmental Services;

- (t) The tavern shall accommodate a maximum of 360 people at any one time;
- (u) Notwithstanding the requirements of the Liquor Control Act 1988 the Tavern is permitted to operate until 12 midnight only;
- (v) A minimum of one CCTV camera shall be installed at each entrance to the Tavern;
- (w) The Management Plan received by the City on 18 July 2008 forms part of this approval. The operation of the tavern shall at all times conform to this Management Plan.

- 3 WRITES to the Department of Racing Gaming and Liquor inviting its involvement and endorsement of the proposed management plan for the Tavern, including (but not limited to) management of patrons, prohibition of the sale of packaged liquor, the hours of operation, and security measures.

Discussion ensued.

The Motion was Put and

CARRIED (7/5)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9agn251108.pdf](#)

CJ253-11/08 SHARED USE AGREEMENTS – PARKS AND RECREATION FACILITIES – [29110]

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Ian Cowie
Planning and Community Development

PURPOSE

To determine the appropriate method for developing shared use agreements for parks and recreation facilities between the City and the Department of Education and Training (DET).

EXECUTIVE SUMMARY

The City has a number of existing shared use relationships with local schools. Most of these arrangements are informal and consist of the school using City of Joondalup parks that are adjacent to their site.

Shared use is a facility planning and management principle that is becoming more common in local government as an alternative to building separate stand alone sporting grounds and/or recreational facilities. Generally, the usage requirements of schools coincide with 'non peak' times for the City's parks and recreation facilities.

It is recommended that the City establishes long-term agreements with the DET to enable the sharing of facilities for the ongoing delivery of sport, leisure and recreation activities to the Joondalup community. Such arrangements would benefit both parties by sharing the costs of providing the asset whilst maximising the efficiency and utilisation of parks.

This report outlines the cost sharing options that could be applied to shared use agreements between the City and the DET. The City currently has nine (9) informal agreements with the DET for the use of City parks adjacent to schools. In each of these informal agreements the City is responsible for all maintenance and renewal costs.

The development of shared use principles provides the City with guidelines which can be applied to the existing informal arrangements with schools.

It is recommended that Council:

- 1 ADOPTS Option 3 as the preferred cost sharing model for shared use agreements between the City and the Department of Education and Training, where City assets are being used by the Department.
- 2 ADOPTS Option 5 as the model for those shared use arrangements where the City and DET equally share facilities at a particular site.
- 3 AGREES to negotiate with the Department of Education and Training the implementation of shared use agreements using the Option 3 model, at all existing informal, shared sites throughout the City.

BACKGROUND

The City of Joondalup currently shares a range of parks with local schools (see attachment 1). A majority of these arrangements are informal and consist of the school using the park that is adjacent to their site. Currently, the City has arrangements with schools at the following sites:

| Name of School | Name of Park | Actual Utilisation of Park (6am – 9pm) | Type of Agreement |
|--|-------------------------|--|---------------------------|
| Beldon Primary School | Beldon Park | 10.7% | City Asset - No agreement |
| Eddystone Primary School | Littorina Park | 12.8% | City Asset - No agreement |
| Mullaloo Beach Primary School | Korella Park | 9.5% | City Asset - No agreement |
| North Woodvale Primary School | Chichester Park (North) | 22.6% | City Asset - No agreement |
| Mullaloo Heights Primary School | Charonia Park | 13.3% | City Asset - No agreement |
| Beaumaris Heights Primary School St Simon Peter Catholic Primary School | Santiago Park | 37.2% | City Asset - No agreement |
| Currambine Primary School | Carlton Park | 9.1% | City Asset - No agreement |
| Kinross Primary School | Callander Park | 6.8% | City Asset / No agreement |
| Kinross College | Falklands Park | 33.5% | Shared Use |
| Creaney Primary School | Kingsley Park | 31.5% | City Asset - No agreement |

For the majority of these arrangements, there are no formal records detailing the maintenance and management responsibilities of the City or the individual schools. The relationship with Kinross College is the only one listed that has a formal agreement in place.

DETAILS

Currently, the City has nine (9) locations with existing shared use relationships with schools where no formal agreements are in place. The lack of formal shared use agreements for those sites where relationships currently exist, present the following risks to the City:

- Inconsistent standards of park/facility provision between the City and DET;
- Potential disputes regarding responsibilities for park/facility maintenance;
- Additional wear and tear on parks from school usage;
- Increase in maintenance costs associated with increased usage;
- Potential for double booking of parks.

There are a number of other Local Governments in Western Australia currently formalising relationships with the DET for shared use. The benefits to local government of shared use agreements include:

- Increased opportunities for the community to access local sport, leisure and recreation facilities;
- Improved security at schools as a result of increased use of facilities outside of normal school hours;
- The development of a greater sense of community that results from the shared ownership, operation and maintenance of parks/facilities;
- Increased utilisation and physical activity at parks/facilities;
- Sharing of park/facility maintenance costs;
- Reduced capital costs in building separate facilities.

When entering into a shared use arrangement with schools, the City needs to ensure the following issues are considered:

- The potential impact on current sporting clubs and groups that use the parks/facilities;
- Any impacts on the community and their access to parks/facilities;
- Potential changes to local demographics that affect park usage;
- Maintaining the quality of the park/facility provided as a result of the increased usage.

In developing shared use agreements with DET, the following key elements would be included:

- *Park/Facility Usage Schedule*
Details of those areas of the park/facility where shared use is being provided and the times in which access is permitted.
- *Costs and Responsibility*
Who is responsible for park/facility maintenance and how much will each party contribute to these costs.

- *Management of Park/Facilities*
Who is responsible for managing access and processing bookings for the park/facility.

Other elements that would also be included in standard shared use agreements are insurance, indemnity, damage and graffiti reporting, dispute resolution, signage.

Issues and options considered:

In developing shared use agreements, the two (2) key issues to consider are the impact on playing surfaces and the sharing of costs.

Impact on Playing Surfaces

A shared use agreement will ultimately result in an increase in usage and potentially wear and tear on the asset. This impact will ultimately be governed by the type, length and intensity of use on the asset and is more likely to be shown on parks rather than facilities and sporting infrastructure. The impact on the asset can be managed through the development of a detailed maintenance plan, which sets service standards in line with the level of usage at the site.

A maintenance plan for a park in which a shared use agreement exists, is likely to provide a higher standard of maintenance including an increase in the frequency and timing of mowing, fertilizing, verti-mowing and top dressing.

In entering into a shared use agreement, each party would need to commit to the specific conditions of use at that site. This may include controlled access during periods of maintenance and restricted access to heavy use areas such as goal squares, goal mouths and centre square areas.

Sharing of Costs

A shared use agreement should clearly outline each party's responsibilities in relation to the capital cost, renewal cost and the ongoing costs to maintain the asset.

Where a new asset such as a park is established, the construction cost should be split between both parties. Similarly, when a shared use asset requires a significant upgrade or renewal works (upgrade to reticulation system, major turf replacement), the costs should be split between both parties.

An outline of each party's responsibilities relating to maintaining the asset should be included in a shared use agreement. With shared assets (parks, cricket practise nets and tennis courts) the maintenance costs can include mowing, watering, fertilizing, verti-mowing, top dressing, reticulation, sweeping, fence repairs and court resurfacing.

The City is currently in the process of developing a maintenance cost analysis for each of its parks. For this report, a review was undertaken on the maintenance costs associated with Beldon Park where an informal shared use agreement currently exists.

Detailed below are a range of options for the sharing of costs for future shared use agreements, using Beldon Park as an example. In 2008/2009 maintenance costs for the park are estimated at \$127,000, with the school having access to the oval for 6.5 hours per day or the equivalent of 30% of the park's available booking time.

The average cost to maintain all of the City's existing 10 shared use ovals is approximately \$88,000 per annum. This varies for individual ovals depending on the size and condition of the oval.

SCENARIO 1. City asset being used by the Department of Education and Training (DET): the implications for Beldon Park.

| Options | Description | DET Contribution | Cost to City | Summary |
|-----------------|---|------------------|--------------|--|
| Option 1 | Status Quo – no shared use agreement. | \$ 0 | \$127,000 | City fully responsible for all costs of maintaining asset. |
| Option 2 | DET pay the City a fixed annual maintenance fee. The fee to be fixed at the average of the maintenance costs for the 10 parks involved in such arrangements. <i>** Determined by using \$88,000 as an average maintenance cost per park for an estimated DET usage of 25% of available booking hours. \$22,000 would be applied as a flat fee to every shared use agreement.</i> | \$22,000 | \$105,000 | Shared cost structure that is simple to administer. Contribution not linked to service levels. One fee for all agreements. |
| Option 3 | DET pay the City a fixed percent (25%) of the annual maintenance cost for the actual park in question. <i>** 25% determined by estimating DET annual booking time against the total amount of available hours.</i> <i>(School booking 1300 hrs / Available booking 5460 hrs, equates to approximately 25%)</i> | \$31,750 | \$95,250 | Shared cost structure that is simple to administer. Contribution linked to the required service levels for each site. Can be applied to capital and renewal works – which would need to be agreed in advance. May require negotiation to determine fixed percent. |
| Option 4 | DET is charged an hourly rate for every hour of actual use at the park. Park \$17.00 per hour Courts \$5.00 per hour <i>** Based on DET estimated actual use of 5 hrs per week and 3 carnivals per year totalling 219.5hrs per annum. This option would allow for other bookings during school hours in the schools non-booked times.</i> | \$3,731 | \$123,269 | Fee per hour structure established under current fees and charges. Allows school to pay only for the actual hours booked. Increasing administration for the management of bookings. Potential for school to use oval when not booked. Contribution not linked to service levels. |

SCENARIO 2. City asset and DET asset being shared at the same site.

| Options | Description | DET Contribution | Cost to City | Summary |
|-----------------|--|--------------------------------|-----------------------------------|--|
| Option 5 | DET is provided access to a City asset during school hours. The City is provided access to DET facilities after school hours. | Maintenance cost of DET asset. | Maintenance cost of City's asset. | Agreement based on equivalent asset being provided by each party at the same site. Simple to administer as each party is responsible for their asset. |

Link to Strategic Plan:

The development of shared use agreements supports the Strategic Plan's key focus area of Community Wellbeing, in particular 5.1 Objective: To ensure the City's facilities and services are of high quality and accessible to everyone. The formalisation of cost sharing arrangements for the provision of shared facilities will assist the City in providing the appropriate standards of facility provision, for the community.

CONSULTATION:

The Department of Education and Training have been briefed on the need for the City to develop formal shared use agreements at the nine sites identified in this report. The City outlined that it will be recommending that a cost sharing model be applied at each of the sites, reflective of the relevant school's use of those facilities.

The Department of Education and Training stated that they are in the process of developing shared use agreements across many Local Governments in Western Australia and recognise that clear conditions and simple cost sharing models provide the most effective agreements for each party.

A discussion paper was distributed to Elected Members on shared use agreements, which sought feedback on the preferred cost sharing options. The City received two responses, both of which supported the application of the Option 3 model in developing shared use agreements with DET.

COMMENT

Schools require access to parks during school hours, traditionally 9.00am to 3.30pm Monday to Friday. This time is considered 'off peak' for the City with very little organised usage by sporting clubs and community groups. The peak usage times for the City's parks and facilities occur in the afternoons (4.00pm – 9.00pm) and on weekends. This variation in facility demand lends itself to the development of successful shared use arrangements.

Shared use is a principle that should be encouraged as an alternative to building separate stand alone facilities for the City and DET. School usage requirements fit perfectly with the 'non-peak times' of City parks/facilities. Consequently, the development of long-term agreements with DET to enable the ongoing delivery of sport, leisure and recreational facilities to meet community needs is considered valuable.

The management of a shared use agreement should be dependant on the specific facility arrangement. For those shared use relationships where the City is able to access tennis or hard court areas, owned and managed by DET in exchange for their use of the City's park (Option 5), no maintenance or booking charges should apply.

For those arrangements where the DET has access to the City's park but the City has no opportunity for shared use of any DET facilities, a maintenance and renewal fee should be charged to DET. The preferred option for applying this fee is the fixed percent model for the actual maintenance costs at the specific park/facility (Option 3). This option would apply to annual facility maintenance costs and renewal costs at each individual park. Option 3 ensures that if service levels are required to be increased to maintain the asset, the costs are shared between both parties. Similarly, if major renewal works are required and agreed in advance by both parties, Option 3 provides an effective cost sharing model.

Option 1 is not recommended as it is completely inequitable (requiring no contribution from DET while Option 4 is rejected as the hourly rate model does not reflect the DET's extensive use of parks/facilities and it requires regular checking of usage arrangements.

Option 3 as a payment structure for shared use agreements is a simple and easy to administer option; offering a cost effective option as compared to the full cost option of either party purchasing, developing and maintaining the asset over its life.

The establishment of new shared use agreements will be considered on their individual merits, with Option 3 and Option 5 providing a frame work for their development.

Shared use as a principle provides benefits to the broader community through the opportunity for an increase in programmed access to; and physical activity within parks and sporting facilities whilst maximising the use of open space areas.

ATTACHMENTS

Attachment 1 – Map of potential shared use sites.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Fishwick that Council:

- 1 ADOPTS Option 3 as the preferred cost sharing model for shared use agreements between the City and the Department of Education and Training where City assets are being used by the Department;**
- 2 ADOPTS Option 5 as the model for those shared use arrangements where the City and Department of Education and Training equally share facilities at a particular site;**
- 3 AGREES to negotiate with the Department of Education and Training the implementation of shared use agreements using the Option 3 model, at all existing informal, shared sites throughout the City.**

Discussion ensued.

During discussion, the following movements occurred:

Cr McLean left the Chamber at 2312 hrs and returned at 2315 hrs;

Chief Executive Officer left the Chamber at 2312 hrs and returned at 2314 hrs.

The Motion was Put and

CARRIED (12/0)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12min251108.pdf](#)

CJ254-11/08 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – OCTOBER 2008 – [07032] [05961]

WARD: All

RESPONSIBLE A/DIRECTOR: Mr Ian Cowie
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 October 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 October 2008 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

| Approvals Determined Under Delegated Authority – Month of October 2008 | | |
|---|---------------|-------------------|
| Type of Approval | Number | Value (\$) |
| Development Applications | 85 | \$ 9, 076,346 |
| R-Code variations (Single Houses) | 80 | \$24, 894,797 |
| Total | 165 | \$33, 971,143 |

The number of development applications received in October 2008 was 118. (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.

| Subdivision Approvals Processed Under Delegated Authority Month of October 2008 | | |
|--|---------------|---------------------------|
| Type of Approval | Number | Potential new Lots |
| Subdivision Applications | 7 | 3 |
| Strata Subdivision Applications | 12 | 24 |

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 85 development applications determined during October 2008, consultation was undertaken for 39 of those applications. Of the 19 subdivision applications determined during October 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 October 2008 - Decisions - Development Applications
Attachment 2 October 2008 - Subdivision Applications Processed

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Macdonald, SECONDED Cr McLean that Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications described in Report CJ254-11/08 for October 2008;**
- 2 subdivision applications described in Report CJ254-11/08 for October 2008.**

The Motion was Put and CARRIED (10/0) by En Bloc Resolution following consideration of Item C77-11/08, Page 145 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf181108.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ255-11/08 FEDERAL INFRASTRUCTURE GRANTS FOR LOCAL GOVERNMENTS – [00571]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

PURPOSE/EXECUTIVE SUMMARY

To inform Council of the recent announcement by the Federal Government to immediately commit \$300 million of infrastructure grants to local governments across Australia.

BACKGROUND

In May 2008, the Federal Government announced in its budget speech the allocation of \$300 million to local governments across Australia to address the infrastructure needs of local communities. It was stated at the time that funding would be delivered through the *Regional and Local Community Infrastructure Program* in 2009-10.

In September of this year, the Prime Minister also announced his plan to establish an Australian Council of Local Governments (ACLG) with the purposes of:

- fostering stronger relations between the two spheres of government;
- discussing progress towards constitutional recognition of local government;
- tackling immediate issues with urban congestion; and
- developing a means of providing sufficient infrastructure needs to local communities.

The first meeting of the ACLG occurred in Canberra last week. The City of Joondalup's Mayor attended the meeting.

DETAILS

The Prime Minister announced at the ACLG meeting (held on Tuesday 18 November 2008) that funds under the *Regional and Local Community Infrastructure Program* would become immediately available to local governments, explaining the following:

"The initial \$300 million injection into the program will be delivered by 30 June 2009 in two programs.

- *\$250 million will be allocated to each council and shire, based on a formula that recognises need and population growth, but with a minimum allocation of \$100,000.*

The funding will be allocated to new initiatives to repair and build community facilities – initiatives that are over and above those already planned and budgeted.

Those initiatives might include upgrades to local sporting grounds, refurbishing a community centre or local pool, upgrading a streetscape, building a tourism information centre or building an indoor sports centre.

To claim their allocation, councils will be required to submit proposals that are ready-to-go and meet program guidelines.

- *Second, the Commonwealth will invite bids for a further \$50 million to be invested in larger-scale local projects such as new sports stadiums, entertainment precincts and cultural centres that require a larger Commonwealth contribution – \$2 million or more.*

With these investments, the Government aims to leverage greater investment such as from States or groups of local governments, to deliver a stronger economic boost to local communities.

Local governments have the capacity to roll-out smaller-scale infrastructure projects quickly.

We will be asking local government to implement a speedy rollout of infrastructure investment to deliver both immediate economic benefits and long-term community benefits.

Monies from both funds will need to be expended by the end of September next year.

Application guidelines are yet to be released; therefore, the City is unable to put forward a recommendation for eligible projects at this stage. However, the City is aware that \$833,000 has been allocated to the City under the first phase of the program. This is compared to the average allocation across Australian local governments of \$439,000.

Upon obtaining access to the application guidelines, an assessment of current infrastructure projects at the City will be undertaken to determine the most appropriate project to seek funding for. The Chief Executive Officer will then present a recommendation on a specific project to Council at its December Meeting for consideration.

Issues and options considered:

Not applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

This report relates to potential funding for infrastructure projects at the City from the Federal Government.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

External funding for a large infrastructure project will increase the City's financial capacity to deliver projects within budget and enhance the local economy and social well-being of its residents.

Consultation:

Not applicable.

COMMENT

Not applicable.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Macdonald, SECONDED Cr McLean that:

- 1 Council **NOTES** the information provided in relation to the Federal Government's Regional and Local Community Infrastructure Program;
- 2 a further report be submitted to Council in December 2008, outlining potential infrastructure projects that could be considered as part of this funding program.

The Motion was Put and **CARRIED (10/0)** by En Bloc Resolution following consideration of Item C77-11/08, Page 145 refers.

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

CJ256-11/08 PROPOSED PRIMARY SCHOOL IN GREENWOOD – SHARED USE OVAL OPTION – [02184]

WARD: South-East

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

PURPOSE/EXECUTIVE SUMMARY

To brief Council on the background to the proposed primary school in Greenwood and to seek Council's view on whether the shared use oval option should be progressed.

BACKGROUND

There are two key issues facing Council as a result of the above proposal, as follows:

Proposed New Primary School

The Department of Education and Training (DET) is proposing a single storey primary school to be constructed at 12 Merivale Way, Greenwood which was previously the site of Allenswood Primary School.

The proposal includes four blocks of classrooms, an administration block, library and associated car parking, accessed from both Merivale Way to the west of the site and Ranleigh Way to the east.

Although the proposal meets the requirements of the City of Joondalup District Planning Scheme No 2 (DPS2), it is exempt from requiring approval under DPS2 as it is a public work by a public authority. Such public works are required to be determined by the Western Australian Planning Commission (WAPC).

The City received the application to construct the new school on the old Allenswood School site (the new school is proposed to be built on the oval of the previous school and not on the footprint of the old school) on 20 June 2008. In keeping with its public works status, the application was referred to the WAPC for determination on 3 July 2008.

The City requested that the applicant prepare signs to be placed on the site to advertise the development application on 9 July 2008. However, on 15 July 2008, the applicant responded and indicated a desire to avoid advertising the application as this would unduly delay construction of the new school. Regardless of that, it is unlikely that the school would be completed and operational by the start of the 2010 school year.

In August 2008, Council considered a report on the proposed primary school at 12 Merivale Way Greenwood. In response to this report the following five motions were passed;

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);*
- 4 *ADVISES the WAPC that the proposed school does not have a dedicated oval for use by students and that there is no agreement between the Department of Education and Training and the City of Joondalup for the shared use of the adjoining facility at Penistone Reserve;*
- 5 *ADVISES the local community of the position adopted by the Council and requests the opportunity to consult on the proposed school and the shared use issue.*

In light of Resolution 1 from the August 2008 meeting, the City wrote to the WAPC requesting an extension of two months in order to undertake public consultation. Letters were also sent to the WAPC and the applicant advising of the outcome of the 5 August meeting.

To date, no response has been received from the WAPC regarding the City's correspondence. As a result, no advice to, and consultation with the local community has occurred.

The City was verbally advised on 19 November 2008 by an officer from Department of Planning & Infrastructure (DPI) that the DPI will not support the current DET proposal for the school unless a shared use agreement is put in place. If such an agreement is not put in place, the DPI will seek the redesign of the school to incorporate an oval.

As such, the Council needs to determine whether it will support shared use of Penistone Reserve for the new school.

Proposed shared use of the reserve

The development application included a proposal to share the use of the adjoining Penistone Reserve. A separate report on this agenda covers the general principles and issues that are proposed for future shared use arrangements. Council has considered school closures and shared use oval proposals on two occasions recently. In November 2007, Council considered a report entitled "Possible School Closures and Shared Use Requests within the City of Joondalup". This report covered the Craigie Senior High School site, the Craigie Primary School/Camberwarra Primary School site and the East Greenwood Primary/Allenswood Primary School site. The following comments were made in the comment section of this report:

"The issue of school closures and the provision for education facilities is one that rests squarely with the State Government. The resultant issue, however, of redevelopment of those sites, the loss of open space, and the shared use of new or existing facilities and spaces is one which clearly needs to involve the local government because of the potential impact on the local communities surrounding those sites. Consultation with the City at an early stage, and right through the process for all of the sites within the City is important to ensure the best possible outcome for the community.

The principle of shared use of facilities is sound, however, those decisions need to be made having regard to the individual merits of the particular facility, the current population and trends and the current and the future usage patterns of those facilities."

The two relevant motions carried in response to the shared use issue were as follows (Refer Item CJ256-11/07 of 20 November 2007):

"That Council ADVISES the Department of Education and Training that any shared use arrangements will be considered by the Council on their individual merits, having a regard to the current and future anticipated demands for the City's facilities and playing reserves and the net cost to the City for such shared use of its facilities.

That Council REQUESTS the Department of Education and Training to better inform and involve the local community surrounding each of the school sites being considered for change, at an early stage in the process."

DETAILS

Due to the DPI's stance on shared use, and the development application lodged, this report enables Council to consider the merits of shared use at Penistone Reserve.

Penistone is an active park comprising two playing fields, cricket practice nets, two community tennis courts, two outdoor sports courts and a clubroom/changeroom facility (Attachment 1).

The proposed shared use proposal between the City and DET would include the western oval of Penistone Reserve during school hours on Monday to Friday.

Current utilisation of the western oval of Penistone Reserve is 27.0% which is considered average as compared to other similar sized active parks. Should a shared use arrangement be put in place, the school would have priority access to these facilities during school hours, with the community able to book usage outside of these hours. Penistone Reserve, in keeping with most of the City's parks and sporting facilities, is under-utilised during school hours so this arrangement would have minimal impact on the current clubs and groups that use the park. The groups that currently use the park include;

- Warwick/Greenwood Junior Football Club
- Warwick/Greenwood Senior Football Club
- Greenwood Senior Cricket Club
- Warwick Greenwood Junior Cricket Club
- Wanneroo Lacrosse Club
- Wanneroo Sofcrosse/Modcrosse Club
- Greenwood Little Athletics Club

The anticipated increased usage on the park would have a limited impact on the wear and tear of the playing grounds. Consequently, there are expected to be very limited additional costs for the City in terms of maintenance. Further, a shared use arrangement using a cost sharing model, as described in Option 3 of the "Shared Use Agreement" report on this agenda, would generate revenue of \$16,000 per annum for the City if that option were adopted.

Should the option be adopted, a maintenance program would be introduced that monitors the wear and tear on the oval and, if required, would section off high use areas such as goal squares and goal mouths.

If Council decides not to adopt shared use, a new design for the proposed school would need to be prepared. It is understood that this redesign would not be a simple task but would require a significant reworking of the current proposal. This is likely to delay the opening of the new school by approximately 6-8 months according to the DET.

Issues and options considered:

There are four options available to Council.

Option 1

In light of the circumstances prevailing at Penistone Reserve, agree to a shared use arrangement using the Option 3 cost sharing model in the separate shared use report on this agenda.

Option 2

Agree to a shared use arrangement at Penistone Reserve in principle, subject to community consultation being conducted.

Option 3

Do not take a position of shared use at Penistone Reserve but undertake community consultation.

Option 4

Reject the idea of shared use at Penistone Reserve.

Option 1 would allow final approval to be issued by the WAPC in the shortest possible time to enable the new school to be constructed. Options 2 and 3 involve community consultation. These recommendations most closely reflect the intent of Council's resolution of 5 August 2008 which stated that "Council...requests the opportunity to consult on the proposed school and the shared use issue". Here two points are noted. The resolution of 5 August referred to requesting the opportunity to consult. It is Council's practice not to consult over the Christmas period. Therefore, any consultation would need to occur in the New Year which will impact on timing for decision making on the new school. Option 4 would require a redesign of the school to include an additional oval.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

Risks relate to public reaction to whichever option is chosen.

Financial/Budget Implications:

Shared use at Penistone Reserve could, potentially, generate revenue of \$16,000 per annum.

Policy implications:

The separate report on this agenda for Shared Use Principles refers.

Regional Significance:

Not applicable

Sustainability implications:

The shared use of Penistone Reserve has the potential to make more efficient use of an existing asset, and to generate a minor income stream.

Consultation:

Consultation may be undertaken as an outcome of this report.

COMMENT

From a technical perspective, there are various relevant considerations:

1. development applications of the scale and significance proposed ought to be subject to community consultation, regardless of whether they are proposed as a “public work” or as a private initiative, and
2. in the case of Penistone Reserve, the shared use option provides for more efficient utilisation and benefits to be obtained from that community asset.

ATTACHMENTS

Attachment 1 Map of Penistone Reserve

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION: That Council in regard to the proposed redevelopment of the Greenwood Primary School at Merivale Way, Greenwood:

- 1 DETERMINES which of the four options it wishes to adopt;
- 2 ADVISES the Department of Education and Training, and the Department of Planning and Infrastructure of its determination.

MOVED Cr Corr, SECONDED Cr Norman that Council in regard to the proposed shared use of Penistone Reserve:

- 1 **UNDERTAKES public consultation with both the local and school communities to seek their opinion regarding the shared use of Penistone Reserve with Greenwood Primary School with a report back to Council for a decision;**
- 2 **ADVISES the Department of Education and Training, and the Department of Planning and Infrastructure of its determination.**

Discussion ensued.

Cr Diaz left the Chamber at 2315 hrs and returned at 2320 hrs.

AMENDMENT MOVED Cr Hart, SECONDED Cr Corr that an additional Point 3 be added to the Motion as follows:

“3 REQUESTS from the Department of Education and Training a long term proposed use for the vacant portion of the site of the development approval currently being considered by the Western Australian Planning Commission.”

The Amendment was Put and

CARRIED (11/1)

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

The Original Motion as amended, being:

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

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

A query was raised as to the possibility of obtaining a list of those parents who have children attending the school with a view to seeking comments from both the school and parents.

was Put and

CARRIED (12/0)

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16min251108.pdf](#)

C75-11/08 MOTION TO GO BEHIND CLOSED DOORS - [02154] [29610]

MOVED Cr Young, **SECONDED** Cr McLean that in accordance with section 5.23 of the Local Government 1995 and clause 67 of the City of Joondalup's Standing Orders Local Law 2005 this Meeting of the Council sit behind closed doors to consider Item CJ257-11/08 – Confidential Report – Legal Matter as legal advice has been obtained which relates to the matter under discussion, with the following employees and persons being in attendance:

- **Chief Executive Officer - Mr Garry Hunt**
- **Acting Director Planning & Community Development - Mr Ian Cowie**
- **Director Infrastructure Management - Mr Martyn Glover**
- **Principal Legal and Compliance Advisor - Ms Julie Cheng**
- **Administrative Secretary - Ms Lesley Taylor**
- **Ms Margie Tannock, Senior Associate - Minter Ellison**
- **Mr Lee Rossetto, Associate - Minter Ellison**

The Motion was Put and

CARRIED (12/0)

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

Members of staff (with the exception of Chief Executive Officer, Acting Director, Planning and Community Development, Director Infrastructure Management, Principal Legal and Compliance Advisor and Administrative Secretary) and members of the public and press left the Chamber at this point, the time being 2337 hrs.

Cr Hart left the Chamber at this point, the time being 2337 hrs.

The following persons entered the Chamber at this point, the time being 2337 hrs:

*Ms Margie Tannock, Senior Associate - Minter Ellison
Mr Lee Rossetto, Associate – Minter
Ms Julie Cheng, Principal Legal and Compliance Advisor*

Disclosure of interest affecting impartiality

| | |
|---------------------------|---|
| Name/Position | Cr Michael Norman |
| Item No/Subject | CJ257-11/08 - Confidential Report – Legal Matter |
| Nature of interest | Interest that may affect impartiality |
| Extent of interest | Cr Norman is Chairman of Joondalup Community Coast Care Forum that has commented extensively on this issue. |

CJ257-11/08 CONFIDENTIAL REPORT – LEGAL MATTER

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

This Item is Confidential – Not for Publication

A full report was provided to Elected Members under separate cover.

MOVED Cr Amphlett, SECONDED Cr Norman that the confidential Legal Matter be held over for further consideration in confidence to a Special Council Meeting, at a date to be determined by the Mayor.

During discussion, the following movements occurred:

*Cr Fishwick left the Chamber at 0003 hrs and returned at 0006 hrs;
Cr Diaz left the Chamber at 0030 hrs.*

The Motion was Put and CARRIED (10/0)

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

C76-11/08 MEETING TO GO TO OPEN DOORS - [29610] [02154]

MOVED Cr Fishwick, SECONDED Cr Amphlett that in accordance with clause 67 of the City of Joondalup's Standing Orders Local Law 2005, the Meeting of Council be held with open doors, the time being 0110 hrs.

The Motion was Put and CARRIED (10/0)

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

The following persons left the Chamber at this point, the time being 0110 hrs:

*Ms Margie Tannock, Senior Associate - Minter Ellison
Mr Lee Rossetto, Associate – Minter
Ms Julie Cheng, Principal Legal and Compliance Advisor*

Members of staff entered the Chamber at 0110hrs. No members of the public or press were present.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion in relation to CJ257-11/08 – Confidential Report – Legal Matter.

C77-11/08 OUTSIDE WORKFORCE COLLECTIVE AGREEMENT - 2008 [23606]

WARD: All

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

PURPOSE

To seek endorsement of the Collective Agreement developed for the City's outside workforce.

EXECUTIVE SUMMARY

The majority of the City's outside staff employment conditions are covered by a Collective Agreement underpinned by the Municipal Employees (WA) Award. The current outside staff Agreement has expired although the terms and conditions continue to apply until it is replaced.

A new Agreement was put to a ballot in November 2008. The result of the ballot was 94% in favour of the Agreement.

It is recommended that Council ENDORSES the Outside Workforce Collective Agreement 2008 for a term of 2 years, with a wage increase of 5.8% in the first year and 5.0% in the second year, and the CEO lodge an application with the Workplace Authority for it to be certified.

BACKGROUND

The City's employment instruments are governed by Federal legislation and the industrial award underpinning the current Agreement is the same as that, covering Local Government industry employees generally in WA.

The existing Agreement for outside staff was, entered into in September 2005. It is a Union Collective Agreement with a three year term. The date the Agreement was entered into is the date it was lodged for certification. The actual operative date in relation to wage increases is 1 July each year for three years commencing 1 July 2005. The last wage increase paid under the current agreement was 1 July 2007.

DETAILS

Issues and options considered:

Type of Agreement

In practical terms there were only a small number of options open to the City for replacement employment instruments for the existing outside staff Agreement. Individual Workplace Agreements were not an option following the last Federal election leaving an Employee Collective Agreement or a Union Collective Agreement.

A Union Collective Agreement was chosen as the best option for the outside workforce due to the high level of union membership, the good working relationship the City has with the union and the ability for the City through the Agreement working group to be able to work directly with the staff on the Agreement.

Key Elements of the Collective Agreements

The City of Joondalup has been a pacesetter for offering good employment conditions and competitive remuneration but in recent times this has come under challenge from competitors in the market, and employee expectations around issues such as work/life balance.

Wages are not the only driver that staff and prospective staff look at when considering their employment options. There are other issues that are just as important depending on the needs of the individual such as training and further education options, flexibility around hours to meet family needs, flexible leave options etc.

The focus in the development of the new Agreement has been to address these issues in order to maintain a high level of service delivery to the community.

The new Agreement provides terms and conditions for staff which provide competitive and flexible conditions to support work-life balance with:

- Additional opportunities for learning and development for employees,
- Greater flexibility around work patterns and hours,
- Greater flexibility around employee leave entitlements including annual leave, personal leave and long service leave, and
- Opportunities to build rewarding working relationships with all City staff.

The pay increases provided in the Agreement are fixed at 5.8% in the first year (originally based on Mercer's WA Market Movement Rate for 2007) and 5% in the second year.

Link to Strategic Plan:

Objective 1.3 – To lead and manage the City effectively.

Legislation – Statutory Provisions:

The Local Government Act 1995 in Division 4 of Part 5 sets out provisions in relation to Local Government employees.

The Collective Agreement is subject to the Federal Workplace Relations Act 1996.

The Agreement has been developed to comply both with the Local Government Act Division 4 of Part 5 (sets out provisions in relation to Local Government employees) and the Federal Workplace Relations Act. In the latter case the Agreements comply as the Act currently stands but also have been framed with changes that have been announced but not yet implemented in mind.

Risk Management considerations:

This Agreement is the City's primary employment instrument for the outside staff, and has been endorsed by a formal vote of the staff as required by legislation. Following the formal vote the City has a legislative requirement to lodge the Agreement with the Workplace Authority within 14 days.

Financial/Budget Implications:

The City built into its 2008/09 Budget, provision for wage increases of 4% which was in line with the previous Agreement and was the best known information at the time. An additional 1.8% increase for the 2008/09 year will add to actual wage costs although this does not necessarily mean the annual budget for wages will be exceeded by this amount.

| | Adopted Budget (with 4%) | Additional 1.8% | New Total |
|-------|-------------------------------------|----------------------------|------------------|
| Wages | \$7,958,251 | \$137,739 | \$8,095,990 |

The calculation of the additional \$137,739 is based on the adopted wages budget. The City is just about to undertake a midyear budget review. The expectation in this review is that the City will accommodate the increase within the adopted budget allocation for wages.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

The process for the development of both Agreements has involved extensive consultation with staff. This has culminated in a ballot for the Agreement the result of which is 94% in favour.

COMMENT

The Agreement provides terms and conditions for outside staff with competitive and flexible conditions to support work-life balance, encourage training and development and further education, a safe and healthy work environment and provide opportunities to build rewarding working relationships with the City's outside staff.

The Agreement will ensure that the City of Joondalup remains competitive in the labour market and can continue to attract and retain the staff it needs to deliver works and services to the Joondalup community.

ATTACHMENTS

Attachment 1 Outside Workforce Collective Agreement 2008.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Corr, **SECONDED** Cr Amphlett that Council **ENDORSES** the Outside Workforce Collective Agreement 2008 for a term of two (2) years, with a wage increase of 5.8% in the first year and 5.0% in the second year, and the CEO lodge an application with the Workplace Authority for it to be certified.

Discussion ensued.

The Motion was Put and

CARRIED (10/0)

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17min251108.pdf](#)

C78-11/08 COUNCIL DECISION – EN BLOC RESOLUTION

MOVED Cr Macdonald, **SECONDED** Cr Mclean that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption Of Recommendations En Bloc, Council Adopts Items CJ235-11/08, CJ237-11/08, CJ239-11/08, CJ243-11/08, CJ249-11/08, CJ251-11/08, 254-11/08 and CJ255-11/08.

The Motion was Put and

CARRIED (10/0)

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C79-11/08 NOTICE OF MOTION NO 1 – CR RUSS FISHWICK – CONSULTATION POLICY FOR COMMERCIAL DEVELOPMENT - [09011] [18058] [29610]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Russ Fishwick gave notice of his intention to move the following motion at the Council Meeting to be held on 25 November 2008:

“That Council REQUESTS a report from the Chief Executive Officer on developing a policy that will enable the owner/s of property adjacent to a proposed commercial development to be informed of that development even when the proposed development is a “P” use pursuant to District Planning Scheme 2.”

Reason for Motion

Cr Fishwick submitted the following comment in support of his Notice of Motion:

“Development applications on commercial sites which are deemed a P use, that is a permitted use under District Planning Scheme 2, can be approved under delegated authority where there are no variations to the standards or there is no issue with the nature of the land uses proposed, and potential impacts or variance from what might reasonably be contemplated.

Where the above situation occurs there is no obligation under the DPS to consult with adjacent land owners.

This Notice of Motion is seeking to have a policy developed so that the owner/s of land adjacent to commercial sites that are being developed are informed about developments even if that development is a P use pursuant to District Planning Scheme 2.”

Officer’s comment

A background report can be prepared for consideration by the Policy Committee.

MOVED Cr Fishwick, SECONDED Cr Corr that Council REQUESTS a report from the Chief Executive Officer on developing a policy that will enable the owner/s of property adjacent to a proposed commercial development to be informed of that development even when the proposed development is a “P” use pursuant to District Planning Scheme 2.

Discussion ensued

The Motion was Put and

CARRIED (10/0)

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

C80-11/08 NOTICE OF MOTION NO 2 – CR M MACDONALD – ISSUES BETWEEN THE CITY AND MR K ROBINSON – [02154] [94225] [29610]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Marie Macdonald gave notice of her intention to move the following motion at the Council Meeting to be held on 25 November 2008:

“That Council REQUESTS a report from the Chief Executive Officer on issues contained within the questions raised by Mr Robinson in public question time over the past eighteen months and the costs of the legal expenses involved with dealing with those issues.”

Reason for Motion

Cr Macdonald submitted the following comment in support of her Notice of Motion:

“My assumption has been that the issues raised in Mr Robinson’s questions relate to his employment with the City and as such are matters to be dealt with by the City and not Council. However in the last Council meeting’s agenda an answer to a question relating to some of Mr Robinson’s questions stated that “this is for Council to decide”. I therefore bring this motion to Council.

Officer's comment

Mr Robinson has submitted almost 1000 questions to the City. To report on the issues contained in these questions would take a considerable amount of work. The legal expenses incurred in dealing with the issues raised can be calculated but this would necessarily need to occur after the issues have been identified.

MOVED Cr Macdonald, SECONDED Cr Norman that Council REQUESTS a report from the Chief Executive Officer on issues contained within the questions raised by Mr Robinson in public question time over the past eighteen months and the costs of the legal expenses involved with dealing with those issues.

Discussion ensued.

The Motion was Put and**LOST (3/7)**

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

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 0147 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr T YOUNG
Cr M MACDONALD
Cr G AMPHLETT
Cr B CORR
Cr M JOHN
Cr M NORMAN
Cr R FISHWICK