

Minutes **Ordinary Meeting of Council**

ORDINARY MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP HELD
IN WARWICK HALL, COMMUNITY CENTRE, 12 DORCHESTER AVENUE,
WARWICK

ON **TUESDAY, 16 JUNE 2009**

TABLE OF CONTENTS

ITEM NO	TITLE	PAGE NO
	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
	PUBLIC QUESTION TIME	2
C44-06/09	EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]	17
C45-06/09	EXTENSION OF PUBLIC QUESTION TIME - [01122] [02154]	19
	PUBLIC STATEMENT TIME	20
C46-06/09	EXTENSION OF PUBLIC STATEMENT TIME - [0122] [02154]	21
	APOLOGIES AND LEAVE OF ABSENCE	22
C-06/09	REQUESTS FOR LEAVE OF ABSENCE – CR F DIAZ CR M ROSANO - [29610]	22
	CONFIRMATION OF MINUTES	
C-06/09	MINUTES OF COUNCIL MEETING, 19 MAY 2009	22
	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	23
	DECLARATIONS OF INTEREST	24
	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS	24
	PETITIONS	25
	REPORTS	
CJ122-06/09	EXECUTION OF DOCUMENTS – [15876]	26
CJ123-06/09	MINUTES OF THE MEETING OF THE POLICY COMMITTEE HELD 4 JUNE 2009 – [26276] [18058]	28
CJ124-06/09	RECOMMENCING LOCAL LAW AMENDMENT PROCESS – ALFRESCO DINING SMOKING BAN – [23122] [04028]	35
CJ125-06/09	CLIMATE CHANGE RISK ASSESSMENT – [78616]	38

CJ126-06/09	YELLAGONGA INTEGRATED CATCHMENT MANAGEMENT PLAN – [72568]	42
CJ127-06/09	REVIEW OF DELEGATED AUTHORITY MANUAL – [07032]	46
CJ128-06/09	STATUS OF PETITIONS TO COUNCIL – [05386]	51
CJ129-06/09	CITY OF JOONDALUP BIKE PLAN 2009 – [56564]	54
CJ130-06/09	MINUTES OF EXTERNAL COMMITTEE – [00033] [03149] [60514]	58
CJ131-06/09	MINUTES OF THE MEETING OF THE COMMUNITY SAFETY AND CRIME PREVENTION ADVISORY COMMITTEE HELD ON 2 JUNE 2009 – [78623]	59
CJ132-06/09	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2009 – [07882]	62
CJ133-06/09	LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2009 – [09882]	65
CJ134-06/09	ESTABLISHMENT OF THE WANNEROO /JOONDALUP LOCAL EMERGENCY MANAGEMENT COMMITTEE – [48543] [09151] [13019]	67
CJ135-06/09	MINUTES OF THE CONSERVATION ADVISORY COMMITTEE – [12168]	72
CJ136-06/09	MINUTES OF THE MEETING OF THE STREETScape ADVISORY COMMITTEE HELD ON 2 JUNE 2009 – [79623]	76
CJ137-06/09	HODGE COURT, MARMION – AMENDMENT TO PARKING SCHEME – [39591]	80
CJ138-06/09	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – APRIL 2009 – [07032] [05961]	83
CJ139-06/09	PROPOSED AMENDMENT NO 44 TO DISTRICT PLANNING SCHEME NO 2 – ARNISDALE ROAD, DUNCRAIG – [14626]	87
CJ140-06/09	PROPOSED AMBULANCE STATION AT RESERVE 36696 (60) SHENTON AVENUE JOONDALUP – [00109] [89627]	92
CJ141-06/09	PROPOSED MEDICAL CENTRE (CHANGE OF USE FROM RECREATION CENTRE) AT LOT 672 (9) PERILYA ROAD, CRAIGIE – [02062]	100

CJ142-06/09	APPOINTMENT OF MEMBERS – DESIGN ADVISORY PANEL – [34172]	110
C50-06/09	COUNCIL DECISION – EN BLOC RESOLUTION	114
	REPORT OF THE CHIEF EXECUTIVE OFFICER	
CJ143-06/09	RECOGNITION OF LAND UNDER ROADS – [12283]	114
C51-06/09	CONSIDERATION TO CHANGE THE ORDER OF BUSINESS - [02154]	117
C52-06/09	LOCAL GOVERNMENT REFORM – [08144] [51577] [00033] [01139]	117
C53-06/09	DIRECTION FOR REPEAL – LOCAL GOVERNMENT AND PUBLIC PROPERTY AMENDMENT LOCAL LAW (NO.2) 2008 - [22513] [23180] [04028]	128
C54-06/09	MOTION TO GO BEHIND CLOSED DOORS	131
C55-06/09	CONFIDENTIAL REPORT – UNAUTHORISED SPRAYING OF KORELLA PARK – [07377][02082]	132
C56-06/09	TENDER 002/09 PROVISION OF GRAFFITI CONTROL SYSTEMS – [68622]	132
C57-06/09	MOTION TO GO TO OPEN DOORS	140
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	140
	ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING	140
	CLOSURE	

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN WARWICK HALL, WARWICK COMMUNITY CENTRE, 12 DORCHESTER AVENUE, WARWICK ON TUESDAY, 16 JUNE 2009

DECLARATION OF OPENING

The Mayor declared the meeting open at 1900 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors:

Cr KERRY HOLLYWOOD	North Ward	<i>Absent from 2136 hrs to 2139 hrs</i>
Cr TOM McLEAN	North Ward – <i>Deputy Mayor</i>	
Cr TRONA YOUNG	North-Central Ward	
Cr MARIE MACDONALD	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr MICHELE ROSANO	South-West Ward	
Cr SUE HART	South-East Ward	<i>to 2237 hrs</i>
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK	South Ward	<i>Absent from 2157 hrs to 2159 hrs</i>
Cr FIONA DIAZ	South Ward	<i>Absent from 2133 hrs to 2135 hrs</i>

Officers:

MR GARRY HUNT	Chief Executive Officer	
MR CLAYTON HIGHAM	Director, Planning & Community Development	<i>to 2157 hrs</i>
MR JAMIE PARRY	Director, Governance & Strategy	
MR MIKE TIDY	Director, Corporate Services	
MR MARTYN GLOVER	Director, Infrastructure Services	
MR ROBERT FARLEY	Manager Planning Approvals and Environmental Services	<i>to 2157 hrs</i>
MR GAVIN TAYLOR	Manager, Leisure & Cultural Services	<i>to 2010 hrs</i>
MR PAUL KELLICK	Manager, Asset Management	<i>to 2020 hrs</i>
MR MARK McCRORY	Media Advisor	<i>to 2157 hrs</i>
MRS JANET FOSTER	Administrative Services Coordinator	
MRS LESLEY TAYLOR	Administrative Secretary	<i>Absent from 2157 hrs to 2313 hrs</i>
MRS ROSE GARLICK	Administrative Secretary	<i>Absent from 2157 hrs to 2313 hrs</i>

There were 222 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 19 May 2009

Mr S Magyar, Heathridge:

Re: Notice of Motion of Motion No 1 – Cr Geoff Amphlett – Café/Restaurant Facilities

Q1 *If these facilities were rented out, would the State Government be entitled to any part of the rental/lease money that the Council would collect?*

A1 The Notice of Motion requests a report to be prepared by the Chief Executive Officer. The report will canvas the options available to the City.

Q2 *Will these activities or facilities require State Government approval from the Department of Planning and Infrastructure or the Planning Commission?*

A2 A decision of the WAPC is required if development is proposed on land that is Reserved under the Metropolitan Region Scheme.

Mr R Repke, Kallaroo:

Re: Water Emergency

Q1 *Given that only 10% of the long term average of rain has been received so far this year, has the City of Joondalup had discussions with the Department of Water to ascertain the levels of water that can be saved by both the City and residents from the scheme system and ground water? In the event that the situation does not improve with regard to rainfall, does the City believe the Department of Water will announce that gardens can only be watered with a garden hose and how will such a restriction be enforced?*

A1 The City has not been in discussion with the Department of Water in regard to how much water can be saved by both the City and the residents within the City. The State of Western Australia has permanent water saving measures in place. It is too early in the year to determine whether further water restrictions will occur during the summer of 2009/2010. If restrictions were to occur, enforcement of such restrictions would be determined by the Department of Water and would not involve the City.

The City does feel that water conservation is important. To ensure ongoing water sustainability the City is undertaking the ICLEI Water Campaign™. This is an international freshwater management program which aims to build the capacity of local governments to reduce water consumption and improve local water quality. By undertaking this campaign the City is working towards reducing the water usage of both the City and of the community within the City. Milestone 2 was recently adopted at the Council meeting held 19 May 2009.

Mr M O'Brien, Warwick:

Q1 *Have the Councillors of the City seen a copy of the agreement which clearly shows that people living in a not for profit unit contribute up to 30% of the resale value of the 'lease for life' on the unit when they vacate?*

A1 The City has no record of receiving a lease for life agreement for distribution to Elected Members. It is not known if individual Elected Members have personally seen a copy.

Mr T Argus, Connolly:

Re: Edgewater Quarry Development

Q1 *Would the City provide figures for the allocation of both passive and active public open space in the suburb of Edgewater, both inclusive and exclusive of the Edgewater Quarry parcels of land currently for consideration by Council.*

A1 The following public open spaces are located within Edgewater and include active and passive use.

Local parks in Edgewater (19 parks)

Active Public open space including ovals and/or sporting facilities.

Passive Public open space available for picnics and recreation activities and are usually reticulated.

Bushland Passive public open space which is either un-reticulated or bushland.

Name	Size (Sqm)	Use
Birdland Park	1611.478	Bushland
Birdland Park	1103.684	Bushland
Emerald Park	61619.97	Active
Edgewater Park	10279.822	Passive
Garrong Park	4512.937	Bushland
Hilltop Park	11224.68	Passive
Lakeview Park	755.285	Bushland
Lakevalley Park	17305	Passive
Lookout Park	4740.452	Bushland
Picnic Cove Park	4635	Passive
Quarry Park *	97021.76	Bushland
Quarry Park *	24384.456	Bushland
Quarry Park *	904.55	Bushland
Quarry Ramble Park	32469	Bushland
Ridge Park	4034.682	Bushland
St Clair Park *	28401.649	Bushland
Stillwater Park	1894.42	Bushland
Tuart Park	4635	Bushland
Wedgewood Park	12631.007	Passive
Whistler Park	2156.348	Bushland
Woodland Park	904.55	Bushland

** Parks included in the Edgewater Quarry Development*

Regional parks in Edgewater

Yellagonga Regional Park	195.5 hectares (approx)	Conservation
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The suburb of Edgewater also contains approximately 195.5 hectares of Regional Open Space (Yellagonga Regional Open Space).

The following questions were submitted prior to the Council meeting:**Mr Mike O'Brien, Warwick:**

Q1 The Valuer General's Gross Rental Valuation for Property No 140214 is currently assessed as \$10,660 (for both 2008-2009 and 2009-2010) and if the Valuer General's Assessed amount is multiplied by Council's 2008-2009 "Rate in the Dollar" of 5.4596 Cents in the Dollar = \$581.99 do you agree with the calculation ?

A1 \$10,660 x 0.054596 equals \$581.99.

Q2 Why were we invoiced "Min Rate @ \$593.00" (see attachment) when there is no provision in the Local Government Act 1995 for a "Minimum Rate" the "Minimum Rate" provision in the former Local Government Act 1962 was "repealed in 1995" ?

A2 The Local Government Act 1995 refers to a minimum payment and Council in adopting its budget set a minimum payment of \$593. The use of the word "rate" as it was printed on the rates notice in the context of "minimum rate" was incorrect but the amount was correct and in accordance with Council's resolution.

Q3 Will the City of Joondalup now take the appropriate action and refund to us \$5.51 being 50% of \$11.01 the amount which Property No 140214 was Overtaxed in the document issued on 1st August 2008 ?

A3 No, there has been no overtaxing.

Q4 Will the City of Joondalup now take the appropriate action and also refund to the State Treasury \$5.51 being the other 50% of \$11.01 the amount which Property No 140214 was Overtaxed in the document issued on 1st August 2008 ?

A4 No, there has been no overtaxing.

Ms B Jiwa, Sorrento:

Re: Seacrest Park:

Q1 How will the Council prevent excess noise and Police antisocial behaviour at the proposed function suite, and can the Council ensure that there is no noise pollution from the venue affecting local residents?

A1 The design of the facility will take into consideration potential noise and antisocial behaviour issues. The outcomes of the consultation process will provide input into the building location, orientation on the park and lighting, which will be designed to reduce the impact of the facility on surrounding residents.

In addition, the proposed lease for the new facility will contain conditions to reduce the potential for noise and antisocial behaviour issues at the park.

Q2 *What hours will the venue be permitted to open and operate?*

A2 The opening hours of the proposed facility have not yet been determined. The City would work with the sporting clubs to develop a management plan for the facility which would consider the proposed hours of operation. In developing the management plan the City would consider the standard hours of operation at other similar facilities in the City, and feedback received through the community consultation process.

Q3 *Do the local Police have the manpower to police yet another venue where alcohol is sold/consumed?*

A3 The City is not in a position to make comment on the manpower of Police to oversee another venue. The City currently has 20 licensed sporting club community facilities which have not required the services of local Police to assist in the management of alcohol sale or consumption.

Q4 *How does the Council justify the decision to have yet another venue selling alcohol in the area given that Police regularly have problems policing Hillarys Boat Harbour at weekends?*

A4 The City works closely with the Department of Racing, Gaming and Liquor in the issue and management of a liquor licence. All licensed facilities must comply with the West Australian Liquor Control Act. Many of the City's community facilities have a licensed area used by sporting clubs and groups. To date the City has very few incidents relating to the service of alcohol at its community sporting facilities.

Q5 *Have local Police been consulted about the proposal?*

A5 See A3 above.

Mr E Bremer, Sorrento:

Re: Seacrest Park:

Q1 *How does the Council want to protect the nearby residents when police in general is reducing attendance of 'minor' incidents? How will safety and security for residents be ensured or policed?*

A1 The design of the facility will take into consideration potential noise and antisocial behaviour issues. The outcomes of the consultation process will provide input into the building location, orientation on the park and lighting, which will be designed to reduce the impact of the facility on surrounding residents.

In addition, the proposed lease for the new facility will contain conditions to reduce the potential for noise and antisocial behaviour issues at the park.

Q2 *Hillarys Boat Harbour Extension development was just finished offering multiple liquor licensed venues which are some 500m down the road. Why would this development require a licensed facility in the Seacrest Park?*

A2 Many of the City's community facilities have a licensed area used by sporting clubs and groups. The licensed areas are designed to support club social activities and are not designed to be operated like the Hillarys Boat Harbour liquor licensed venues.

All licensed facilities must comply with the West Australian Liquor Control Act. The City works closely with the Department of Racing, Gaming and Liquor in the issue and management of licences.

Q3 *How does the Council want to manage the expected increased traffic on Seacrest Drive especially with one car park entrance and all cars channelled through that? This is already a safety hazard for all children in the area especially on weekends! Also, Seacrest Drive is already used by many 'hoons' as a high-speed short cut between Marmion Avenue and Hepburn Avenue.*

A3 The proposed car park has been designed to meet the expected capacity of the different sporting groups who would be using the oval. As part of the design, and to meet the requirements for planning approval of the facility, the City will consider traffic flows to and from the carpark and any changes necessary to Seacrest Drive at the car park entry point.

Q4 *How can you take away access to the park from the public and usher them into a 'play-ground' rather than letting everyone be creative and use the open space as it is in the moment?*

A4 Seacrest Park will continue to be available for general community use outside the designated training and playing areas. During times when there are no formal bookings, the community will have full access to the park as has always been the case.

Seacrest Park was always designated for, and accommodates, active sporting pursuits and is capable of housing two AFL ovals.

Mr A Briant, Sorrento:

Re: Seacrest Park:

Q1 *Of the proposed amount to be spent, the amount that consists of ratepayers funds, what percentage of total funds to be expended in this financial year does that represent?*

A1 The City has a proposed budget of \$2.2 million for the development at Seacrest Park. The timing for this expenditure would be finalised once construction has been approved, however it is anticipated that the City's contribution would occur in the 2010/2011 financial year.

Q2 *Is this the amount that had been previously promised for a development at Sorrento Surf Life Saving Club?*

A2 No.

Q3 *If this expenditure is for the benefit of one football club, who already have extensive facilities, how can you justify spending such a large amount, in the middle of a quiet residential area, when you have already provided excellent facilities at another place?*

A3 The proposed development at Seacrest Park is designed to accommodate a variety of sporting clubs' needs, including the four existing clubs and one proposed club. The existing facilities on site are not considered adequate to meet current users' needs.

Q4 *With ample facilities for playing football by this club at another venue, already provided by your Council, and with other authorised liquor facilities, already available at another venues within a few kilometres, how can your Council agree to spending such a huge amount of ratepayers money for the principal benefit of so few, many or maybe all of who may even come from outside our City?*

A4 The proposed development at Seacrest Park is designed to benefit a variety of local sporting clubs, involving approximately 2,000 sporting participants. Council will consider the outcomes of the community consultation process prior to committing any funds towards the construction of the facilities in 2010/11.

Ms S Kobelke, Sorrento:

Re: *Seacrest Park:*

Q1 *The Seacrest Park development proposal will have a major negative impact on the amenity of the Sorrento community, why has the City limited the direct consultation to residents living within 500 metres and not all residents of Sorrento?*

A1 The City directly consulted with those residents, as they are the ones considered most likely to be affected by any future development. The City's consultation process encourages all members of the community to participate, through advertisements in the Public Notices section of the Community Newspaper, the Joondalup Voice and the survey and FAQs being available on the City's website.

Q2 *Referring to Frequently Asked Questions document Item 2 "Who is being consulted?" Can the City confirm that Whitfords Amateur Football Club is being excluded from direct consultation?*

A2 The City has provided a copy of the FAQs, survey and concept plan to the President of the Whitfords Amateur Football Club.

Q3 *Can the City provide a document for the public to see the history, timelines, attendance and formal discussions between the City of Joondalup and the Whitfords Amateur Football Club?*

A3 Over the last two years, the City has held discussions with a number of clubs about the use of sporting facilities.

Q4 *Can the City confirm that the relocation of the Whitfords Amateur Football Club to the Seacrest Park was the key plank in the submission for Federal Government stimulus package funding?*

A4 The submission made by the City to the Federal Government's funding program centred around providing facilities to meet the needs of a number of sporting clubs at Seacrest Park, both existing and in to the future.

Q5 *The Frequently Asked Questions document states that the reason the Whitfords Amateur Football Club is moving to Seacrest Park is because McDonald Park is currently shared by both football and hockey and a specialised pitch is required for each sport. If this is the case can the City advise why the President of Whitfords Amateur Football Club is quoted in Community News as saying "The club will move its administration to Seacrest Park but will retain MacDonal reserve as a 'spare' home"?*

A5 This question should be referred to the Whitfords Amateur Football Club.

Mr S Kobelke, Sorrento:

Re: *Seacrest Park:*

- Q1 *Can the City advise on what date the Public Consultation for the Seacrest Park Community Sporting Facility opened?*
- A1 The City uploaded the FAQ document to its website on 5 June, followed by the uploading of the survey on 9 June. Residents within a 500 metre radius of Seacrest Park, and other stakeholders, were sent a copy of the survey, the FAQ and concept plans on 12 June 2009.
- Q2 *Can the City provide the history of the Seacrest Park featuring key time lines and important decisions?*
- A2 The key timelines for the proposed Seacrest Park development are outlined in the Frequently Asked Questions.
- Q3 *Can the City advise the names of the prominent Clubs that "the City has been having discussions with a number of sporting clubs regarding the development of a community sporting facility since 2007"?*
- A3 Sorrento Duncraig Cricket Club and Whitfords Amateur Football Club.
- Q4 *Can the City advise which City of Joondalup Officers hold elected or honorary positions with the prominent Clubs the City has been having discussions with?*
- A4 The City is not aware of any officers who hold elected or honorary positions with Clubs involved in these activities.
- Q5 *Can the Council advise if any Elected Officer holds an elected or honorary position with the Whitfords Amateur Football Club?*
- A5 The City is not aware of any Elected Members who hold elected or honorary positions with the Whitfords Amateur Football Club.

Mr P Mann, Sorrento:

Re: *Seacrest Park:*

- Q1 *What environmental, economic and social impact studies have been undertaken to determine that Seacrest Park, which is in the middle of a quiet residential area, abutting a cul de sac, is the best location for this sporting facility?*
- A1 No environmental, economic or social impact studies have been undertaken for the site.

Seacrest Park was initially designed and has since been used as an active sporting reserve, however, the facilities provided at the site are considered inadequate to meet the needs of the existing four sporting clubs using the grounds. It was on this basis that Seacrest Park was identified as being capable of accommodating the proposed facilities.

- Q2 *How does the City Plan to budget for this project?*
- A2 The City will contribute \$2.2 million in the 2010/2011 financial year. It is proposed that the Federal grant funds would be expended first.
- Q3 *Will the monies be borrowed and have to be paid back including interest?*
- A3 Yes.
- Q4 *Will the money be redirected from other projects, perhaps ones that did not have a Federal Grant because an application was not put forward by the City?*
- A4 No.
- Q5 *Will our rates be increased to cover this development?*
- A5 The City's rates are set annually to cover the costs of a broad range of services and capital work undertaken by the City.

Mr D Hanslip, Sorrento:

Re: Seacrest Park:

- Q1 *Were the plans the Council has used for the application of the Federal Government Stimulus Package, which have been posted on the City of Joondalup website for public consultation, drawn up specifically for this site and project?*
- A1 The City worked with an architect to develop the proposed concept plans for the Seacrest Park development. The architects chosen by the City have had extensive experience in developing community sporting complexes of a similar nature.
- Q2 *If these plans are not a true representation of what the Council plans to build, how does that impact your application for the funding?*
- A2 The Federal Government's funding agency is aware that the City is undertaking community consultation regarding the proposed development, which will provide an opportunity for amendments to the design to meet the expressed needs of the community.
- Q3 *The City of Joondalup has advised that misinformation is being circulated around the Sorrento community regarding the proposed sporting facility. Can the City of Joondalup please provide details of what they believe this misinformation is?*
- A3 Prior to 5 June, no factual information had been provided by the City on the proposed development. Despite that, there was speculation in the community regarding the City's commitment to the project, its size, the type of facilities that would be included and the fact that the development was for the sole benefit of one sporting club.
- Q4 *Can the City of Joondalup confirm whether the City has budgeted for a \$150,000 "makeover" of Fleur Freame Pavilion in the 2010/11?*
- A4 The City has made a provisional allocation of \$150,000 as part of its 2010/2011 five year capital works program for a makeover of the Fleur Freame Pavilion. This project would require endorsement by Council as part of its adoption of the 2010/2011 budget.

Mr A Collins, Sorrento:

Re: *Seacrest Park:*

- Q1 *How many ratepayers and residents in the target 500 metre radius, surrounding Seacrest Park, which the City has chosen to consult directly, need to strongly oppose this development, for you to quash this proposal and not build the planned Sporting Facility?*
- A1 The City takes into account all comments it receives during the public consultation process, and no predetermined numbers have been established.
- Q2 *Given the final plans have not been released how is it possible to have public consultation on the matter when the public don't know exactly what is proposed?*
- A2 A concept plan of the proposed facility has been provided in addition to the survey and Frequently Asked Questions. A copy of the concept plan is also available on the City's website.
- Q3 *Given the plans for the sporting club currently being circulated include a bar, will the sporting club apply for or transfer a liquor license?*
- A3 The Clubs using the facility will be required to apply for a liquor licence in accordance with the State's Liquor Control Act.

Mr P and Mrs B Lake, Sorrento:

Re: *Seacrest Park:*

- Q1 *Why would the City of Joondalup propose relocating a large and growing football club, which includes the relocation of its senior football players to a family oval, that has always catered for junior sporting clubs?*
- A1 Under the proposed development, Seacrest Park would continue to cater for junior sports, with Whitfords Amateur Football Club using the oval at alternate times.
- Q2 *How does the City of Joondalup intend weighting the official on-line survey that 'anyone' can complete, against the postal survey of residents living within 500 meters of Seacrest Park, given that the impact on Sorrento residents is far greater than people living in other areas.*
- A2 The results of the consultation process will be detailed in a report to Council that outlines the response rates relating to feedback from residents surrounding Seacrest Park and separately identifying other comments.
- Q3 *Why cannot the existing facilities at McDonald Reserve be extended to cater for the future needs of the Whitfords Warriors Amateur Football Club and the Whitfords Hockey Club? Especially as the space they currently occupy is far larger than Seacrest Park and there is a 'spare' oval within very close proximity in Forrest Street if needed by either club for future expansion?*

- A3 The relocation of Whitfords Amateur Football Club has been proposed as Seacrest Park was designed to accommodate two AFL ovals. MacDonald Reserve does not have the capacity to provide two AFL ovals as the sports ovals are shared with hockey.
- Q4 *How does the City of Joondalup believe this proposal can be a good Planning outcome for Sorrento residents that live in close proximity to Seacrest Park and its surrounding areas, given the fact that there will be an increase in noise and traffic to the area?*
- A4 As Seacrest Park is an active sporting reserve, the development of appropriate clubroom/change facilities has always been intended to meet the needs of sporting teams using the oval. As part of the City's requirement for planning approval for the facilities, the City will consider potential noise and traffic issues.

Ms J Curtin, Sorrento:

Re: *Seacrest Park:*

- Q1 *Why can't the existing clubrooms and facilities at McDonald Reserve which is 500 metres from the nearest residence, be extended?*
- A1 MacDonald Reserve does not have the capacity to accommodate two AFL ovals as the sports ovals are shared with hockey.
- Q2 *When the Whitfords Football Club approached the City to help them, who suggested Seacrest Park?*
- A2 The City has been approached by a number of Clubs in recent years to develop facilities at Seacrest Park. When the City was approached by the Whitfords Amateur Football Club regarding their need for improved facilities, the City held the view that Seacrest Park, given its capacity to house two AFL ovals, was a viable option that could be considered.
- Q3 *Can the City provide information to the residents of Sorrento (in particular those of us that live close to the park) regarding what other options were considered to determine that Seacrest Park was the best location for this facility?*
- A3 Aside from its ability to accommodate two AFL ovals, Seacrest Park was recognised as a sporting reserve that had inadequate facilities to meet the needs of existing sporting usage. The Federal funding grant provided an opportunity for the City to be able to jointly fund the development of clubrooms to meet the needs of those (and other) sporting clubs.
- Q4 *Why has the City chosen the Whitfords Football Club's desire for a new clubroom, over all other community groups to be the one that they put forward to benefit from the Federal Government Stimulus package?*
- A4 The proposed facility is not solely for the Whitfords Football Club as it will meet the needs of other sporting groups including the Sorrento Duncraig Junior Football Club, Wanneroo Joondalup Tee Ball Club, and the Sorrento Duncraig Junior and Senior Cricket Clubs.

Q5 *How was it determined that one project was seen as more important to the community than the other, to make this change?*

A5 The Seacrest Park development was considered to appropriately meet the guidelines of the Federal funding grant application.

Mr S Page, Sorrento:

Re: *Seacrest Park:*

Q1 *What is the reasoning in moving the Whitfords Senior Football Club from McDonald Reserve Padbury, which backs onto Marmion Avenue, (so that noise from functions/celebrations is not a problem) and which is also on the edge of a suburb, so traffic is not a problem to Seacrest Park, which is, 100% surrounded by houses, and is situated deep in a suburb, which will result in many residents being affected?*

A1 The proposed development at Seacrest Park is not solely to provide the Whitfords Amateur Football Club with new clubrooms. The proposal will provide improved facilities to a number of existing clubs currently using Seacrest Park.

Q2 *How do you propose to compensate local residents for loss of property value and quality of life arising from the antisocial behaviour, noise, increased parking demands and littering that will be the inevitable consequences of the proposed facility?*

A2 The design of the facility will minimise potential impacts of antisocial behaviour and associated issues.

Mr W Platt, Sorrento:

Re: *Seacrest Park:*

Q1 *MacDonald Park in Padbury, the home ground for the Whitfords Football Club currently prohibits dogs on the park. Can the City of Joondalup guarantee that dogs will still be allowed on Seacrest Park, and that this situation will not change in the future?*

A1 The City has no plans to prohibit dogs at Seacrest Park as part of the proposed development.

Q2 *When will the final plans for the Seacrest Sporting facility be available, for the local residents to view and comment on?*

A2 The concept plans for the proposed facility are currently available on the City's website and have been distributed to those residents who were directly consulted with.

If the proposed facility is supported by Council, following consideration of community input through the consultation process, the City would engage architects to complete the final design.

Q3 *Recently, at the Belmont Tennis Club, teenagers threw bottles at police, did burnouts in cars and jumped on vehicles, as a crowd of 300 people spilled out onto the nearby streets, terrifying local residents. Can the City of Joondalup guarantee the local residents around Seacrest Park, that similar antisocial behaviour, drunkenness and violence, will not occur as a result of this proposed Bar and Function facility?*

A3 The City is unable to make comment on the incidents that occurred at Belmont Tennis Club.

Mr R White, Sorrento:

Re: *Seacrest Park:*

- Q1 *Can the City please advise the date of the Council meeting when Seacrest Park was first identified as a possible site for the development?*
- A1 The Council considered the City's application for Federal Government grant funding on 17 March 2009.
- Q2 *Can the City please advise the current status of the development at Seacrest Park. ie. Is the development at the Seacrest park location, in the conceptual/feasibility stage, or has it been endorsed and approved by the Council?*
- A2 The City is currently undergoing community consultation on the proposed development. Concept Plans have been prepared which are included in the documentation out for public comment. The proposal has not been endorsed by Council, and will only be considered once the community consultation period has finished.
- Q3 *Does the City acknowledge there would be significant environmental/community impact issues for the residents of Sorrento? In particular, those residents within 500 meters of the park?*
- A3 The City recognises the need to design the facilities in such a manner that reduces the impact on residents in the immediate vicinity.
- Q4 *As part of the City's due diligence, so as to evaluate the viability of the project at Seacrest Park, did the City engage in environmental/community impact assessment studies?*
- A4 As this Reserve is already utilised for active sporting pursuits, no environmental or community impact studies have been undertaken for the site.
- Q5 *Could the City advise why there was no consultation with the residents of Sorrento in order to gauge the level of acceptance of the project, prior to the project being nominated for the CIP grant?*
- A5 As stated in the Frequently Asked Questions, the City had a four week period in which to submit its funding application, and therefore had insufficient time during that period to undertake community consultation.

Mrs F White, Sorrento:

Re: *Seacrest Park:*

- Q1 *Can the City advise if the consultation survey was prepared by, and is being analysed/evaluated by, an independent organisation?*
- A1 The City is co-ordinating all aspects of the community consultation process, in line with its endorsed Public Participation Strategy.

- Q2 *Can the City advise the specific weighting attributed to each question on the survey so that the respondents are made aware?*
- A2 No specific weighting has been attributed to the questions in the survey. The results from the consultation process will be summarised in a report to Council.
- Q3 *Was the City able to execute the necessary due diligence and receive all statutory and other approvals necessary for a project of this magnitude, within the 3 week period allocated by the Federal Government for the grant application?*
- A3 As the proposal is only at concept design stage and is currently undergoing community consultation, the City has not sought any required statutory approvals. If the project is supported by Council, the City will then seek the necessary approvals.
- Q4 *Can the City advise why they are only just now coming out for public consultation? Does the City always seek public consultation after a project has been approved?*
- A4 As stated in the Frequently Asked Questions, the City had a four week period in which to submit its funding application, and therefore had insufficient time during that period to undertake community consultation.
- It should be noted that the proposed facility at Seacrest Park has not been approved by Council.
- Q5 *Can the City advise when the public consultation period for the survey starts?*
- A5 The City uploaded the Frequently Asked Questions document to its website on 5 June, followed by the uploading of the survey on 9 June. Residents within a 500 metre radius of Seacrest Park, and other stakeholders, were sent a copy of the survey, the FAQ and concept plans on 12 June 2009.

The following questions were submitted verbally at the Council meeting held on 16 June 2009:

Ms J Curtin, Sorrento:

Re: Seacrest Park Community Sporting Facility.

- Q1 *Why can't the existing club rooms at Macdonald Reserve be upgraded?*
- A1 The current club rooms at Macdonald Reserve at Fleur Freame Pavilion are well utilised. As it is a relatively new facility which is structurally sound, it would not be demolished and replaced with another facility. Relative to the ovals at Macdonald Reserve, there are a number of hockey pitches and one football oval. Effectively, if there were to be two football ovals at Macdonald Reserve, the Hockey club would need to be relocated to another location and another club room and that is not being suggested.

Mr S Page, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *What is the reasoning in moving the Whitfords Senior Football Club from Macdonald Reserve Padbury which backs onto Marmion Avenue, where noise and traffic are not a problem? The proposal is to move to Seacrest Park which is 100% surrounded by houses and is situated deep in a suburb which will result in many residents being affected.*

A1 The question is in multiple formats and a response will be provided in writing. Seacrest Reserve has two formal ovals and a toilet block used by four sporting clubs. Whilst a formal decision to proceed with the project has not been made, the intention is to provide a facility for the four clubs that currently utilise Seacrest Reserve and also to provide an opportunity for Whitfords Amateur Football Club who utilise Macdonald Reserve to have access to a facility that has two ovals.

Q2 *How do you propose to compensate local residents for loss of property value and quality of life arising from the antisocial behaviour, noise, increased parking demands and littering that will be inevitable consequences of the proposed facility?*

A2 This question will be taken on notice.

Mr W Platt, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *Recently, at the Belmont Tennis Club, teenagers threw bottles at police, did burn-outs in cars, jumped on vehicles, as a crowd of three hundred people spilled out onto near by streets terrifying local residents. Can the City of Joondalup guarantee local residents around Seacrest Park that similar antisocial behaviour, drunkenness and violence will not occur as a result of this proposal?*

A1 Facilities that operate within the City of Joondalup have not experienced incidents similar to those at Belmont.

Mr A Collins Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *Given that the final plans have not yet been released, how is it possible to have public consultation on a matter when the public does not know exactly what is being proposed?*

A1 The layout of the facility shown in the documentation that is being sent out to adjoining residents and is available on the City's Web site, is a fairly close approximation to what is being proposed. The facility has not been guaranteed to proceed. Preparation of final plans is dependant on the results and feedback from the community and a formal decision of Council.

Q2 *How many ratepayers and residents in the target 500m radius surrounding Seacrest Park, which the City has chosen to consult directly, need to strongly oppose the development, for the proposal to be quashed and the planned sporting facility not be built?*

A2 Following community consultation, a report will be submitted to Council. That report will outline submissions in favour, submissions against, and varying views relative to the different components to the facility. The report will also differentiate those residents that reside in close proximity to Seacrest and those that do not. Ultimately it is up to each of the individual Elected Members to determine what that trigger point is.

Mr P Mann, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *The proposed development is catering for sporting facilities for various clubs. Why is it then a necessity that this facility have a fully licensed bar and function centre?*

A1 The facility is not a fully licensed bar. There are twenty facilities within the City that have club rooms which are available for clubs and the broader public to hire. The club rooms have either a special facilities licence or a club licence. The Director of Liquor, Racing and Gaming is not going to approve a tavern or pub licence for that site.

Q2 *Why is there a need for alcohol at a sporting facility?*

A2 Alcohol is a legal beverage in society and a feature that is part of many facilities in the City of Joondalup and fortunately there is no history of those facilities causing significant social disturbances to adjoining and surrounding communities.

Mr N Farrell, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *Is the City of Joondalup going to manage the facility or is it the people that lease the facility, the sporting groups in particular, and are they responsible for on leasing the actual facility to other clubs?*

A1 How the facility is being managed has not been discussed. The current focus is to seek the views of the local community. If the facility proceeds there will be the need for management plans and appropriate mechanisms to be put in place. The majority of centres such as this are managed by community groups.

Q2 *Who is then responsible for the security of the area and everything that goes along with that particular facility, as far as the bar, the drinking and the type of associated antisocial behaviour that would accompany that?*

A2 Anything related to liquor is the responsibility of the licensee. The licensee is required to take legal responsibility to ensure the affective management and distribution and sale of alcohol.

It also depends on how the facility is managed during its operation and type of lease arrangement. There are two lease arrangements that could be entered into with the City. One is for clubs to hire the facility from the City of Joondalup, in which case the City of Joondalup would take responsibility for most of those matters.

Another is for community groups to take a lease for the premises from the City of Joondalup, rather than hire it for a number of hours per week. However, that is a subsequent stage; the first step is to determine whether or not the facility is to proceed.

C44-06/09 EXTENSION OF PUBLIC QUESTION TIME - [01122] [02154]

MOVED Cr Young, SECONDED Cr McLean that Public Question Time be extended for a period of 10 minutes.

The Motion was Put and

CARRIED (11/0)

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

Dr V Preetham, Craigie:

Re: Item CJ141-06/09 – Proposed Medical Centre (Change of Use from Recreation Centre) at Lot 672 (9) Perilya Road, Craigie.

Q1 *How will the City ensure compliance with the proposed restriction in practitioner numbers?*

A1 Compliance is sought through one of two mechanisms, either through residents advising the City that a particular business or residential property is not adhering to the law or to their approvals. Another course of action would be for an inspection to occur.

Q2 *What impact assessment has the City done to assess the effect of the proposed medical centre on local services to the community?*

A2 None, as service delivery is not a consideration when dealing with a planning application.

Mr G Kerruish, Belridge Physiotherapy Centre:

Re: Item CJ141-06/09 – Proposed Medical Centre (Change of Use from Recreation Centre) at Lot 672 (9) Perilya Road, Craigie.

Q1 *With respect to the health practitioner numbers, is the Council going to accept the amended definition of treatment practitioners suggested to Mr Higham by Mr Steve Allering on correspondence dated Monday 15 June 2009?*

A1 That is a decision that is about to be taken by Council. An Elected Member is considering a change to the recommendation to modify the definition.

Q2 *Will there be an attempt to further qualify exactly what practitioners proponents intend to have on site?*

A2 The revised condition referred to, in answer to question one, will capture all those different professionals.

Mr M Hainsworth, Craigie:

Re: Item CJ141-06/09 – Proposed Medical Centre (Change of Use from Recreation Centre) at Lot 672 (9) Perilya Road, Craigie.

Q1 *Has the Council received any written or other evidence from local or neighbouring businesses in support of the proposed medical centre and if so can we please be informed?*

A1 The matter was advertised on three weekends in the local paper in October 2008 and signs placed on site. There was a total of 29 responses received, being 27 objections and two submissions of support. Of the two submissions of support, one was expressing general support of the new development. The second submission expressed a critical need for a medical centre in Craigie. The current proposal complies and would not normally be advertised for consultation.

Q2 *Can the matters addressed tonight be held over to take into account the residents and businesses in the area which has come to light recently in the last few weeks?*

A2 That is a rhetorical question.

Dr V Cusack, Kingsley:

Re: Confidential report - Unauthorised Spraying of Korella Park.

Q1 *Have the Elected Members been provided with written legal advice in relation to the confidential report on the unauthorised spraying of Korella Park and if so when?*

A1 That is a confidential matter before the Council.

Re: Special Council – Budget Meeting and the Seacrest Park Community Sporting Facility.

Q2 *What time is the Budget meeting tomorrow night and is there any information in the proposed budget adoption in relation to Seacrest Park?*

A2 The Special Council meeting is to be held at 7.00pm. It is proposed that the Federal funds that have been granted by the Government would be the funds that would be used in the next financial year.

It shows as an income stream and expenditure from that amount but it would still require a Council decision on the project for it to proceed. The existence of the funding being recognised in the budget does not approve the project.

Mr M Caiacob, Mullaloo:

Re: Confidential report - Unauthorised Spraying of Korella Park.

Q1 *Is there any City or Council policy to guide people in the City of Joondalup in the use of pesticides and herbicides?*

A1 The Friends' manual provides some guidelines as to the appropriate management of the bushlands that they are responsible for. There is a local law that also details what is a particular offence in relation to spraying.

Q2 *Following the Mayor's comments made at the last Council meeting, will the Mayor be absent from the debate due to the obvious impartiality conflicts?*

A2 No.

C45-06/09

EXTENSION OF PUBLIC QUESTION TIME - [01122] [02154]

MOVED Cr Hart, SECONDED Cr Corr that Public Question Time be extended for a period of 10 minutes.

The Motion was Put and

CARRIED (11/0)

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

Ms S Nosedo, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *Has there been any study done on car parking around the Seacrest oval in light of this proposal?*

A2 The building proposed and the accompanying car park which includes a number of additional bays, meets the City's requirements for car parking. However, in terms of traffic movement, there is recognition that there is a need to undertake some traffic studies.

Q2 *Can you ensure that residents will not be in any way inconvenienced and can you guarantee that I will be able to get out of my driveway when this proposal goes ahead?*

A2 No guarantee can be given.

Mr A Briant, Sorrento:

Q1 *Would you arrange that parking is no longer permissible in St Heliers Drive and force the people to park in the bays you are making available?*

A1 The matter can be investigated.

Mr M O'Brien, Warwick:

Q1 *In the current climate of saving energy, has there been any consideration or what would be the saving if street lights were reverted to the old 1.15 am close off within the City of Joondalup?*

A1 There are two key issues. The first issue is of base load power, the Synergy generators run twenty four by seven and there is always power that needs to be drawn. At night time, they reduce the draw on power but cannot switch off the turbines.

The second issue is what is acceptable to the community. For example people working night shift or people walking at night may demand that the lights are lit.

WALGA is running trials with some local authorities in conjunction with Synergy to look at different light technologies that considerably reduce not only green house gas emissions but also significantly reducing the cost of running the street lights. A written response will be provided to Mr O'Brien.

Name unclear, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *Is it true or false that once the facility is developed that dogs will not be permitted at the park?*

A1 False.

Mayor Pickard encouraged members of the public who were unable to raise questions due to time constraints, to submit their questions to the City's officers.

PUBLIC STATEMENT TIME**Ms R Curtin, Sorrento:**

Ms Curtin spoke in relation to Seacrest Park Community Sporting Facility.

Mr P Mann, Sorrento:

Mr Mann spoke in relation to Seacrest Park Community Sporting Facility.

Mr D Hanslip, Sorrento:

Mr Hanslip spoke in relation to Seacrest Park Community Sporting Facility.

Ms J Curtin, Sorrento:

Ms Curtin spoke in relation to Seacrest Park Community Sporting Facility.

Mr S Page, Sorrento:

Mr Page spoke in relation to Seacrest Park Community Sporting Facility.

Mr J Newnham, Sorrento:

Mr Newnham spoke in relation to Seacrest Park Community Sporting Facility.

Mr J Curtin, Sorrento:

Mr Curtin spoke in relation to Seacrest Park Community Sporting Facility.

Mr S Kobelke, Sorrento:

Mr Kobelke spoke in relation to Seacrest Park Community Sporting Facility.

C46-06/09 EXTENSION OF PUBLIC STATEMENT TIME – [01122] [02154]

MOVED Cr Hollywood, SECONDED Cr McLean that Public Statement Time be extended.

The Motion was Put and

CARRIED (11/0)

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

Dr V Cusack, Kingsley:

Dr Cusack expressed his acknowledgement for the contributions made by the late Mr Ed Burton to the residents in this municipality and extended his sympathy to immediate family and friends. He then spoke in relation to the Confidential Item - Unauthorised Spraying of Korella Park.

Announcement by Mayor Pickard

Mr Ed Burton was a well respected contributor to the City of Joondalup and a resident of Kingsley, who sadly passed away three weeks ago. His passing will be a loss, both to the Kingsley and Greenwood Residents Association, and to everyone in the City. He made a wonderful contribution and was a proactive member of the community.

One of the last acts that Mr Burton performed was the opening of Woodlake extension in his neighbourhood, a particular initiative which he drove. On behalf of the Council and the City, Mayor Pickard expressed sympathy to Mr Burton's family and everyone in the community.

Mr D Smith, Kingsley:

Mr Smith spoke in relation to Seacrest Park Community Sporting Facility.

Mr A Carr,

Mr Carr spoke in relation to the extension of the Whitfords Dog Beach.

Dr V Preetham, Belridge Medical Centre, Beldon:

Dr Preetham spoke in relation to Item CJ141-06/09 – Proposed Medical Centre (Change of Use from Recreation Centre) at Lot 672 (9) Perilya Road, Craigie.

Mr G Kerruish: Belridge Medical Centre, Beldon:

Mr Kerruish spoke in relation to Item CJ141-06/09 – Proposed Medical Centre (Change of Use from Recreation Centre) at Lot 672 (9) Perilya Road, Craigie.

APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Michael Norman	9 – 24 June 2009 inclusive and 25 June 2009 – 12 July 2009 inclusive
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C47-06/09 REQUESTS FOR LEAVE OF ABSENCE – CR FIONA DIAZ AND CR MICHELE ROSANO – [29610]

Cr Fiona Diaz has requested Leave of Absence from Council duties covering the period 6 - 23 July 2009 inclusive.

Cr Michele Rosano requested Leave of Absence from Council duties covering the period 5 – 10 July 2009 inclusive.

MOVED Cr Fishwick, SECONDED Cr Hollywood that Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:

Cr Fiona Diaz	6 - 23 July 2009 inclusive
Cr Michele Rosano	5 – 10 July 2009 inclusive

The Motion was Put and **CARRIED (11/0)**

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

CONFIRMATION OF MINUTES

C48-06/09 MINUTES OF COUNCIL MEETING, 19 MAY 2009

MOVED Cr McLean, SECONDED Cr Fishwick that the Minutes of the Council Meeting held on 19 May 2009 be confirmed as a true and correct record.

The Motion was Put and **CARRIED (11/0)**

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

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**2009 CITY OF JOONDALUP COMMUNITY ART EXHIBITION**

Mayor Pickard advised that Wednesday, 10 June 2009 was the official launch of the 2009 Community Art Exhibition at Lakeside Joondalup Shopping City.

It was a fantastic night and the event helps showcase the strength and diversity of the local visual arts community.

The exhibition continued to grow and this year there are about 200 artworks on display.

Mayor Pickard thanked the sponsors of this year's Exhibition, Lakeside Joondalup Shopping City who once again provided the City with a wonderful venue to hold the exhibition in and Blue Lizard Gallery.

The City recognised the value of arts in a contemporary lifestyle and every year the Community Art Exhibition is testament to the wonderful vibrancy of the local visual arts scene.

The range of artists participating in the Community Art Exhibition was always broad from students and hobbyists to professionals.

Mayor Pickard stated the diversity of participation was wonderful to see and the exhibition was a great promotion of interaction between people of different ages, backgrounds and artistic styles.

The winner of this year's most outstanding artwork was Claire Oaks for her piece 'ShipShape'.

Mayor Pickard encouraged interested members of the community to get along to Lakeside Joondalup Shopping City to check out the fantastic exhibition.

CONNOLLY DRIVE AND WEST COAST DRIVE PROJECTS

Mayor Pickard advised that two major projects are currently underway in the City with the duplication of Connolly Drive and the West Coast Drive dual use path upgrade.

Work has started on making Connolly Drive a dual carriageway from McNaughton Crescent to Burns Beach Road, which when finished will greatly ease traffic congestion in the area.

Work taking place will include new drainage, footpaths, roundabouts and traffic lights at the intersection of Selkirk Drive.

It is expected the project should be completed by mid-September.

The City has also started preparation work along West Coast Drive for the project to upgrade the existing path facilities from Beach Road to the Plaza.

The path and West Coast Drive (North Bound) will be closed in sections from mid June 2009. Works should be finished in mid-October and cars should expect some delays along West Coast Drive throughout the duration of the project.

SPECIAL MEETING OF COUNCIL

Mayor Pickard advised that there will be a special meeting of Council on Wednesday, 17 June 2009 in the Joondalup Council Chambers to consider approving the 2009/10 draft Budget.

The meeting will start at 7.00 pm.

CONGRATULATIONS

Mayor Pickard congratulated the Chief Executive Officer and staff who were involved in the preparation of Warwick Hall for this evening's Council meeting. Congratulations were also offered to the Asset Management team with respect to the recent refurbishments undertaken at Warwick Hall.

DECLARATIONS OF INTEREST**Disclosure of interest affecting impartiality**

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

Name/Position	Cr Kerry Hollywood
Item No/Subject	CJ128-06/09 – Status of Petitions (Petition in relation to the construction of the extension of Burns Beach Road)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood resides close to this site and passes it everyday

Name/Position	Cr Marie Macdonald
Item No/Subject	CJ129-06/09 – City of Joondalup Bike Plan 2009
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald resides in Mullaloo

Name/Position	Cr Marie Macdonald
Item No/Subject	C55-06/09 - Confidential Report – Unauthorised Spraying of Korella Park
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald is the Treasurer of the Joondalup Community Coastal Care Forum and member of a Friends Group

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

C55-06/09 - Confidential Report - Unauthorised Spraying of Korella Park.

C49-06/09 PETITIONS

- 1 PETITION OPPOSING THE DEVELOPMENT OF A SINGLE USE HOUSE TO A RESIDENTIAL BUILDING AT 20 TROCHIDAE WAY, HEATHRIDGE. – DEVELOPMENT APPLICATION NO. DA09/0505

Cr Young tabled a 47-signature petition on behalf of residents opposing the development of a single use house to a residential building at 20 Trochidae Way, Heathridge.

- 2 PETITION OPPOSING THE PROPOSED MEDICAL CENTRE (CHANGE OF USE FROM RECREATION CENTRE) AT LOT 672 (9) PERILYA ROAD, CRAIGIE - [02062]

Cr Macdonald tabled a 291-signature petition on behalf of residents of the City of Joondalup opposing an application for approval of the development and use of a 23 room medical practice at 9 Perilya Road, Craigie until it is established that there is a need for such a practice to be approved and that the establishment of such a practice will not have an adverse effect on existing health care professionals and the amenity of the locality.

- 3 PETITION RAISING CONCERNS AT THE LOCATION OF A CHILDCARE CENTRE NEXT TO THE PETROL STATION ON THE CORNER OF OCEAN REEF ROAD AND EDDYSTONE AVENUE - [36418] [09735]

A 23-signature petition has been received from residents of the City of Joondalup raising concerns at the location of a childcare centre next to the BP Petrol Station on the corner of Ocean Reef Road and Eddystone Avenue.

- 4 PETITION REQUESTING THE RE-TARRING OF THE PATHWAY IN THE PARK AT FRINTON PLACE, GREENWOOD - [65242]

Cr Corr tabled a 31-signature petition on behalf of Greenwood residents requesting that the pathway in the park at Frinton Place, Greenwood be re-tarred.

- 5 PETITION OPPOSING THE PROPOSED COMMUNITY SPORTING FACILITY AT SEACREST PARK, SORRENTO - [02146]

Cr Corr tabled a 1100-signature petition on behalf of residents of the City of Joondalup strongly opposing the proposed community sporting facility at Seacrest Park, Sorrento.

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

- 1 **Petition opposing the development of a single use house to a residential building at 20 Trochidae Way, Heathridge – Development Application No Da09/0505;**
- 2 **Petition opposing the proposed medical centre (change of use from Recreation Centre) at Lot 672 (9) Perilya Road, Craigie;**
- 3 **Petition raising concerns at the location of a childcare centre next to the BP Petrol Station on the corner of Ocean Reef Road and Eddystone Avenue;**

- 4 **Petition requesting the pathway in the park at Frinton Place, Greenwood be re-tarred;**
- 5 **Petition opposing the planned community sporting facility in Seacrest Park.**

The Motion was Put and

CARRIED (11/0)

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

CJ122-06/09 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 5 May 2009 to 22 May 2009.

EXECUTIVE SUMMARY

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

BACKGROUND

Not Applicable.

DETAILS

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

Document:	Amendment No 41 to District Planning Scheme No 2
Parties:	City of Joondalup and Minister for Planning
Description:	Amendment No 41 to District Planning Scheme No 2 – Reserve 29740 being Lots 3759 and 8931 (No 108) High Street, Sorrento
Date:	05.05.09
Signed/Sealed:	Sealed

Document:	Section 70A Notification
Parties:	City of Joondalup and Anuwat Boonnark and Rose Winterburn
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – 37 (Lot 30) Lakevalley Drive, Edgewater.
Date:	12.05.09
Signed/Sealed:	Sealed

Document:	Debenture
Parties:	City of Joondalup and WA Treasury Corporation
Description:	Loan to fund two parking projects : <ul style="list-style-type: none"> • Paid Parking (\$834K); • Shenton Avenue Car Park (\$700K) Being total amount of \$1534K, as per resolution of Council of 22 July 2008 (Annual Budget Item JSC3-07/08)
Date:	12.05.09
Signed/Sealed:	Sealed

Document:	Section 70A Notification
Parties:	City of Joondalup and Franjo and Tatjana Dragojevic
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land – Lot 686 (15) Whitewater Lookout, Iluka.
Date:	22.05.09
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 Fishwick, **SECONDED** Cr Rosano that Council **NOTES** the schedule of documents covering the period 5 May 2009 to 22 May 2009 executed by means of affixing the Common Seal.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

CJ123-06/09 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 4 JUNE 2009 – [26276] [18058]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 4 June 2009 to consider the following matters:

- Item 1 Policy 8.3 – Elected Members – General – Amendment
- Item 2 Parking Schemes For Suburban Areas Outside Of The Joondalup City Centre – Policy

- Item 3 Draft Policy – Notification of Approved Commercial Development
Item 4 Draft Policy 3.7 – Signs Additional Information For Consideration
Item 5 Alfresco Activities Policy – Review

BACKGROUND

Council established a Policy Committee and endorsed a new Policy Framework on 26 April 2005. (*CJ064–04/05 refers*). The framework separated the policies of the Council into two categories:

- 1 Council Policies - Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions; and
- 2 City Policies - Policies that are developed for administrative and operational imperatives and have an internal focus.

Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community. Officers may be requested by the Policy Committee to draft specific policies as required for referral to the Policy Committee.

City policies are to be developed and drafted for Policy Committee consideration and recommendation to the Council. The Policy Committee may determine, if appropriate, to request that a City Policy be subject to public comment prior to recommending it for Council adoption.

DETAILS

Issues and options considered:

The Motions carried at the Policy Committee meeting held on 4 June 2009 are shown below, together with officer's comments:

Item 1 Policy 8.3 – Elected Members – General – Amendment

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council AMENDS Policy 8.3 – Elected Members – General, Elected Members Availability, in the manner prescribed in Attachment 1 to this Report, to read as follows:

“Elected Members Availability

Elected Members may request that advertisements are placed in local newspapers indicating their availability to meet with electors/residents to discuss issues of concern.

The advertisements will detail the availability of Elected Members to meet with residents to discuss matters of community concern.

Where the Elected Member wishes to meet with residents within a City of Joondalup facility, the Elected Member is to contact the CEO, who will make the necessary arrangements.

Where the Elected Member wishes to use a non City of Joondalup facility, the Elected Member is to make all the necessary arrangements and meet any associated costs. These costs may be claimed in accordance with Policy 8-2.

The City shall include in its annual budget the provision for these advertisements to be placed in local newspapers up to six times each year. However, no advertisements shall be placed nor any related meetings shall occur between residents/electors and elected members (where that elected member has a direct interest) which are at the cost of the City, within three (3) months of an election day.”

Officer's comment

The recommendation is supported. The election process commences 80 days before Election Day. Therefore three (3) months is outside the election process period.

Item 2 Parking Schemes for Suburban Areas Outside of the Joondalup City Centre – Policy

The following motion was carried:

“That the Policy Committee recommends that Council AGREES:

- 1 to release the Draft Policy “Parking Schemes for Suburban Areas Outside of the Joondalup City Centre” in the format presented in Attachment 1 to this Report to the public for a consultation period of three (3) weeks;*
- 2 that should no significant public submissions be received during the consultation period, the Draft Policy, in the format presented in Attachment 1 to this Report, be presented to Council at its July 2009 meeting for approval.”*

Officer's comment

No Comment.

Item 3 Draft Policy – Notification of Approved Commercial Development

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft City Policy – Notification of Approved Commercial Development, as shown in Attachment 1 to this Report, for public comment for a period of twenty-one (21) days.”

Officer's comment

No Comment.

Item 4 Draft Policy 3.7 – Signs Additional Information For Consideration

The following motion was carried:

“That the Policy Committee:

- 1 *REQUESTS that draft Council Policy 3-7 – Signs be amended in accordance with Option 2, being different size of signage in different Zones, subject to:*
 - *A-Frame signs only permissible in service industrial zones;*
 - *Signs occupying no more than 25% of the glazed area, and that the sign is to be permeable;*
- 2 *RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft Council Policy 3-7 – Signs for public comment for a period of forty two (42) days.”*

Officer’s comment

The motion carried by the Policy Committee has resulted in a number of changes to the draft Policy. Those changes are currently being undertaken and a final draft will be submitted to the Council at its meeting on 21 July 2009.

Item 5 Alfresco Activities Policy – Review

The following motion was carried:

“That the Policy Committee RECOMMENDS that Council:

- 1 *In accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft City Policy 7-5 – Alfresco Activities, as shown in Attachment 1 to this Report, for public comment for a period of thirty (30) days, subject to the following amendments being made:*
 - *The policy requiring that barriers are to be permanent planter boxes or other structures deemed appropriate by the City;*
 - *Planter boxes are to be installed by the City and remain a City asset, but managed by the trader in accordance with an approved management plan;*
 - *The standard planning approval conditions including a clause that requires all structures associated with the alfresco activities be maintained in good condition, to the satisfaction of the City;*
 - *The policy reflecting that fees for alfresco dining areas will be charged on a per square metre basis;*
 - *Fees are recommended to be a notional figure of \$60 per square metre and be applicable from 1 July 2010 for new applications, or within 24 months of the adoption of the fee structure for existing alfresco activities.*
- 2 *NOTES that, if adopted, the new alfresco activities policy would be applied to existing alfresco activities upon renewal of planning approval, or within 24 months of the adoption of the new policy, whichever is the longer period.”*

Officer's comment

A revised draft policy has been prepared in accordance with the motion carried at the Policy Committee.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

No reports were requested.

Link to Strategic Plan

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

As detailed in this Report.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Relevant officer's comments have been made regarding the matters considered by the Committee.

ATTACHMENTS

Attachment 1	Unconfirmed minutes of the Policy Committee meeting of 4 June 2009
Attachment 2	Policy 8.3 – Elected Members – General
Attachment 3	Draft Policy – Parking Schemes for Suburban Areas of Joondalup
Attachment 4	Draft Policy – Notification of Approved commercial Development
Attachment 5	Draft Modified Alfresco Activities Policy

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood, SECONDED Cr Fishwick that Council:

- 1 NOTES the unconfirmed minutes of the Policy Committee Meeting held on 4 June 2009 forming Attachment 1 to Report CJ123-06/09;**
- 2 AMENDS Policy 8.3 – Elected Members – General, Elected Members Availability, in the format presented in Attachment 2 to Report CJ123-06/09;**
- 3 (a) AGREES to release the Draft Policy “Parking Schemes for Suburban Areas Outside of the Joondalup City Centre” in the format presented in Attachment 3 to Report CJ123-06/09 to the public for a consultation period of three (3) weeks;**
(b) AGREES that should no significant public submissions be received during the consultation period, the Draft Policy “Parking Schemes for Suburban Areas Outside of the Joondalup City Centre” in the format presented in Attachment 3 to Report CJ123-06/09, be presented to Council at its July 2009 meeting for approval;
- 4 In accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft City Policy – Notification of Approved Commercial Development, as shown in Attachment 4 to Report CJ123-06/09, for public comment for a period of twenty-one (21) days;**
- 5 (a) NOTES the decision of the Policy Committee to amend the draft Council Policy 3-7 – Signs in accordance with Option 2, being different size of signage in different Zones, subject to:**
 - A-Frame signs only permissible in service industrial zones;**
 - Signs occupying no more than 25% of the glazed area, and that the sign is to be permeable;****(b) REQUESTS that a revised draft Council Policy 3-7 – Signs be submitted to the Council meeting to be held on 21 July 2009;**
- 6 (a) In accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft City Policy 7-5 – Alfresco Activities, as shown in Attachment 5 to Report CJ123-06/09;**
(b) NOTES that, if adopted, the new alfresco activities policy would be applied to existing alfresco activities upon renewal of planning approval, or within 24 months of the adoption of the new policy, whichever is the longer period.

Discussion ensued.

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Corr that Clause 5 (b) of the Motion be amended to read:

“5 (b) REQUESTS that a revised draft Council Policy 3-7 – Signs be submitted to a future Policy Committee meeting.”

The Amendment was Put and

CARRIED (11/0)

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

The Original Motion as amended, being:

That Council:

- 1 NOTES the unconfirmed minutes of the Policy Committee Meeting held on 4 June 2009 forming Attachment 1 to Report CJ123-06/09;**
- 2 AMENDS Policy 8.3 – Elected Members – General, Elected Members Availability, in the format presented in Attachment 2 to Report CJ123-06/09;**
- 3 (a) AGREES to release the Draft Policy “Parking Schemes for Suburban Areas Outside of the Joondalup City Centre” in the format presented in Attachment 3 to Report CJ123-06/09 to the public for a consultation period of three (3) weeks;**
(b) AGREES that should no significant public submissions be received during the consultation period, the Draft Policy “Parking Schemes for Suburban Areas Outside of the Joondalup City Centre” in the format presented in Attachment 3 to Report CJ123-06/09, be presented to Council at its July 2009 meeting for approval;
- 4 In accordance with Clause 8.11 of the City of Joondalup’s District Planning Scheme No 2, ADVERTISES the draft City Policy – Notification of Approved Commercial Development, as shown in Attachment 4 to Report CJ123-06/09, for public comment for a period of twenty-one (21) days;**
- 5 (a) NOTES the decision of the Policy Committee to amend the draft Council Policy 3-7 – Signs in accordance with Option 2, being different size of signage in different Zones, subject to:**
 - A-Frame signs only permissible in service industrial zones;**
 - Signs occupying no more than 25% of the glazed area, and that the sign is to be permeable;****((b) REQUESTS that a revised draft Council Policy 3-7 – Signs be submitted to a future Policy Committee meeting;**

- 6 (a) In accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the draft City Policy 7-5 – Alfresco Activities, as shown in Attachment 5 to Report CJ123-06/09;
- (b) NOTES that, if adopted, the new alfresco activities policy would be applied to existing alfresco activities upon renewal of planning approval, or within 24 months of the adoption of the new policy, whichever is the longer period.

Was Put and

CARRIED (11/0)

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

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn090616.pdf](#)

CJ124-06/09 RECOMMENCING LOCAL LAW AMENDMENT PROCESS - ALFRESCO DINING SMOKING BAN – [23122] [04028]

WARD: North

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To present Council with a copy of the *City of Joondalup Trading in Public Places Amendment Local Law 2009* and seek Council approval for the Amendment's release for a public comment period of 44 days (in line with the minimum requirements under the *Local Government Act 1995*).

BACKGROUND

At the Meeting of 21 April 2009, Council resolved the following (*CJ097-04/09 refers*):

“APPROVES the submission of a written undertaking to the Joint Standing Committee on Delegated Legislation, committing the City to:

- *recommence the process for amending a local law;*
- *repeal the current Trading in Public Places Amendment Local Law 2008; and*
- *cease enforcing the provisions within the Trading in Public Places Amendment Local Law 2008 that will be subject to change.”*

A written undertaking has since been drafted and submitted to the Joint Standing Committee on Delegated Legislation (JSCDL) in line with the communication agreed to by Council above.

DETAILS

As part of the City's commitments to the JSCDL, a local law amendment process must be initiated to ensure the following changes are made to the City's current *Trading in Public Places Amendment Local Law 2008* (Attachment 1 refers):

- That references to "an employee" in clause 14(4)(ii) are removed; and
- That clause 14(4)(iii) is removed: (this clause makes the proprietor of a premises liable for the failure of employees and licensees to inform patrons who are smoking to cease and relocate to an area outside of the alfresco dining area).

The City has drafted a new *Trading in Public Places Amendment Local Law 2009* (Attachment 2) to account for these changes. Within this Amendment, a provision to repeal the current *Trading in Public Places Amendment Local Law 2008* has also been included to satisfy the City's second commitment to the JSCDL.

Direction has also been provided to the City's Environmental Health Officers not to enforce provisions within the current law that relate to proprietors and employees (these are the provisions that will be subject to change in the new Amendment Local Law). Provisions that are still being enforced by the City include the ability to fine patrons for smoking within a prohibited alfresco dining area and ensuring that business owners erect *no smoking signage* in affected areas.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

This report recommends amending the City's *Trading in Public Places Local Law 1999* in line with the requirements prescribed in section 3.12 of the *Local Government Act 1995*.

Risk Management considerations:

In accordance with the JSCDL's *Report 23: "Issues of Concern Raised by the Committee Between 1 May 2006 and 30 April 2007 with Respect to Local Laws"*, should the City fail to complete its stated commitments to the JSCDL within a 2 year period, the Committee will move to disallow the City's Amendment.

This will be avoided if the City completes the process for amending a local law and repealing the previous Amendment Local Law within 2 years. It is also important that the City does not issue infringements for provisions within the current Amendment that will be subject to change. Direction provided to Environmental Health Officers will ensure that these provisions are not enforced in the interim.

Financial/Budget Implications:

It is anticipated that the cost of recommencing the process for amending a local law will be minimal given that the City will be pursuing the minimum consultation requirements prescribed under the *Local Government Act 1995*; namely, statewide notice in The West Australian on one occasion.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The consultation requirements are outlined in Financial/Budget section of the report.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Trading in Public Places Amendment Local Law 2008
Attachment 2 Trading in Public Places Amendment Local Law 2009

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, **SECONDED** Cr Rosano that Council, in accordance with section 3.12 of the Local Government Act 1995, **APPROVES** the content of the Trading in Public Places Amendment Local Law 2009 provided at Attachment 2 to Report CJ124-06/09 and **AGREES** for its release for a public consultation period of 44 days, with the following purpose and effect:

“The purpose of this Amendment 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 Amendment Local Law is that a system for prohibiting smoking in alfresco dining areas within the City of Joondalup will be operational.”

The Motion was Put and **CARRIED (11/0)** by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf090609.pdf](#)

CJ125-06/09 CLIMATE CHANGE RISK ASSESSMENT – [78616]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE

To provide Council with a report on the merits of undertaking a full climate change risk assessment particularly in relation to sea levels.

EXECUTIVE SUMMARY

At its meeting held on 17 February 2009 Council requested a report from the Chief Executive Officer advising Council:

“whether, or not, a full climate change/risk assessment, with particular attention being given to sea level rises and its effects, should be done, giving the pros and cons, with a recommendation to Council, and, if the recommendation is yes, the urgency that the assessment should be given.” (C07-02/09 refers)

Council also requested that the report include an assessment of any available literature on climate change and the impact on sea levels.

BACKGROUND

Extensive literature exists on climate change and rising sea levels and much of the information is presented in highly technical terms. Climate change is a complex issue and the literature available represents a range of diverse and conflicting opinions.

Numerous studies have been undertaken in relation to the issue, and some of the sources for the literature reviewed are detailed in the Details section of this report.

DETAILS

In order to provide objective information in relation to climate change the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) established the Intergovernmental Panel on Climate Change (IPCC).

The IPCC was specifically established to provide the decision-makers and others interested in climate change with an objective source of information about climate change.

The role of the IPCC is:

- ↳ *To comprehensively and objectively assess latest scientific, technical and socio-economic literature produced worldwide relevant to the understanding of the risk of human-induced climate change, its observed and projected impacts and options for adaptation and mitigation.*
- ↳ *IPCC reports should be neutral with respect to policy, although they need to deal objectively with policy relevant scientific, technical and socio economic factors. They should be of high scientific and technical standards, and aim to reflect a range of views, expertise and wide geographical coverage.*

The IPCC website includes all previous reports prepared by the Panel and that website can be accessed at <http://www.ipcc.ch/index.htm>.

The CSIRO website also contains information on rising sea levels and is written in a relatively 'non-scientific' form. The website can be found at <http://www.cmar.csiro.au/sealevel/index.html>

It is understood that other local governments have examined the impact of climate change on their coastal areas.

The City of Cottesloe engaged a Consultant in August 2007 to prepare a report on Foreshore Vulnerability to Climate Change Impact. The project was funded by Emergency Management Australia. The report was considered by the Council in June 2008.

The main aim of the *Cottesloe Climate Change Vulnerability Assessment Project* was to establish potential risk to existing key coastal infrastructure under a range of future climate scenarios.

The objectives of the research were:

- ↳ Analysis of contemporary coastal conditions (environmental conditions and resultant coastal change)
- ↳ Determination of scenarios for future climate change
- ↳ Prediction of impacts on the physical coastal environment
- ↳ Implications of physical change for existing infrastructure

The report included an extensive operational risk treatment plan which included, amongst other things:

- Establishing a Coastal Monitoring Program.
- Specialist engineering and geotechnical assessments.
- Establishing emergency management plans in relation to major storm erosion.
- Incorporating the effects of climate change in all natural area management plans.
- Development of a policy to provide for the management and protection of Council's infrastructure assets.
- Modifying the development approval processes to incorporate a requirement for geotechnical investigations for developments close to the foreshore.

The full report is available on the Town of Cottesloe's website at www.cottesloe.wa.gov.au/

The City of Mandurah has also appointed Consultants to identify and assess potential climate change risks for Mandurah's coastal zone and waterways by August 2009. The total cost of the project has been estimated at \$100,000 and will be funded through the Federal Government's Local Adaptation Planning Program (\$50,000) and the City will also provide \$50,000 for the project.

The Western Australian Planning Commission (WAPC) is currently undertaking a project which will see Western Australia's shoreline digitally mapped in 3-D at a cost of \$1.6m. The objective of the project is to assess how the State's coast could be affected by climate change. This project will see the WA Coastline mapped from Yanchep to Cape Naturalise through the use of rapid pulses of light to create a 3D map of the land and sea floor. The project will identify vulnerable areas and project future changes. The project is expected to be completed in August and results will be placed on the Landgate SLIP website.

Issues and options considered:**Option 1**

Given that the WAPC is currently undertaking a project in relation to sea levels along the Western Australian coastline to assess the impact of climate change and to inform the review of the State Coastal Planning Policy the Council may decide not to undertake a full climate change/risk assessment, with particular attention being given to sea level rises and its effects, and instead wait for the results from the WAPC research.

Option 1 is the recommended option given that the research will provide the Council with up to date scientific information on climate change specifically in relation to the Western Australian coastline, and will map sea levels, identify vulnerable areas, and project future changes.

Option 2

Council may decide to undertake research into climate change with a full risk assessment.

This option is not recommended given that expertise will be required to undertake the research, and that the research will duplicate the work of the WAPC. If Council were to recommend that a full risk assessment is undertaken for the City of Joondalup, the costs are likely to be considerable.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan particularly in relation to the Key Focus Areas of:

- ↳ The Natural Environment;
- ↳ The Built Environment; and
- ↳ Community Wellbeing.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

If Council were to request the preparation of a report, experts in climate change would need to be engaged and consultant fees would be incurred. These costs have not been included in the 2009/10 Budget figures, and estimates are difficult given that the project has yet to be scoped.

Policy Implications:

Not Applicable.

Regional Significance:

The research being undertaken by the WAPC to map sea levels and project future changes is for the entire Western Australian shoreline from Two Rocks to Cape Naturaliste.

Sustainability Implications:

Research being undertaken by the WAPC in relation to sea levels along the Western Australian Coast will assist in understanding the issues and risks associated with climate change, and any associated impacts in terms of rising seas and erosion on coastal development. This research will be used to inform the review of the State Coastal Planning Policy.

Consultation:

Not Applicable.

COMMENT

Given that the WAPC is currently undertaking a project in relation to sea levels along the Western Australian coastline to assess the impact of climate change and to inform the review of the State Coastal Planning Policy (which is likely to include new estimates on rising sea levels), it is recommended that a full climate change risk assessment not be undertaken, and that the Council receives a further report following the results of the project being undertaken by the WAPC.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES that the Western Australian Planning Commission is undertaking research in relation to sea levels along the Western Australian coastline to assess the impact of climate change and inform the review of the State Coastal Planning Policy;
- 2 REQUESTS a report on the outcomes of the research following release of the findings by the Western Australian Planning Commission by February 2010.

MOVED Cr Corr, SECONDED Cr Hart that Council:

- 1 **NOTES** that the Western Australian Planning Commission is undertaking research in relation to sea levels along the Western Australian coastline to assess the impact of climate change and inform the review of the State Coastal Planning Policy;
- 2 **REQUESTS** a report on the outcomes of the WAPC research within two months of its report being released, and, if the WAPC report is not released this year, the matter to come back to Council at its February 2010 meeting.

Discussion ensued.

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

MOVED Cr Corr, SECONDED Cr Hart that Council:

- 1 **NOTES** that the Western Australian Planning Commission is undertaking research in relation to sea levels along the Western Australian coastline to assess the impact of climate change and inform the review of the State Coastal Planning Policy.

The Motion was Put and

CARRIED (11/0)

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

MOVED Cr Corr, SECONDED Cr Hart that Council:

- 2 **REQUESTS** a report on the outcomes of the WAPC research within two months of its report being released, and, if the WAPC report is not released this year, the matter to come back to Council at its February 2010 meeting.

The Motion was Put and

CARRIED (9/2)

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

**CJ126-06/09 YELLAGONGA INTEGRATED CATCHMENT
MANAGEMENT PLAN – [72568]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE

To seek Council approval to release the Draft Yellagonga Integrated Catchment Management (YICM) Plan for community consultation for a period of six weeks.

EXECUTIVE SUMMARY

The Yellagonga Integrated Catchment Management (YICM) Plan has been developed through a partnership agreement between the Cities of Joondalup and Wanneroo in recognition of the need to have a whole of catchment approach.

The development of the YICM Plan and associated catchment projects has involved considerable input from community groups and key stakeholders. The initial scoping phase involved a community workshop in September 2007 where over 100 participants identified and prioritised the land and water threats facing the park.

The YICM Plan establishes a coordinated approach towards sustainable planning and management of resources within the Yellagonga Catchment. The YICM Plan has a number of priority projects to be implemented by various stakeholders with interests in the Yellagonga Catchment, in order to improve the health of the Yellagonga Wetlands. The City of Joondalup, City of Wanneroo, and the Department of Environment and Conservation have shared responsibilities for the management of the wetlands in Yellagonga Regional Park.

BACKGROUND

The Yellagonga Regional Park Management Plan 2003 – 2013 was developed by the Department of Environment and Conservation and the Cities of Joondalup and Wanneroo to provide broad direction for the protection and enhancement of the conservation, recreation and landscape values of Yellagonga Regional Plan.

One of the high priority strategies proposed in the Management Plan was the preparation of an Integrated Catchment Management Plan which was consistent with the overall direction of the Yellagonga Regional Park Management Plan 2003 – 2013.

The YICM Plan addresses the activities in the catchment that affect the Park and the management of the Park itself is guided by the Yellagonga Regional Park Management Plan 2003 – 2013.

DETAILS

The Department of Environment and Conservation and the Cities of Joondalup and Wanneroo share the management of the Park's wetlands.

The development of the YICM and associated projects has involved considerable input from community groups and key stakeholders. The initial scoping phase involved a community workshop in September 2007 where over 100 participants identified and prioritised the land and water threats facing the park.

Following this workshop, a Community Reference Group (CRG) was formed to assist in the development of the YICM Plan. A Technical Working Group comprising relevant professionals from various stakeholder groups was involved in the YICM Planning Project, including representatives from the City of Joondalup and the City of Wanneroo, Department of Environment and Conservation, Department of Water, Edith Cowan University, West Coast TAFE, and the North-Metro Catchment Group. The TWG provided technical input into the development of the YICM Plan.

Members of the TWG and the CRG participated in a second workshop in July 2008 to develop targeted strategies for inclusion in the YICM Plan which have been translated into the projects included in the Plan.

The YICM Plan is supported by the Yellagonga Regional Park Integrated Catchment Management Plan 2009-2014 Technical Report. This report will be available in the Councillors reading room.

Issues and options considered:

The YICM Plan has been developed in consideration of the diverse interests associated with the Yellagonga Catchment and Regional Park including residential landowners, commercial interests, community members who utilise the area for recreation, aesthetic enjoyment, historical and cultural heritage, and those who appreciate the Park for its environmental values.

Link to Strategic Plan:

Key Focus Area – The Natural Environment

Objective 2.1 – To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The YICM Plan seeks to address a range of threats to the long term viability of the Yellagonga Regional Park including the impacts from urbanisation and past land use within the Catchment.

Financial/Budget Implications:

The YICM Plan includes a number of priority projects. Each project has a project brief that includes estimated project costs. The projects are either joint projects which are to be undertaken by the Cities of Joondalup and Wanneroo, or individual projects to be undertaken separately by each City.

The commencement of each project is dependent on Budget approval in successive financial years.

Policy Implications:

Not Applicable.

Regional Significance:

Yellagonga Regional Park is one of eight regional parks within the Perth metropolitan region. The Park is of regional importance because of its natural, cultural and recreational resources and provides an important north/south link with Neerabup National Park and Yanchep National Park.

The City of Joondalup and the City of Wanneroo have shared responsibilities for the management of the wetlands in Yellagonga Regional Park along with the Department of Environment and Conservation.

Sustainability Implications:

Yellagonga Regional Park contains a wide variety of ecosystems with high conservation value within a rapidly expanding urban setting. The wetlands within the Park are some of the last remaining freshwater wetland systems on the Swan Coastal Plain, and are important breeding grounds for local and migratory birds.

Consultation:

The development of the YICM Plan involved considerable community input including the formation of a Community Reference Group. This report is seeking Council endorsement to release the YICM Plan for community consultation for a period of six weeks.

COMMENT

The development of the YICM Plan was jointly funded by the Cities of Joondalup and Wanneroo, and the Plan represents the input and commitment of a range of community and stakeholder groups dedicated to the long-term management and health of the Yellagonga Regional Park.

ATTACHMENTS

Attachment 1 Yellagonga Integrated Catchment Management Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Rosano that Council:

- 1 AGREES to release the Yellagonga Integrated Catchment Management Plan for community consultation for a period of six weeks;**
- 2 REFERS the Yellagonga Integrated Catchment Management Plan to the Conservation Advisory Committee for comment as part of the community consultation process.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf090609.pdf](#)

CJ127-06/09 REVIEW OF DELEGATED AUTHORITY MANUAL – [07032]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

PURPOSE

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

EXECUTIVE SUMMARY / BACKGROUND

The *Local Government Act 1995* (the Act) requires that, at least once each financial year the delegator (either the Local Government or the Chief Executive Officer) reviews its delegations. The Council last reviewed its delegations on 25 September 2007 and met its legislative requirements (Item CJ186-09/07 refers).

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

DETAILS

Delegation of Powers and Duties from the Chief Executive Officer to Employees

Section 5.44(1) of the Act provides that a Chief Executive Officer may delegate to any employee of the local government the exercise of any of his powers, or discharge any of his duties under the Act. A number of delegations have been identified where the Chief Executive Officer considers it appropriate to amend delegations to particular employees. Changes to delegations are required to reflect a number of new positions and amendments to position titles. Delegations affected include:

- Disposing of Property;
- Town Planning Delegations;
- Determination of Development Applications;
- Incurring of Liability and Making of Payments;
- Health Act 1911;
- Animals Local Law – Issuing of Licences, Approvals and Permits;
- Health Local Law – Issuing of Licences, Approvals and Permits;
- Trading in Public Places Local Law – Issuing of Licences, Approvals and Permits;
- Caravan Parks and Camping Grounds Act 1995;
- Authority for Chief Executive Officer to Finalise Negotiations;
- Authority for Chief Executive Officer to Execute Agreement; and
- Authority for Chief Executive Officer to Appoint Successful Tender Applicant.

The following amendments to the Delegate Authority Manual are proposed:

Disposing of Property

An additional element (4) to the delegation in relation to 'Disposing of Property' has also been included, which covers exempt dispositions. This is in accordance with section 3.58(d) of the Act and Regulation 30 of the *Local Government (Functions and General) Regulations*, which outlines the options for disposing property classified as an exempt disposition.

The delegation recommended to the Chief Executive Officer has been limited to \$500,000, as this amount has been previously determined by the Council in relation to elements (1) – (3).

Town Planning Delegations

In terms of the Town Planning Delegations, it is considered that the addition of a new clause 1(c)(ii) dealing with patios, shade sails and outbuilding additions to existing developments would improve efficiency. Currently, these types of applications are determined by Council. If these minor commercial issues could be dealt with under delegated authority, the City would avoid substantial delay to projects.

The proposed change in clause 2(a)(vi) would allow outbuildings with a standard wall height of 2.7 metres to be determined under Senior Planning Officer / Co-ordinator Planning Approvals' delegation, rather than requiring a report to be prepared for the Manager/Director where an outbuilding exceeds the permitted 2.4m wall height. The current delegation only allows Senior Planning Officers and the Co-ordinator to determine outbuilding heights of up to 2.64 metres. However, as outbuildings generally come in pre-fabricated form with standard wall heights of 2.4 metres, 2.7 metres, and 3.0 metres, it would improve processing time and overall efficiency to determine these at Senior Planning Officer /Co-ordinator level.

The insertion of a new clause 2(a)(vii) is simply to clarify current practice which is in accordance with Policy 3-2 'Height and Scale of Buildings within Residential Areas'. That is, only the Manager/Director should be signing off Building Height Envelope Projections.

The proposed amendments to clause 2(b) are essentially to correct an error. The current wording of clause 2(b) states that variations greater than 10% cannot be determined under Senior Planning Officer / Co-ordinator delegation. However, as variations to these standards that are greater than 10% cannot be done under delegated authority at all, the current wording requires review. The proposed amendments would give effect to the principle that if the variation is less than 10%, then the application would need to be determined by the Manager/Director; if the variation is more than 10%, then the application would be referred to Council.

Determination of Development Applications

The delegation on page 21 of the Manual relating to the development application for the proposed special care facility on 15 Chessell Drive, Duncraig is no longer required as the building is well underway.

Authority for Chief Executive Officer to Finalise Negotiations and Appoint Successful Tender Applicant

The delegations authorising the Chief Executive Officer to finalise negotiations and appoint successful tender applicants in relation to specific contracts are also no longer required as they have been actioned. As the Deed of Agreement between the City and the Western Australian Sports Centre Trust has been executed, the delegation in relation to this matter is now obsolete and should be removed.

Delegations relating to Local Laws and State legislation

The City has received legal advice about the mechanisms by which the City can ensure that officers have the authority that is necessary for them to do their jobs. In this regard, the City has reviewed five delegations that concern the appointment of authorised officers under State legislation and local laws. The outcome of the review is that:

- In respect of State legislation empowering local governments to appoint authorised officers, it would be more efficient for the City to adopt the ‘acting through’ concept as opposed to a formal delegation. The notion of “acting through” is premised on the Council acting through an officer or agent by authorising that officer or agent to exercise administrative authority. The officer or agent then acts for and on behalf of the Council in exercising the administrative authority. The Council is able to act through the Chief Executive Officer to appoint authorised officers under a range of State legislation;
- In relation to local laws that make provision for authorised persons to carry out certain activities, once a person has been appointed as an authorised person, it is not necessary that there be any further delegation of authority. The appointment of the person as an authorised person is sufficient.

As a result of the review, the five delegations relating to the *Health Act 1911*, *Animals Local Law 1999*, *Health Local Law 1999*, *Trading in Public Places Local Law 1999* and *Caravan Parks and Camping Ground Act 1995* have been removed.

Issues and options considered:

An annual review has been undertaken of the corporate Delegated Authority Manual. An explanation of the proposed changes is provided on Attachment 1.

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

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.42 of the Local Government Act 1995 provides that:

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

* absolute majority required.

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

Section 5.43 of the Local Government Act 1995 provides that:

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

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

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

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

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

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

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

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

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

ATTACHMENTS

Attachment 1	Explanation of proposed changes
Attachment 2	Required changes to Delegated Authority Manual

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr McLean, SECONDED Cr Rosano that Council:

- 1 ENDORSES the review of the delegations in accordance with the Local Government Act 1995;**
- 2 AMENDS the Delegated Authority Manual as outlined in Attachment 2 to Report CJ127-06/09.**

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, Hollywood, Macdonald, McLean, Rosano and Young

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf090609.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Kerry Hollywood
Item No/Subject	CJ128-06/09 – Status of Petitions (Petition in relation to the construction of the extension of Burns Beach Road)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood resides close to this site and passes it everyday

CJ128-06/09 STATUS OF PETITIONS TO COUNCIL – [05386]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

To advise Council of the status of petitions received during the period 27 February 2007 to 19 May 2009.

BACKGROUND

A report was presented to Council at its meeting held on 16 December 2008 detailing the status of petitions received during the period from February 2007 to October 2008. Quarterly reports on outstanding petitions are to be presented to Council.

DETAILS**Issues and options considered:**

Attachment 1 provides a list of all outstanding petitions received during the period 27 February 2007 to 19 May 2009 with a comment on the status of each petition.

Link to Strategic Plan:

Objective: 1.2 To engage proactively with the community.

Strategy: 1.2.4 The City maintains its commitment to public engagement, allowing Deputations and Public Statement Times, in addition to the Legislative requirements to public participation.

Legislation – Statutory Provisions:

Clause 22 of the City's Standing Orders Local Law 2005 states:

“22. Petitions

(1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting.

- (2) Any petition to the Council is:
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule;
 - (b) to be addressed to the Council and forwarded to a member or the CEO; and
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served.
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

Risk Management considerations:

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction by the community.

Financial/Budget Implications:

Individual requests made by the way of petitions may have financial implications.

Policy Implications:

Individual petitions may impact on the policy position of the City.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The petitions are presented to Council for information on the actions taken, along with those outstanding.

ATTACHMENTS

Attachment 1 Status of Petitions – 27 February 2007 to 19 May 2009.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

1 NOTES:

- (a) the status of outstanding petitions submitted to Council during the period 27 February 2007 to 19 May 2009, forming Attachment 1 to Report CJ128-06/09;
- (b) that the path in Gibson Avenue, Padbury is complete, a consultation process has commenced for a path in Livingstone Way, Padbury and the verge areas have been included in the City's maintenance programs;
- (c) that Sheoak Park has been listed for consideration in the 2009/2010 for minor refurbishment;
- (d) that the construction of the extension of Burns Beach Road linking Burns Beach to Iluka will be completed as part of the subdivision development;
- (e) that the results of the petition requesting the continuation of the proposed footpath in Aberdare Way and Eddington Road have been included in the consultation for the Aberdare Way path project and changes to the path have been made to the design;

2 in relation to Points 1(b) to 1(e) inclusive above, ADVISES the petitioners accordingly.

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

1 NOTES:

- (a) **the status of outstanding petitions submitted to Council during the period 27 February 2007 to 19 May 2009, forming Attachment 1 to Report CJ128-06/09;**
- (b) **that the path in Gibson Avenue, Padbury is complete, a consultation process has commenced for a path in Livingstone Way, Padbury and the verge areas have been included in the City's maintenance programs;**
- (c) **that Sheoak Park has been listed for consideration in the 2009/2010 for minor refurbishment;**
- (d)
 - (i) **that the construction of the extension of Burns Beach Road linking Burns Beach to Iluka will be completed as part of the subdivision development;**
 - (ii) **that the City has written to the landowner requesting that the vacant land to the south of Burns Beach Road be improved in appearance and properly maintained;**

- (e) that the results of the petition requesting the continuation of the proposed footpath in Aberdare Way and Eddington Road have been included in the consultation for the Aberdare Way path project and changes to the path have been made to the design;

2 in relation to Clauses 1(b) to 1(e) inclusive above, ADVISES the petitioners accordingly.

The Motion was Put and

CARRIED (11/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf090609.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Marie Macdonald
Item No/Subject	CJ129-06/09 – City of Joondalup Bike Plan 2009
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald resides in Mullaloo

CJ129-06/09 CITY OF JOONDALUP BIKE PLAN 2009 – [56564]

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE

To seek Council endorsement of the City of Joondalup Bike Plan 2009.

EXECUTIVE SUMMARY

The Bike Plan 2009 has been developed to establish the strategic direction for cycling in the City of Joondalup for the next six years. The Plan recognises that a number of strategies for infrastructure, education, and encouragement, are required to meet the needs of cyclists, and to increase participation in cycling activities in the City.

Locations covered by the Bike Plan include publicly accessible areas within the Joondalup City Centre, commercial precincts, parks, recreation reserves, beaches, leisure centres, Joondalup Health Campus, Edith Cowan University, and Lakeside Shopping Centre.

BACKGROUND

The City of Joondalup first developed a Bike Plan in 1998/99 which was subsequently reviewed in 2002/03 and then in 2008/09.

The Bike Plan 2009 is a product of the latest review process and responds to current trends and expectations in relation to bicycle use and cycling participation within the City of Joondalup.

DETAILS

The Bike Plan was developed in two stages. Stage one involved community consultation, and the second stage involved the appointment of an engineering consultant to undertake a technical review of the bicycle network and make recommendation for improvements.

The Bike Plan 2009 has been developed in consideration of the following:

- ↳ Urban growth in the City has been extensive in the last five years;
- ↳ There is now an emphasis on the provision of on-road cycle facilities, such as sealed shoulders/bike lanes, and intersection treatments, reflecting the fact that road infrastructure needs to service a range of users;
- ↳ There are major roads being constructed for the City that need to be considered in the Bike Plan. It is necessary to ensure that access to the railway and bus stations within the City are safe and convenient for those who wish to utilise dual-mode (bike/train and bike/bus) for their transport to other destinations, and new roads need to cater for cyclists;
- ↳ It is necessary to have a coordinated approach to upgrading and providing safe cycling facilities for community members who use paths and roads;
- ↳ There have been reported conflicts between motorists, cyclists and pedestrians. It is important that all groups understand appropriate behaviour, so they are able to share facilities safely, with minimum conflict; and
- ↳ Better links with key stakeholders and key trip generators.

Issues and options considered:

Council may choose to:

Option 1: Adopt the Bike Plan 2009 shown as Attachment 1 to this report.

Option 2: Request amendments to the Bike Plan 2009.

Link to Strategic Plan:

Key Focus Area – The Natural Environment.

Objective 2.1.5 – The City reduces its greenhouse gas emissions and assists the public to reduce community emissions.

Key Focus Areas – Community Wellbeing.

Objective 5.2.1 – The City provides high quality recreation facilities and programs.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The Bike Plan 2009 has been developed following extensive consultation with the broader community and bicycle users, and changes to the Plan may not reflect the feedback received.

Financial/Budget Implications:

The City includes funding for the bicycle network infrastructure in the Capital Works Program. Budgetary decisions associated with the Bike Plan will be subject to the annual budget process.

Policy Implications:

Not Applicable.

Regional Significance:

The Bike Plan will improve the bicycle network for commuter and recreational cyclists in the North Metropolitan Region by linking infrastructure with the Cities of Wanneroo and Stirling and providing a continuous bicycle network for the region.

Sustainability Implications:

The Bike Plan 2009 will have significant impacts on sustainability throughout the City. It is envisaged that the strategies proposed in the Plan will contribute to an increased number of people cycling for transport, recreation, and exercise. The Plan will contribute to reductions in greenhouse gases, and increased community wellbeing through increased physical activity.

Consultation:

Community consultation for the Bike Plan was held between 4 and 28 March 2008. Hard copies of the survey were mailed to over 500 randomly selected City of Joondalup residents. Hard copies of the survey were also mailed to cycling retailers to display at shop counters in the City of Joondalup

An electronic version of the survey was also available on the City of Joondalup website and Department for Planning and Infrastructure website. An email including a link to the survey was sent to cycling clubs in the City of Joondalup, the Department for Planning and Infrastructure's Cycling Unit, Edith Cowan University, Joondalup Health Campus, and West Coast TAFE.

A total of 235 responses were received from community members for the Bike Plan consultation.

COMMENT

The Bike Plan 2009 supports the greater Perth Bicycle Network. Significant stakeholder consultation has been conducted to inform the Plan, and the Plan establishes a number of strategies for improvements in cycling infrastructure, and promotion, encouragement, and education to increase cycling among City of Joondalup residents.

The recommendations and schedule of works are priorities which have been based upon extensive review of existing facilities, community consultation, review of crash data, field observations and review of the 2002/2003 Bike Plan.

ATTACHMENTS

Attachment 1 City of Joondalup Bike Plan 2009

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council APPROVES the City of Joondalup Bike Plan 2009 shown as Attachment 1 to Report CJ129-06/09.

MOVED Cr Rosano, SECONDED Cr Hollywood that Council:

- 1 **APPROVES** the City of Joondalup Bike Plan 2009 shown as Attachment 1 to Report CJ129-06/09;
- 2 **RECEIVES** a further report on potential mechanisms to manage an interface between cyclists and pedestrians on dual use paths, that includes liaison with relevant agencies and research related to national and international best practice.

Discussion ensued.

AMENDMENT MOVED Cr Corr, SECONDED Mayor Pickard that Point 2 of the Motion be amended as follows:

- “2 **RECEIVES** a further report on potential mechanisms to manage the interface between cyclists and pedestrians on dual use paths that includes, but not limited to, liaison with relevant agencies, speed limits and research related to national and international best practice.”

Discussion ensued.

The Amendment was Put and

CARRIED (11/0)

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

The Original Motion as amended, being:

That Council:

- 1 **APPROVES** the City of Joondalup Bike Plan 2009 shown as Attachment 1 to Report CJ129-06/09;
- 2 **RECEIVES** a further report on potential mechanisms to manage the interface between cyclists and pedestrians on dual use paths that includes, but not limited to, liaison with relevant agencies, speed limits and research related to national and international best practice.

Was Put and**CARRIED (11/0)**

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf090609.pdf](#)

**CJ130-06/09 MINUTES OF EXTERNAL COMMITTEE - [00033]
[03149] [60514]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Director Governance and Strategy

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of the Western Australian Local Government Association North Metropolitan Zone held on 20 May 2009.

ATTACHMENTS

Attachment 1 Meeting of the Western Australian Local Government Association North Metropolitan Zone held on 20 May 2009.

(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Rosano that Council NOTES the minutes of the meeting of the Western Australian Local Government Association North Metropolitan Zone held on 20 May 2009.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf090609.pdf](#)

CJ131-06/09 MINUTES OF THE MEETING OF THE COMMUNITY SAFETY AND CRIME PREVENTION ADVISORY COMMITTEE HELD ON 2 JUNE 2009 – [78623]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To submit the unconfirmed minutes of the Community Safety and Crime Prevention Advisory Committee to Council for noting and to give consideration to the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Community Safety and Crime Prevention Advisory Committee was held on 2 June 2009.

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

- 1 Election of Presiding Person and Deputy Presiding Person;
- 2 Next Meeting of the Community Safety and Crime Prevention Advisory Committee;
- 3 Requests for reports for future consideration.

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Community Safety and Crime Prevention Advisory Committee meeting held on 2 June 2009 forming Attachment 1 to Report CJ131-06/09;*
- 2 *NOTES that the next meeting of the Community Safety and Crime Prevention Advisory Committee is to be held on Thursday 23 July 2009 at 6.00pm.*
- 3 *AGREES that the City provides:*
 - (a) *an information pack of relevant management plans, policies, programs and other relevant documents relating to the purpose of the Committee;*
 - (b) *a presentation on service provision and/or current programs the City undertakes relating to the purpose of the Committee.*

BACKGROUND

The objectives of the Community Safety and Crime Prevention Advisory Committee are:

- 1 to provide advice to the Council on community safety and crime prevention issues;
- 2 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.

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

DETAILS

Issues and options considered:

The Motions carried at the Community Safety and Crime Prevention Advisory Committee meeting held on 2 June 2009 are shown below, together with officer's comments.

Election of Presiding Person and Deputy Presiding Person

Cr Russ Fishwick was elected unopposed to the position of Presiding Person and Cr Geoff Amphlett was elected unopposed to the position of Deputy Presiding Person.

Item 1 **Next Meeting of the Community Safety and Crime Prevention Advisory Committee**

“That the next meeting of the Community Safety and Crime Prevention Advisory Committee is to be held on Thursday 23 July 2009 at 6.00pm.”

Officer's Comment

This recommendation is supported. When council established the Committee it was resolved that it only meets twice per year. Now that the Committee has met and elected a Presiding Person it is appropriate to meet again in July.

Requests for reports for future consideration

“That the City provides:

- 1 *an information pack of relevant management plans, policies, programs and other relevant documents relating to the purpose of the Committee;*
- 2 *a presentation on service provision and/or current programs the City undertakes relating to the purpose of the Committee.”*

Officer's Comment

This recommendation is supported as part of the establishment of the Committee.

Link to Strategic Plan:

Not Applicable.

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:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

This is the inaugural meeting of the Streetscape Advisory Committee to primarily elect a Presiding Person.

ATTACHMENTS

Attachment 1 Minutes of the Community Safety and Crime Prevention Advisory Committee meeting held on 2 June 2009

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Rosano that Council:

- 1 **NOTES** the unconfirmed minutes of the Community Safety and Crime Prevention Advisory Committee meeting held on 2 June 2009 forming Attachment 1 to Report CJ131-06/09;
- 2 **NOTES** that the next meeting of the Community Safety and Crime Prevention Advisory Committee is to be held on Thursday 23 July 2009 at 6.00pm;
- 3 **AGREES** that the City provides:
 - (a) an information pack of relevant management plans, policies, programs and other relevant documents relating to the purpose of the Committee;
 - (b) a presentation on service provision and/or current programs the City undertakes relating to the purpose of the Committee.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf090609.pdf](#)

CJ132-06/09 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2009 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The April 2009 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2008/09 Financial Year at its Meeting held on 17th March – CJ055-03/09. The figures in this report are compared to the Revised Budget figures.

The April 2009 year to date report shows an overall increase in surplus from operations and capital of \$7,682K when compared to the 2008-2009 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$2,527K above budget made up of higher Revenue of \$450K and lower operating expenditure of \$2,077K.

Revenue was below budget from Grants & Subsidies by \$(144K), Fees & Charges by \$(103K) and was above budget by \$571K from Investment Earnings and \$64K from Rates.

The operating expenditure variance arose principally from underspending on Materials and Contracts of \$2,197K, mainly in Waste Management Services \$559K, Contributions and Donations \$489K and Public Relations, Advertising and Promotions \$254K.

- The **Capital Revenue and Expenditure** deficit is \$5,168K below budget made up of a deficit of Revenue of \$(392K) and under expenditure of \$5,560K.

Capital Expenditure on projects and works was lower than expected in the budget by \$5,583K mainly due to delays in works schedules offset by Vehicle and Plant replacements \$(9K).

Further details of the operating and capital variances are contained in the notes attached to this report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2009.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 30 April 2009 is appended as Attachment A.

Link to Strategic Plan:

Objective 1.3 – To lead and manage the City effectively.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer Attachment A.

Policy Implications:

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

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

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

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2008-09 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 30 April 2009.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, **SECONDED** Cr Rosano that Council **NOTES** the Financial Activity Statement for the period ended 30 April 2009 forming Attachment A to Report CJ132-06/09.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf090609.pdf](#)

CJ133-06/09 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2009- [09882]

WARD: All

RESPONSIBLE: Mr Mike Tidy
Director Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of April 2009 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of April 2009 totalling \$9,836,595.43

It is recommended that Council NOTES the CEO's list of accounts for April 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ133-06/09, totalling \$9,836,595.43.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of April 2009. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 83786 - 84049 and EF 5658 - 6210 Net of cancelled payments	\$6,934,680.26
	Vouchers 526A, 528A & 530A – 535A	\$2,868,262.73
Trust Account	Cheques 202694 - 202771 Net of cancelled payments	\$33,652.44
	Total	\$9,836,595.43

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

1.1 – To ensure that the processes of Local Governance are carried out in a manner that is ethical, transparent and accountable.

Legislation – Statutory Provisions:

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

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or approved in advance by Council.

Policy Implications:

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

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A	CEO's Delegated Municipal Payment List for the month of April 2009
Attachment B	CEO's Delegated Trust Payment List for the month of April 2009
Attachment C	Municipal and Trust Fund Vouchers for the month of April 2009

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr McLean that Council notes the CEO's list of accounts for April 2009 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ133-06/09, totalling \$9,836,595.43.

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf090609.pdf](#)

CJ134-06/09 ESTABLISHMENT OF THE WANNEROO/ JOONDALUP LOCAL EMERGENCY MANAGEMENT COMMITTEE - [48543] [09151] [13019]

WARD: All

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

PURPOSE/EXECUTIVE SUMMARY

To provide Council with an overview of the City's statutory obligations for emergency management under the *Emergency Management Act 2005*, in particular, the obligation for local governments to form Local Emergency Management Committees (LEMCs).

This report seeks Council's endorsement for the formal establishment of a joint LEMC between the Cities of Joondalup and Wanneroo.

It is recommended that Council:

- 1 *in accordance with Section 34(1) of the Emergency Management Act 2005, SEEKS the approval of the State Emergency Management Committee to unite with the City of Wanneroo for the purposes of emergency management;*
- 2 *subject to (1) above, in accordance with Section 38(1) of the Emergency Management Act 2005, AGREES to establish a joint Local Emergency Management Committee with the City of Wanneroo for the purposes of emergency management for both local government districts;*

- 3 *subject to the approval of the State Emergency Management Committee, REQUESTS a further report on the membership of the joint Local Emergency Management Committee as detailed in (2) above.*

BACKGROUND

Local Emergency Management in Western Australia

Emergency Management in Western Australia is legislated under the *Emergency Management Act 2005* (the 'Act'). This Act provides for the prompt and coordinated organisation of emergency management in Western Australia. Emergency management is implemented by the Fire and Emergency Services Authority of Western Australia (FESA), which currently falls under the portfolio of the Minister for Police, Emergency Services and Road Safety. Committees referred to within this Act are overseen by the Commissioner of Police in the role of State Emergency Coordinator.

The Act gives authority to the State Emergency Management Committee (SEMC) which acts as the central emergency management body in Western Australia. The Minister appoints representatives to the SEMC from organisations essential to the State's emergency management arrangements, such as FESA, Department of Health and Bureau of Meteorology.

For the purposes of implementing the Act, the State is divided into 15 Districts which each form a District Emergency Management Committee (DEMC). DEMCs are established by reference to Police district boundaries and the boundaries of local government (wherever practicable). The Cities of Joondalup and Wanneroo form the North-West Metropolitan DEMC. Local governments under each DEMC establish one or more Local Emergency Management Committees (LEMCs) to ensure effective emergency management at a local level. LEMCs are overseen by the Officer-in-Charge of the local Police Sub-District in the role of Local Emergency Coordinator.

Local Emergency Management Committees:

- Advise and assist the local government in ensuring that local emergency management arrangements are established for its district
- Liaise with public authorities and other persons in the development, review and testing of local emergency management arrangements and ,
- Carry out other emergency management arrangement activities as directed by the State Emergency Management Committee (SEMC) or prescribed by the Regulations.

Local Emergency Management in the City of Joondalup:

Prior to the City's split from Wanneroo in 1998, the Joondalup area was managed under the Wanneroo Local Emergency Management Advisory Committee (LEMAC). This was dissolved when the two Cities separated. In January 2000, the WA Police Service adopted an interim joint Wanneroo/Joondalup LEMC Plan. This Plan was used as the official document for the administration of emergencies in the region until new LEMCs could be established. Both Cities were requested to develop their own Emergency Management Arrangements to define emergency planning protocols within their respective organisations.

DETAILS

As the Cities of Joondalup and Wanneroo continued to share resources and knowledge, the WA Police Service recommended the Cities participate in a combined LEMC. This suggestion was made official at the North-West Metropolitan DEMC Meeting in May 2002. The DEMC resolved that one single LEMC should exist to cover both local government authorities, subject to the endorsement of the SEMC.

The North-West Metropolitan DEMC has accepted the combined nature of the Wanneroo/Joondalup LEMC since 2000. Its 2001 annual report stated that a joint LEMC had been formed covering both Wanneroo and Joondalup

Although the DEMC accepted the joint LEMC, formal application to amalgamate was not submitted by either local government. This joint LEMC is still operating under the chairmanship of the WA Police.

In 2008 the City of Joondalup and the City of Wanneroo were asked to seek formal approval for the amalgamation of the LEMC and the City of Joondalup has taken the opportunity to review the two options available.

Issues and options considered:

Option 1 - Joint Committee

Pros	Cons
<ul style="list-style-type: none"> • Maintains Status Quo. Committee has been operating satisfactorily for many years under the chairmanship of the WA Police Service. • Maintains continuity of existing committee. • Resources of both COJ and COW can be pooled in the event of an emergency affecting one or both. • Reflects the wishes of the State Government for Local Governments to share resources. • Exercising: LEMCs are required to exercise their EM arrangements annually. A joint committee would be required to hold one exercise, where two committees would mean two exercises. • Alleviates the need for support agency members attending two separate meetings. 	<ul style="list-style-type: none"> • Membership: There are currently 31 listed members of the existing joint LEMC, Six of these are specific to the COJ and 6 to the COW. • LEMC/DEMC Currently a number of LEMC members are also members of the DEMC and matters pertaining to local and district matters are not always discussed in the correct forum.

Option 2 - Separate Committees

Pros	Cons
<ul style="list-style-type: none"> Ownership: With separate committees each city would have ownership of a committee concerned with local needs and matters pertaining to their respective local government. 	<ul style="list-style-type: none"> The separation of the LEMCs would create another meeting for some members of FESA and other support agencies. Would require the creation of two new committees. Would require two sets of Local Emergency management arrangements that may not be compatible in the event of an emergency. May create issues of authority/management/responsibility in the event of a major emergency.

Approach of other WA Local Governments

Generally Local Governments in Western Australia each have an LEMC however there are instances of joint committees.

In the Perth metropolitan area, joint LEMCs exist for the City of Belmont and the Town of Victoria Park, the Cities of Canning, South Perth and the West Metropolitan LEMC comprising of the City of Perth and the surrounding local governments of Vincent, Cambridge, Subiaco, Nedlands, Cottesloe, Claremont and Mosman Park. Discussions have taken place between the Cities of Armadale and Gosnells regarding the amalgamation of their LEMCs into one Committee. These discussions are currently stalled.

Link to Strategic Plan:

Key focus area 5: Community Well-Being

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

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

Legislation – Statutory Provisions:

Section 34 (1) of the Act states “That Two or more Local Governments may, with the approval of the SEMC agree to unite for the purposes of emergency management”.

Section 34 (2) outlines that where local governments unite under subsection (1) the provisions of this part apply as if:

- (a) Reference to a local government was a reference to the combined local government;
- (b) Reference to a local governments district was a reference to the districts of the combined local governments; and
- (c) A reference to the local government offices was a reference to the offices of each local government that is part of the combined local government.

Section 38 requires local governments to establish a Local Emergency Management Committee.

Section 41 of the Act outlines the requirements for “Emergency Management Arrangements in local government district”.

Risk Management Considerations:

LEMCs have a risk management responsibility on a primary focus. The establishment of a Wanneroo/Joondalup LEMC would reduce risk to the members of the local community.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Formal recognition of the amalgamation/separation of the Joondalup-Wanneroo LEMC is relevant to both the City of Joondalup and the City of Wanneroo.

Sustainability Implications:

Not Applicable.

Consultation:

The matter was discussed with officers of the City of Wanneroo and their preference was a joint LEMC.

The matter was also discussed with Senior Constable Derrick Briggs in his position as chairman of the joint LEMC and his preference was for a joint LEMC.

COMMENT

The Wanneroo/Joondalup LEMC has been functioning as an amalgamated Committee since 2000, Senior Constable Briggs has been chairman since 2006. The Committee is by legislation a committee of local government and in some cases an Elected Member chairs the Committee; however an alternative Chairman can be appointed by local government.

EXECUTIVE SUMMARY

A meeting of the Conservation Advisory Committee was held on 29 April 2009.

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

BUSHLAND VOLUNTEERS – [06812]

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 29 April 2009 forming Attachment 1 to Report CJ135-06/09;*
- 2 *REQUESTS the City write to the Department of Education and Training to confirm that students aged fourteen and over participating in Community Service Programs outside school hours have insurance coverage;*
- 3 *NOTES the Conservation Advisory Committee's request for a report pertaining to insurance cover for young volunteers is postponed until the outcome of the City's discussions with the insurers is known;*
- 4 *NOTES that the list of City approved bushland activities as submitted by Friends Groups' will cover insurance eligibility in accordance with the City's current insurance.*

BACKGROUND

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

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

DETAILS

Issues and options considered:

The Motion carried at the Conservation Advisory Committee meeting held on 29 April 2009 is shown below, together with the officer's comments.

1 Bushland Volunteers – [06812]

The following officer's recommendation was presented to the Committee:

"That the Conservation Advisory Committee considers the content of Report CJ059-03/09 Bushland Volunteers."

The following motion was carried at the Committee meeting:

"That the Conservation Advisory Committee:

- 1 *RECOMMENDS that Council approach the Department of Education and Training to confirm in writing the insurance coverage for students aged 14 years and over participating in the 'Give 20' Community Service Program attending outside of school hours;*

- 2 *REQUESTS Council to seek a report on providing insurance for children aged under 16 years when assisting in City authorised activities in the City of Joondalup, arranged and supervised by Friends' Groups as a community Friends Group event;*
- 3 *RECOMMENDS that Council requests that the approval by the City be based on a list of activities in a project area specified in the Friends' Group Annual Work Plan."*

Officer's comment

Motion 1

The "Give 20 Community Service Program" is no longer supported by the Department of Education and Training although schools still have community service projects as part of their curriculum. These projects will benefit the City in assisting the Friends Groups in their endeavours to conserve and protect the City's valuable bushland. City officers support this motion.

Motion 2

The matter of insurance cover for young volunteers working in bushland reserves has been discussed at a number of CAC Meetings in recent years. A report titled Bushland Volunteers CJ059-03/09 was tabled at a meeting of Council held on 17 April 2009. The report stated "Children over sixteen are covered by the City's policy, while working in City reserves. The City has commenced discussions with its insurance brokers to consider the extension of this cover to younger children." It is important to point out that this insurance cover applies to a range of activities pertaining to the City (ie Joondalup Festival etc).

Discussions with the City's insurers have commenced. It is advised that until these discussions are completed, information pertaining to insurance cover for young volunteers is not tabled at future CAC Meetings, until an outcome is reached. It is suggested that the CAC's request for a report be declined.

Motion 3

Motion 3 can be linked to Motion 2. The Friends Groups' insurance cover eligibility to be based on a list of City approved bushland activities. As this Motion would pre-empt the outcomes of ongoing discussions with the City's insurers, it is the Officer's opinion that this Motion be declined by Council.

Link to Strategic Plan:

Key Focus Area: The natural environment

2.1 Objective:

To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

Strategies:

- 2.1.1 The City finalises, implements and if necessary, aligns its Environmental Plan
- 2.1.7 The City protects local biodiversity through effective planning and natural areas

Outcome: The City's natural environmental assets are preserved for future generations.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Potential for an increase in insurance premiums, subject to the outcome of the investigation into the insurance of children under the age of sixteen and Councils support of the outcome.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:Environmental

Conservation Advisory Committee objective - "To make recommendations to Council for the Conservation of the City's natural biodiversity".

Social

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

Consultation:

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

COMMENT

The City has already committed to investigate the insurance of children under the age of sixteen. It is not necessary for further direction from Council in this area.

ATTACHMENTS

Attachment 1 Minutes of the Conservation Advisory Committee Meeting held on 29 April 2009

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, **SECONDED** Cr Rosano that Council:

- 1 **NOTES** the unconfirmed minutes of the Conservation Advisory Committee held on 29 April 2009 forming Attachment 1 to Report CJ135-06/09;
- 2 **REQUESTS** the City write to the Department of Education and Training to confirm that students aged fourteen and over participating in Community Service Programs outside school hours have insurance coverage;
- 3 **NOTES** the Conservation Advisory Committee's request for a report pertaining to insurance cover for young volunteers is postponed until the outcome of the City's discussions with the insurers is known;
- 4 **NOTES** that the list of City approved bushland activities as submitted by Friends Groups' will cover insurance eligibility in accordance with the City's current insurance.

The Motion was Put and **CARRIED (11/0)** by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf090609.pdf](#)

CJ136-06/09 MINUTES OF THE MEETING OF THE STREETScape ADVISORY COMMITTEE HELD ON 2 JUNE 2009 – [79623]

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To submit the unconfirmed minutes of the Streetscape Advisory Committee to Council for noting and to give consideration to the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Streetscape Advisory Committee was held on 2 June 2009.

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

- 1 Election of Presiding Person and Deputy Presiding Person;
- 2 Next meeting of the Streetscape Advisory Committee;
- 3 Requests for reports for future consideration.

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Streetscape Advisory Committee meeting held on 2 June 2009 forming Attachment 1 to Report CJ136-06/09;*
- 2 *NOTES that the next meeting of the Streetscape Advisory Committee is to be held on Thursday 16 July 2009 at 6.00pm.*
- 3 *AGREES that the City provides:*
 - (a) *an information pack of relevant management plans, policies, programs and other relevant documents relating to the purpose of the Committee;*
 - (b) *a presentation on service provision and/or current programs the City undertakes relating to the purpose of the Committee.*

BACKGROUND

The objectives of the Streetscape Advisory Committee are:

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

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

DETAILS

Issues and options considered:

The Motions carried at the Streetscape Advisory Committee meeting held on 2 June 2009 are shown below, together with officer's comments.

Election of Presiding Person and Deputy Presiding Person

Cr Trona Young was elected unopposed to the position of Presiding Person and Cr Michael Norman was elected unopposed to the position of Deputy Presiding Person.

Item 1 Next Meeting of the Streetscape Advisory Committee

“That the next meeting of the Streetscape Advisory Committee is to be held on Thursday 16 July 2009 at 6.00pm.”

Officer's Comment

This recommendation is supported. When council established the Committee it was resolved that it only meets twice per year. Now that the Committee has met and elected a Presiding Person it is appropriate to meet again in July.

Requests for reports for future consideration

“That the Streetscape Advisory Committee REQUESTS the City provides:

- 1 an information pack of relevant management plans, policies, programs and other relevant documents relating to the purpose of the Committee;*
- 2 a presentation on service provision and/or current programs the City undertakes relating to the purpose of the Committee.”*

Officer's Comment

This recommendation is supported as part of the establishment of the Committee.

Link to Strategic Plan:

Not Applicable.

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:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

This is the inaugural meeting of the Streetscape Advisory Committee to primarily elect a Presiding Person.

ATTACHMENTS

Attachment 1 Minutes of the Streetscape Advisory Committee meeting held on 2 June 2009

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Rosano that Council:

- 1 **NOTES the unconfirmed minutes of the Streetscape Advisory Committee meeting held on 2 June 2009 forming Attachment 1 to Report CJ136-06/09;**
- 2 **NOTES that the next meeting of the Streetscape Advisory Committee is to be held on Thursday 16 July 2009 at 6.00pm;**
- 3 **AGREES that the City provides:**
 - (a) **an information pack of relevant management plans, policies, programs and other relevant documents relating to the purpose of the Committee;**
 - (b) **a presentation on service provision and/or current programs the City undertakes relating to the purpose of the Committee.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 136 refers.

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf090609.pdf](#)

CJ137-06/09 HODGE COURT, MARMION – AMENDMENT TO PARKING SCHEME – [39591]

WARD: South

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To consider the amendment of the City of Joondalup Parking Scheme in Hodge Court, Marmion.

EXECUTIVE SUMMARY

The City is seeking to amend the current approved parking restriction in Hodge Court, Marmion, to assist in improving the amenity of the street and reduce the opportunity for illegal parking at this location.

It is recommended that Council:

- 1 *APPROVES the installation at Hodge Court, Marmion of 'NO STOPPING 8.15am-9.15am & 2.30pm-4pm CARRIAGEWAY OR VERGE' Mon-Fri' as shown in Attachment 3 to Report CJ137-06/09;*
- 2 *REQUESTS that Marmion Primary School be encouraged to publish the new parking prohibitions in the school newsletter or similar publication.*

BACKGROUND

The City received a petition from the residents of Hodge Court, Marmion regarding persistent parking problems associated with parents dropping off and picking up children attending Marmion Primary School.

Council at its Meeting on 28 August 2001 resolved:

“that the petition regarding persistent parking problems in Hodge Court, Marmion, in relation to parents dropping off/picking up children attending Marmion Primary School be received and referred to the appropriate Business Unit for action.”

DETAILS

In response to the petition from the residents of Hodge Court, the City trialled an alternative solution in the form of an additional yellow “No Stopping” line on the roadway to accompany the existing Council approved “No Parking” area as shown in attachment 2.

As previously outlined in this report, no follow up investigation was carried out to determine the most appropriate parking prohibition solution to address the residents concerns. As a result, the City is faced with the problem of having two separate parking restrictions which contradict each other and are not enforceable under the City’s Parking Local Laws 1998. To resolve this situation, the City consulted the residents of Hodge Court, Marmion, to determine the most appropriate and effective parking restriction at this location

A site inspection confirmed that adequate parking is available adjacent to the school along the non-residential sides of Cliverton Court, Radbourne Street and Telford Street, Marmion. These alternative parking options are sufficient to cater for the volume of traffic and are supported by the City as the most appropriate locations for the safe transition of students and parents attending Marmion Primary School.

During the field investigation, it was noted that the opportunity for illegal parking and parking congestion was more prevalent during the afternoon school pick up times. It is therefore recommended that the afternoon restricted period be extended to include; “NO STOPPING” Carriageway or Verge 8.00am-9.00am 2.30pm – 4.00pm Mon-Fri.

The proposal to extend the restricted times in the afternoon will improve the amenity of the street and reduce the opportunity for illegal parking at this location.

Link to Strategic Plan:

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

2.2 OBJECTIVE: To engage proactively with the community and other relevant organisations in the preservation of the City’s natural environmental assets.

2.2.4 The City will promote and support sustainable transport opportunities.

Legislation – Statutory Provisions:

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

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

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The cost to erect the necessary signage is approximately \$1050. Sufficient funds exist in the maintenance operational budget for this work to occur.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

In order to determine the views of residents regarding the suggested amendment to the parking prohibition, owners of properties in the area were consulted. Correspondence and consultation feedback forms were sent to the eleven residents affected by the current parking restriction, including two (2) options for consideration, which are outlined as follows;

- 1 “No Parking” Carriageway or Verge 8.00am - 9.00am 3.00pm - 4.00pm Mon-Fri
- 2 “No Stopping” Carriageway or Verge 8.00am - 9.00am 3.00pm - 4.00pm Mon-Fri

Please note the following definitions as outlined in the Road Traffic Code 2000:

No parking signs

A driver shall not stop on a length of carriageway or in an area to which a “no parking” sign applies, unless the driver is:-

- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.

No stopping signs

A driver shall not stop on a length of carriageway, or in an area, to which a “no stopping” sign applies.

The City received nine responses as a result of the consultation process, which represents an 82% response rate. Of the nine responses received, nine residents supported the installation of a ‘No Stopping’ area. However, two additional comments were received from residents suggesting that the ‘No Stopping’ restriction should restrict parking on the carriageway at all times and another resident suggested that the times of restrictions should be between 8.15am -9.15am, rather than 8am - 9am, as school commences at 8.45am.

COMMENT

The proposal to amend the parking restrictions along Hodge Court (as per Attachment 3) will assist in improving the amenity of the street and reduce the opportunity for illegal parking at this location.

ATTACHMENTS

Attachment 1	Aerial Photo of site location
Attachment 2	Existing Parking Restrictions – Hodge Court, Marmion
Attachment 3	Proposed Parking Restrictions – Hodge Court, Marmion

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Rosano that Council:

- 1 APPROVES the installation at Hodge Court, Marmion of 'NO STOPPING 8.15am-9.15am & 2.30pm-4pm CARRIAGEWAY OR VERGE' Mon- Fri' as shown in Attachment 3 to Report CJ137-06/09.**
- 2 REQUESTS that Marmion Primary School be encouraged to publish the new parking prohibitions in the school newsletter or similar publication.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 136 refers.

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf090609.pdf](#)

CJ138-06/09 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS – APRIL 2009 - [07032] [05961]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning & Community Development

PURPOSE

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

EXECUTIVE SUMMARY

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

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications, R-codes variations 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 2 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.

This report identifies:

- 1 Planning Applications (Development Applications and Residential Design Codes Variations);
- 2 Building Applications (Residential Design Codes Variations); and
- 3 Subdivision Applications

determined by those staff members with Delegated Authority powers during April 2009. (see Attachments 1, 2 and 3 respectively).

BACKGROUND

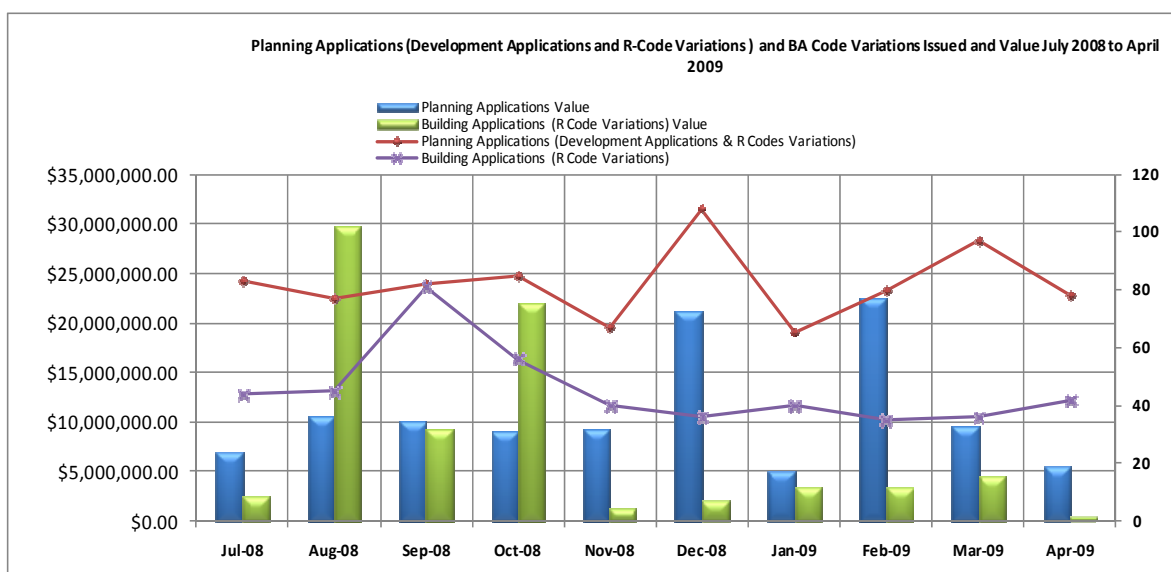
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 13 May 2008 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

DETAILS

The number of applications determined under delegated authority for the period of April 2009 are shown below:

Approvals Determined Under Delegated Authority – April 2009		
Type of Approval	Number	Value (\$)
Planning Applications (Development Applications & R-Codes Variations)	78	\$ 5,417,739
Building Applications (R-Codes Variations)	42	\$ 403,353
TOTAL	120	\$ 5,821,092

The number of development applications received during the period for April 2009 was 84. (This figure does not include any applications that may become the subject of an R-Code Variation as part of the Building Licence process).



Subdivision Approvals Processed Under Delegated Authority From 1 April to 30 April 2009		
Type of Approval	Number	Potential new Lots
Subdivision Applications	3	3
Strata Subdivision Applications	5	10

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

Link to Strategic Plan:

Key Focus Area: The Built Environment

Objective: 4.1.3 Give timely and thorough considerations to applications for statutory approval.

The strategic plan also 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 Policy and/or the District Planning Scheme.

Of the 78 development applications determined during April 2009, consultation was undertaken for 18 of those applications. Applications for Residential Design Codes Variations determined as part of Building Applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes Variation). Of the 8 subdivision applications determined during April 2009, 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	April 2009 – Decisions - Planning Applications (Development Applications & R-Codes Variations)
Attachment 2	April 2009 – Decisions – Building Applications (R-Codes Variations)
Attachment 3	April 2009 - Subdivision Applications Processed

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Rosano that Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications and R-Codes variations described in Report CJ138-06/09 during April 2009;**
- 2 subdivision applications described in Report CJ138-06/09 during April 2009.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf090609.pdf](#)

**CJ139-06/09 PROPOSED AMENDMENT NO 44 TO DISTRICT
PLANNING SCHEME NO. 2 – ARNISDALE ROAD,
DUNCRAIG – [14626]**

WARD: South

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

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 44 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

EXECUTIVE SUMMARY

A petition from 19 owners/residents of Arnisdale Road was received on 27 October 2008 requesting Council protect the amenity of the remaining residential properties in Arnisdale Road, Duncraig from the intrusion on non residential land uses such as consulting rooms.

Following consideration of the options available, Council on 17 February 2009 resolved to initiate advertising of Amendment No 44. The amendment proposes to insert Lots 256 to 277, 369, 372 and 374 to 376 Arnisdale Road, Lot 255 (1) Grenfell Avenue, Duncraig and Lot 264 (3) Dinroy St into Section 2 of Schedule 2 within the DPS2. This would have the effect of restricting the use of these properties to residential and home business uses only, thereby excluding their use as medical consulting rooms.

The proposed amendment was advertised for a period of 42 days and 44 12 submissions were received, comprising 7 submissions of support, 1 objection, 1 no objection, 2 no objections from service authorities, and 1 submission with comments of both support and objection.

One submission objects to the inclusion of the submitter's property in the amendment. Noting the location of this particular property and the submitters comments, it is recommended that Council adopts Amendment No 44 to DPS2, however, removes Lot 369 (No. 46) as well as Lot 372 (No. 40) Arnisdale Road, from the amendment.

BACKGROUND

A 19 signature petition from owners/residents of Arnisdale Road was received on 27 October 2008 requesting Council to consider taking action to protect the amenity of the remaining residential properties in Arnisdale Road, Duncraig, from the intrusion of non residential land uses such as consulting rooms. The location of the existing consulting rooms, medical centres, hospital and petitioners are shown in Attachment 1.

A report on the petition was presented to Council on 17 February 2009 (report CJ023-02/09 refers) outlining various options for considering the petitioners' concerns. Council resolved to initiate advertising of Amendment No 44 for a period of 42 days to restrict the further development of consulting rooms in Arnisdale Road.

The subject sites are zoned Residential under DPS2.

DETAILS

Amendment No 44 (Attachment 2 refers) proposes that the lots shown below would be restricted to the following uses:

- Single House – ‘P’,
 - Grouped Dwelling – ‘D’,
 - Ancillary Accommodation – ‘D’,
 - Aged or Dependent Persons Dwelling – ‘D’,
 - Home Business – Category 1 – ‘P’,
 - Home Business – Category 2 – ‘D’
- (P = Permitted, D= Discretionary)



Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment;
- Adopt the proposed amendment, with modification; or
- Not adopt the proposed amendment.

In all the above options, the proposal is forwarded to the Western Australian Planning Commission (WAPC) for the Minister for Planning’s determination.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Part 5 of the Planning and Development Act 2005 enables local authorities to amend a Town Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting of 16 December 2008. The proposed amendment was then referred to the Environmental Protection Agency (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or refuse to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

Council's consideration of submissions is required within 42 days of the close of submissions.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 27 May 2009. A notice was placed in the local newspaper, and letters were sent to the affected landowners advising of the proposed amendment. A notice was also placed on the City's website.

A total of 12 submissions were received, comprising 7 submissions of support, 1 objection, 1 no objection, 2 no objections from service authorities, and 1 submission with comments of both support and objection.

Copies of the submissions have been placed in the Councillors reading room. The schedule of submissions is provided in Attachment 3.

COMMENT

Submissions

The majority of the submitters were in support of the amendment, with parking and traffic being their main concern. The submissions stated that the parking and traffic situation will worsen if additional consulting rooms are permitted along the street and are therefore in support of the amendment to prevent this from occurring.

Of note, only one response (objection) was received from an owner of a property that is directly affected by the proposed amendment (ie whose property forms part of the amendment). All the remaining responses were either from service authorities or owners of properties in Arnisdale Road and surrounds whose properties are not included in the amendment.

No. 46 Arnisdale Road

The letter of objection is from owners who have a property that is already situated between existing consulting rooms. The objectors believe the amendment will reduce the value of their property as they are already impacted by an accumulation of consulting room uses within close proximity, and this would therefore lessen the appeal for a residential buyer. In addition, the amendment would mean that their property could not be used for medical consulting rooms.

Although the property values are not a planning argument, it does appear reasonable to consider removing No. 46 Arnisdale Road from the Scheme Amendment. This is on the basis that consulting rooms are already located on either side of the property, and therefore any use of No 46 for consulting rooms is unlikely to have an amenity impact on the existing consulting rooms. The intent of the proposed amendment is unlikely to be affected by the removal of this property.

No. 40 Arnisdale Road

It is also noted that No 40 Arnisdale Road is currently a residential property located between medical consulting rooms. The owners/residents of the property did not sign the original petition, and did not make a submission on the proposed amendment. As with No 46, it is considered appropriate that this property also be excluded from the proposed amendment as there is no benefit gained for the existing residents, and should a medical consulting room be proposed on the site, there is unlikely to be any amenity impacts on the existing consulting rooms.

The owners were contacted by the City, and have confirmed their support for their property to be excluded from the amendment.

In the event that No 40 or No 46 are removed from the amendment, and are proposed to be used as consulting rooms in the future, the issue for parking and traffic generation, as noted by submitters in support of the amendment, would still need to be addressed as part of the proposal. Potential amenity impacts on rear adjoining residential owners would also need to be considered.

Glengarry Hospital

A submission on the amendment was received from Glengarry Hospital, supporting some protection of the residential area, but requesting that the 6 lots west of Dinroy Street be excluded from the Scheme Amendment. Given there are 4 existing residential dwellings adjacent to each other, west of Dinroy Street, it is considered appropriate to protect the residential amenity of these properties. However as stated above, it is recommended to remove street numbers 40 and 46 from the Scheme Amendment.

Conclusion

With the exception of one objection, the advertising of the proposed amendment has not raised any issues that would warrant consideration of not proceeding with the amendment. However, as discussed above, the removal of two properties from the amendment is considered appropriate. As the intent of the amendment is to prevent the further intrusion of non-residential uses into the existing residential areas, the proposed removal of these two properties is unlikely to significantly alter this intent. Therefore, re-advertising of the proposal is not considered to be warranted.

It is recommended that the proposed amendment be adopted with modification, that modification being the deletion of Lot 369 (No 46) and Lot 372 (No 40) Arnisdale Road, Duncraig, from the properties to be included in the amendment.

ATTACHMENTS

Attachment 1	Location Map including location of submitters
Attachment 2	Scheme Amendment Maps (as initiated by Council on 17 February 2009)
Attachment 3	Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Diaz that Council:

- 1 Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 44 to the City of Joondalup's District Planning Scheme No. 2, with modification, being the removal of Lot 369 (No 46) and Lot 372 (No 40) Arnisdale Road, Duncraig, from the Amendment;**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision;**
- 4 REFERS the Scheme Amendment No 44 and Council's decision to the Western Australian Planning Commission for determination.**

The Motion was Put and

CARRIED (11/0)

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf090609.pdf](#)

CJ140-06/09 PROPOSED AMBULANCE STATION AT RESERVE 36696 (60) SHENTON AVENUE JOONDALUP – [00109] [89627]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination for an application for planning approval for the proposed Ambulance Station at Reserve 36696 (60) Shenton Avenue, Joondalup.

EXECUTIVE SUMMARY

The applicant proposes to construct an Ambulance Station consisting of a single storey, ten bay ambulance garage, and a two storey training building on the subject site which is within the Joondalup City Centre Development Plan and Manual (JCCDPM) area and subject to the provisions of the 'City North' Precinct.

The proposal generally meets the requirements of the City of Joondalup District Planning Scheme No.2 (DPS2) and the JCCDPM with the exception of the amount of ground floor glazing required on the façade addressing the street frontage (Lakeside Drive).

A total of five submissions were received as part of the public consultation process. Four of these were letters stating no objection, and one was an objection to the proposal. The objection raised concerns regarding the retention of the existing vegetation on site.

The proposed development is consistent with the type of development that is desirable in the City North precinct. It is considered the proposed development is appropriate and compatible with nearby existing medical uses and will not have an adverse impact on adjoining and nearby properties.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location: 60 (Reserve 36696) Shenton Avenue, Joondalup
Applicant: Project Directors Australia Pty Ltd
Owner: Minister for Health
Zoning: **DPS:** Centre
MRS: Central City Area
Site Area: 13.93 hectares
Structure Plan: Joondalup City Centre Development Plan and Manual (JCCDPM)

The development site is located at 60 Shenton Avenue, Joondalup and is known as the Joondalup Health Campus (JHC). The lot has an area of 13.93 hectares and is zoned 'Centre' under DPS2. The JHC is located within the "City North Precinct" of the Joondalup City Centre and is designated for "Medical Uses" under the JCCDPM.

The proposed development is to be located in the north east corner of the site. Yellagonga Regional Park is to the east of the subject site, on the opposite side of Lakeside Drive and there is existing residential development along Upney Mews, to the north of the site.

At its February 2008 meeting, Council conditionally approved an application for alterations and additions to the JHC which includes various new buildings and parking areas. In the report to Council in February 2008, the Ambulance Station was noted as being part of the future development of the site along with a child care centre and private mental health facility.

DETAILS

The proposed development includes the following:

- A two storey building which includes two training rooms, a tea room, office and storage areas on the ground floor and a crew room and rest facilities on the upper floor;
- A ten bay ambulance garage;
- 60 car parking bays (including 2 disabled parking bays); and
- Associated signage.

The building is to be constructed from coloured precast concrete walls, and will have a colourbond roof, glazed aluminium windows and metal shade awnings. The St John's insignia will be affixed to the building and the trademark red will be used as the feature colour of the building to distinguish from the surrounding institutional uses.

The development plans are provided in Attachment 2.

Car parking

As a car parking standard is not prescribed in the JCCDPM for Institutional Uses and DPS2 does not have a use class or a car parking standard for an Ambulance Station it is proposed that a standard of one (1) bay per student and one (1) bay per staff member be applied as set out in the table below.

Proposed Use	Required by DPS2
Ambulance Station 1 bay per student accommodated plus 1 bay per staff member.	39 student bays 22 staff bays
Total required:	61 bays
Total Provided :	61 bays

The applicant has indicated a total of sixty one (61) car parking bays have been provided on site, of which twenty (20) of the car parking bays provided are intended for staff and will be located within a secure area located on the southern side of the building. A further two (2) bays will be allocated to training staff and the remaining thirty nine (39) bays, including 2 disabled parking bays have been allocated for visitor use.

The applicant states in their submission that the car parking provided is deemed to be adequate to accommodate the expected number of staff, students or other visitor's onsite without needing to rely on the car parking provided for the other institutional uses on the remainder of the JHC site.

Issues and options considered:

Council has the discretion to:

- Approve the application;
- 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.*

4.8 CAR PARKING STANDARDS

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

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.*

Risk Management considerations:

The proponent has a right of review against the 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 from 16 April 2009 to 14 May 2009. Two signs were placed on-site and an advertisement inviting public comment was placed in the local newspaper for three consecutive weeks. Letters advising of the proposal were also sent to properties in the immediate locality.

During this consultation period 5 submissions were received. The submissions were comprised of 4 letters stating no objection to the proposal and one objection to the proposal.

The objection received was in regard to the retention of existing vegetation on site.

COMMENT**Land Use and Location of the Proposed Development.**

The site is located within the 'City North' area of the JCCDPM and is identified as being suitable for 'Medical' uses.

As the subject site is set aside for medical uses under the JCCDPM, Council is not required to follow the procedures set out in Clause 3.3 of DPS2 and determine whether the proposed use is appropriate in this instance.

There is an existing Ambulance Station on the subject site; however there is a need to relocate the facility to allow for previously approved additions and alterations to the existing JHC. As the surrounding Institutional uses are of a medical nature it is considered appropriate to maintain the Ambulance station in close proximity to these complementary uses.

Vehicle access to the facility is primarily provided from Lakeside Drive however it is indicated the existing access to the Emergency Department is still to be provided from Shenton Avenue.

Design variations to JCCDPM

The proposed development is subject to the JCCDPM. The proposal seeks to vary the following standards of the JCCDPM:

- **Glazing of Lakeside Drive Façade**

The JCCDPM requires at least 50% of the ground floor of the street facing facade to be glazed, and the horizontal dimension of this glazing to comprise 75% of the width of the building frontage. The eastern façade facing Lakeside Drive consists of a total 3% glazing, with this being approximately 8% of the width of the façade. Whilst this is substantially less than the required 50% total glazing and 75% horizontal glazing dimension, it is considered appropriate, based on the nature of the building and its institutional use as well as the location of the proposed building.

The proposal is consistent with the concepts of 'Crime Prevention Through Environmental Design '(CPTED), as surveillance is provided from both upper and lower windows over the car park and Lakeside Drive frontage.

The JCCDPM also encourages all windows to be close to or at floor level. The sill height of the windows, at approximately 1 metre above the ground level, is considered to be acceptable.

Retention of vegetation

During the consultation period, a comment was received relating to retention of the existing vegetation on site. When Council issued its determination in February 2008 for the previous additions and alterations to the JHC a condition was imposed, in addition to the requirement for a landscaping plan, to require existing verge vegetation along Lakeside Drive to be retained and protected during the construction of the development.

As with that approval, it is recommended that a condition of approval for this development be that the existing vegetation along Lakeside Drive to be protected and retained, and for a landscaping plan, including a survey of existing vegetation, to be submitted for approval by the City.

Noise

It is considered that relocation of the Ambulance Station will not create a greater impact on the adjoining residential properties by way of noise, than what is currently experienced.

The applicant has indicated that the ambulance sirens are only used on Priority One (life endangered) call outs. Ambulance movements from the garage through the residential streets is undertaken with minimal disruption unless traffic conditions dictate otherwise. It is the general practice for ambulances that sirens are not activated until on a main arterial road.

Crime Prevention Through Environmental Design (CPTED)

The applicant has indicated that the principles of the State Government's CPTED, or Designing Out Crime Planning Guidelines have been used to ensure the appropriate levels of security and control are maintained at the JHC (including the St John Ambulance Station). It is considered that the ground floor glazing as discussed above will satisfy the requirements for surveillance to the car parking area, particularly when coupled with surveillance from upper floor windows. This will help to discourage antisocial behaviour occurring on the site.

Furthermore, it is recommended that the car park be adequately illuminated at night, and that a lighting plan be submitted to the City for approval that indicates in more detail how this area will be lit to discourage antisocial behaviour.

Car Parking

The proposed car parking standard for the development of one (1) bay per student plus one (1) bay per staff member is considered to be appropriate based on the proposed use of the facility.

This standard is proposed as the ambulance station has the capacity to accommodate ten ambulances and it is anticipated there will be two staff members per ambulance. Additionally the applicant indicated thirty nine (39) bays would be sufficient for the number of students expected for training.

It is expected that during normal business hours the facility may be at full capacity for staff and students training and working on site and car parking demand would be at its highest even with the option for the use public transport. Further still there is potential for evening training sessions to be provided when transport alternatives may not be available and as there is already a high demand for car parking for the surrounding institutional uses it is considered appropriate to require one bay per staff member and one bay per student. This would ensure the facility can be used to full potential without impacting on parking for either staff or students and relying on parking provided elsewhere on site.

Conclusion

The proposed development complies with the requirements of the JCCDPM with the exception of the amount of façade glazing, as discussed above.

The subject site is an appropriate and acceptable location for the development of a new Ambulance Station given the proximity of the facility to the Hospital and considering it is replacing an existing Ambulance Station currently located on Shenton Avenue.

The proposed Ambulance Station will contribute to the existing medical uses on the site and assist in creating an active frontage to Lakeside Drive.

It is therefore recommended that the application be approved, subject to conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Plan of submitters

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Rosano that Council:

- 1 EXERCISES discretion under Clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that:**
 - (a) the eastern ground floor facade having an overall area of 3% glazing, in lieu of 50%;**
 - (b) the eastern ground floor façade having 8% of its horizontal dimension glazed in lieu of 75%,**

is appropriate in this instance;
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - (a) The car parking standard for the use “Ambulance Station” shall be one (1) car parking bay per student plus one (1) bay per staff member on duty.**

- 3 APPROVES the application for planning approval, dated 3 March 2009, submitted by Project Directors Australia Pty Ltd on behalf of the owners, Minister for Health, for an Ambulance Station at Reserve 36696 (60) Shenton Avenue, Joondalup, subject to the following conditions:**
- (a) All existing verge vegetation, particularly vegetation along Lakeside Drive, shall be retained and protected during construction of the development;**
 - (b) The lodging of detailed landscaping plans, to the satisfaction of the Manager Planning, Approvals 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;**
 - (c) Landscaping, reticulation and all verge treatment is 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 Planning, Approvals and Environmental Services;**
 - (d) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;**
 - (e) All fencing to be designed and constructed in accordance with Clause C9.1 - City North Guidelines in the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the City;**
 - (f) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS/NZS2890.1-2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (g) 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 Services prior to the commencement of construction;**
 - (h) Staff and visitor car parking bays are to be clearly marked and signposted to the satisfaction of the Manager Planning, Approvals and Environmental Services;**
 - (i) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;**

- (j) 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 Planning, Approvals and Environmental Services;
- (k) A waste management plan is to be submitted to the City prior to the issue of a building licence to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (l) The walls are to be coated with non sacrificial anti- graffiti coating to the satisfaction of the Manager Planning, Approvals & Environmental Services;
- (m) The pylon sign does not form part of this approval.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ142-06/09, Page 114 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf090609.pdf](#)

CJ141-06/09 PROPOSED MEDICAL CENTRE (CHANGE OF USE FROM RECREATION CENTRE) AT LOT 672 (9) PERILYA ROAD, CRAIGIE – [02062]

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

This application has been amended since it was originally lodged and subsequently advertised for public comment. The original proposal included a car parking shortfall of 53%, however, significant modifications to the application have resulted in a surplus of two car parking bays. The proposed change of use is in all respects now compliant with the requirements of the City of Joondalup District Planning Scheme No. 2'.

PURPOSE

To request Council's determination of an application for a proposed medical centre (change of use from recreation centre) at AMF Craigie Bowl located at 9 Perilya Road, Craigie.

EXECUTIVE SUMMARY

The applicant proposes to convert the existing AMF Craigie Bowl into a medical centre, comprising a shared reception and administration area, various treatment/consulting rooms, a chemist, and staff car parking area. Proposed external modifications to the building include the addition of windows and doors, minor repairs, repainting, and rejuvenation of landscaping. The existing car parking layout is also proposed to be modified.

The applicant originally proposed a total of 25 medical practitioners operating from the medical centre, and a 53% shortfall in car parking bays provided on site. A total of 29 submissions were received as part of the consultation process for the original proposal, with 27 being objections and two in support of the proposal. The submissions received primarily raised concerns regarding inadequate supply of car parking, and the future viability of existing health services within the surrounding area.

Following discussions with the applicant, an amended proposal was received that provided additional car parking bays, and reduced the number of medical practitioners (including general practitioners, specialist practitioners, radiologist, physiotherapist, dentist, and any other medical staff generating their own independent patient load i.e. in some cases, nurses) operating from the medical centre at any one time to 17. The amended proposal provides a surplus of two car parking bays and is compliant with all other aspects of the City of Joondalup District Planning Scheme No. 2 (DPS2).

The proposed development is consistent with the objectives of the Business Zone and is appropriate to the site. No significant adverse effect will result from the proposed development on any neighbouring property or the area generally.

It is recommended that the application be approved with conditions.

BACKGROUND

Suburb/Location:	9 Perilya Road, Craigie
Applicant:	SJB Town Planning & Urban Design
Owner:	Idameneo (No 123) Pty Ltd
Zoning:	DPS: Business
	MRS: Urban
Site Area:	6026.7m ²
Structure Plan:	Not Applicable

The subject site is located on the northern side of Perilya Road. In the immediate locality, the site is adjoined by Craigie Plaza Shopping Centre to the east, a vacant lot zoned Civic and Cultural and owned by the City to the west, and existing residential dwellings on the southern side of Perilya Road. Further to the east fronting Eddystone Avenue is the Craigie Tavern and an eight unit Grouped Dwelling development.

The surrounding area is predominantly residential, with the exception of a child care centre and dentist surgery located on Eddystone Avenue (refer Location Plan – Attachment 1). It is noted that the closest medical centre to the subject site is the Beldon Medical Centre located approximately 1.6 kilometres away, also on Eddystone Avenue.

The site is accessible via two existing crossovers off Perilya Road at either end of the site. A car parking area located along the southern and western boundaries of the site currently provides for a total of 72 car parking bays, two of which are disabled bays. A portion of the car parking area located toward the north-western corner of the site (affecting 12 bays), encroaches into the adjoining City of Joondalup owned vacant lot (refer Aerial Site Plan – Attachment 1).

DETAILS

The applicant proposes to convert the existing ten-pin bowling centre to a medical centre which will include facilities for a total of 23 medical practitioners as outlined below. This application seeks to have a maximum of 17 of these practitioners operating at any one time, supported by ancillary nursing and administration staff.

The 23 practitioners are comprised of:

- 17 general practitioners;
- 3 specialists;
- 1 radiologist;
- 1 physiotherapist;
- 1 dentist; and
- 1 pharmacist

The total floor area of the proposed medical centre is 1656m². Of the proposed total floor area, 100m² is proposed to be utilised for a chemist. The remaining area comprises 17 consulting rooms for general practitioners, three specialist consulting rooms; a separate ECG and treatment area comprising four beds; a separate physiotherapy area comprising three beds; a radiology area for x-rays, ultrasounds, and CT scanning, as well as a dental clinic comprising three dental surgery rooms. The medical centre also provides for staff toilets, public toilets, a laundry, and staffroom, as well as waste and storage areas.

Hours of operation for the medical centre are proposed to be Monday to Sunday (inclusive) from 7.00am to 10.00pm.

Existing landscaped areas will be retained and rejuvenated, while the exterior of the existing building will be renovated through the addition of windows and doors, as well as re-painting and minor repair work.

Presently, 72 car parking bays are provided on site. However, the existing car parking layout is proposed to be modified to eliminate the aforementioned encroachment of car parking bays into the adjoining City of Joondalup owned land. This will occur by removing the affected 12 perpendicular car parking bays and replacing them with 5 parallel car parking bays.

The applicant has also advised that the current car parking layout is not in accordance with *Australian Standard AS2890.1 - 2004, Parking Facilities, Part 1: Off-street car parking*, and that if the layout were to be modified to meet the requirements of the aforementioned standard, four car parking bays would be lost due to the widening of existing bays, the addition of a third disabled bay, and the requirement for a single bay at the end of the dead end aisle to be utilised for the manoeuvring of vehicles.

Accordingly, the number of car parking bays available on site for the purpose of the following assessment is 61. In addition to this number, the applicant proposes to create an additional 33 bays, 29 of which will be located within the existing building, such that the total number of car parking bays proposed by the applicant is 94.

The following table summarises the assessment of the proposal in accordance with the requirements of DPS2:

Standard	Required	Proposed	Complies
Front Setback	6m	19.5m	Yes
Side Setback (eastern boundary)	Compliance with BCA (Nil setback permitted)	4.69m	Yes
Side Setback (western boundary)	Compliance with BCA (Nil setback permitted)	3.04m	Yes

Rear Screen Wall	1.8m high where adjoining residential properties	1.8m high rear boundary wall	Yes
Landscaping	8%	9.7%	Yes

Car Parking:

Description	Size	Parking Rate	Parking Requirement
Medical Practitioners	17 Practitioners at any given time	5 car bays per practitioner	85
Chemist	100m ²	7 car bays per 100m ² NLA	7 bays
TOTAL REQUIRED			92 bays
TOTAL PROVIDED			94 bays

The proposal provides for a surplus of two car parking bays.

The development plans are provided in Attachment 2.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:**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.*

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 Development Act 2005.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The original proposal was advertised for public comment for a period of 21 days. A sign was erected on the road verge adjacent to the subject site and advertisements were placed in the Joondalup Weekender on 16, 23, and 30 October 2008. Advertising closed on 6 November 2008.

A total of 29 responses were received, being 27 objections and 2 submissions of support.

Of the submissions in support of the development, one was from a resident expressing general support of new development on the subject site, while the second submission expressed a critical need for a medical centre in Craigie. It is noted that the latter submitter later lodged an objection to the development upon hearing that the proposed medical centre includes a chemist.

Additionally, it is noted that 9 of the submissions of objection received were from business owners within the adjoining Craigie Plaza Shopping Centre, while all of the remaining objections were received from medical practitioners, dentists and chemists, not located within the locality of the subject site.

Objections to the proposed development raised two key concerns as follows:

- The inadequate number of car parking spaces proposed and the impact of resulting traffic and overflow parking demand on the surrounding area.
- The impact that the proposed medical centre will have on the continuing viability of existing dental, physiotherapy, and medical practices within the immediate area and neighbouring suburbs, given that the area is currently well serviced by health practitioners.

Attachment 3 provides a diagram indicating where submissions were received from.

The impact of the proposed car parking shortfall has been addressed through the amended proposal which provides for a surplus of two car parking bays. In response to the second key concern listed above, it is noted that the impact of the proposal on the viability of nearby competing businesses is not a material planning consideration and cannot be considered as part of the assessment for this development.

The proposal was not re-advertised following lodgement of an amended proposal on 25 February 2009 that included a reduced number of practitioners and chemist floor area, as well as the addition of 33 car parking bays. The proposal was also not re-advertised following lodgement of an amended proposal on 7 May 2009 that included the removal of two general practitioner consulting rooms and modification of the existing car parking layout that resulted in the removal of 12 perpendicular bays, and their replacement with 5 parallel bays. Re-advertising was not deemed necessary in either instance as the amendments were not a significant departure from the original application, and a car parking surplus of two bays is now proposed, rather than a shortfall.

COMMENT

Land Use

The objectives of the Business Zone are to:

- (a) *Provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) *Ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

Medical Centre is a permitted use within the Business Zone and the proposal meets the above objectives. The proposed use is compatible with and complementary to surrounding land uses.

Parking

As discussed above, the site currently provides 72 car parking bays. With modification of the existing layout to achieve compliance with AS2890.1 – 2004 the existing layout provides 68 car parking bays. With further modification of the existing layout to remove the encroachment of 12 perpendicular car parking bays to the adjoining City of Joondalup owned vacant lot by replacing them with 5 parallel bays, the layout provides for 61 car parking bays.

In addition to the existing car parking supply, the applicant has proposed to modify a large portion of the northern end of the existing building on site to provide an additional 33 car parking bays. Of these bays, 29 will be provided within the existing building, with a further four car parking bays located in the north-eastern corner of the site. In addition to the existing car parking bay supply, these modifications provide a total of 94 car parking bays on site.

The applicant has proposed a maximum of 17 medical practitioners (including general practitioners, specialist practitioners, radiologist, physiotherapist, dentist, and any other medical staff generating their own independent patient load i.e. in some cases, nurses) operating from the site at any one time. As proposed, the application provides for a surplus of 2 car parking bays.

It is appreciated that the medical centre will have the capacity to house a total of 23 medical practitioners. However, the applicant has provided the following justification for the discrepancy between the number of consulting rooms and number of practitioners.

- *‘...the number of practitioners on site at any one time is expected to be lower than the maximum of 23 practitioners that may be accommodated. The occupancy rate for General Practitioners is in the order of 64%, resulting in an expected maximum occupancy of 11 general practice consulting rooms at any time during the day. With regard to the specialist practitioners, it is not anticipated that the three consulting rooms would be accommodated simultaneously. Due to the part-time nature of the specialist practitioners’ attendance at the proposed centre, a maximum of two specialist practitioners could be expected to be in attendance at any one time during the day within these three rooms’.*

As proposed, the simultaneous operation of a maximum of 17 medical practitioners on site allows for the permanent occupancy of the dentist, radiologist, and physiotherapist, with a combination of no more than 14 of the specialist and general practitioners, and any other medical staff generating their own independent patient load i.e. in some cases nurses). It is accepted that the above is a common method for occupancy of medical practitioners from a medical centre. In addition, a condition of approval will also restrict the maximum occupancy of medical practitioners from the site to 17 (incorporating the general practitioners, specialist practitioners, dentist, radiologist, physiotherapist and any other medical staff generating their own independent patient load i.e. in some cases nurses).). Operation of the medical centre in this manner would ensure that the car parking requirements under DPS2 are at all times met by the proposal, as per the following calculations:

Car parking calculations

94 car parking bays proposed – 7 bays for chemist use = 87 bays.

87 bays / 5 (required number of bays per practitioner under DPS2) = 17 practitioners

Landscaping

Detailed landscaping plans demonstrating a high quality landscaping treatment for the development will be required to be lodged with the Building Licence submission as per Condition (d) of the recommendation below. All landscaping would be required to be developed in accordance with this approved plan, and maintained to the satisfaction of the City.

Conclusion

As proposed, and with the inclusion of a condition of development approval restricting the maximum number of practitioners operating from the site at any one time to 17, the required car parking supply, and all other requirements under DPS2, are met by the proposal.

The proposed medical centre is an appropriate use within the business zone and will not result in any significant adverse effect to any adjoining properties.

It is recommended that the application be approved subject to conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Submissions Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 APPROVES the application dated 25 July 2008 submitted by SJB Town Planning & Urban Design for the change of use of a bowling centre to a medical centre on Lot 672 (9) Perilya Road, Craigie, subject to the following conditions:
 - (a) A maximum of 17 practitioners (incorporating the general practitioners, specialist practitioners, dentist, radiologist, physiotherapist and any other medical staff generating their own independent patient load) are permitted to operate from the medical centre at any one time;
 - (b) The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
 - (c) All stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Planning, Approvals & Environmental Services;
 - (d) Detailed landscaping plans for the development site are to be lodged with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
 - (e) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
 - (f) All ground level façades shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m;
 - (g) A 0.5m wide traffic island shall be located at the junction between the perpendicular parking bays and parallel parking bays. In addition, all five parallel parking bays shall be relocated 0.5m to the north.

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 **APPROVES the application dated 25 July 2008 submitted by SJB Town Planning & Urban Design for the change of use of a bowling centre to a medical centre on Lot 672 (9) Perilya Road, Craigie, subject to the following conditions:**

- (a) a maximum of 17 health practitioners and professionals (incorporating the general practitioners, specialist practitioners, dentist, radiologist, physiotherapist and any other health practitioners and professionals, such as those defined by the Australian Bureau of Statistics Standard Classification of Occupations (ASCO) (as amended) under Sub Major Group 23 Health Professionals, generating their own patient load are permitted to operate from the medical centre at any one time;
- (b) The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
- (c) All stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Planning, Approvals & Environmental Services;
- (d) Detailed landscaping plans for the development site are to be lodged with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (e) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services;
- (f) All ground level façades shall be treated with non-sacrificial anti-graffiti coating up to a height of 3m;
- (g) A 0.5m wide traffic island shall be located at the junction between the perpendicular parking bays and parallel parking bays. In addition, all five parallel parking bays shall be relocated 0.5m to the north.

Discussion ensued.

MOVED Cr Macdonald that in accordance with Clause 62 of the City's Standing Orders Local Law 2005 that consideration of the proposed medical centre (Change of use from Recreation Centre) at Lot 672 (9) Perilya Road, Craigie be DEFERRED to the ordinary meeting of Council to be held on 18 August 2009 to:

- 1 allow the ratepayers/occupiers in the locality of Craigie the opportunity to be contacted in writing, as per Section 6.7.1 (b) of the DPS2, regarding the application for development of the Medical Centre and be given the opportunity to comment;

- 2 allow the petition to be considered;
- 3 request that a traffic report be prepared on the impact of the increased traffic generated by this Centre on the roads around the centre, none of which are major roads.

Mayor Pickard ruled that this matter was not able to be deferred. The Motion was not pursued.

Discussion continued.

EXTENSION OF TIME TO SPEAK

MOVED Cr Hart, SECONDED Cr Corr that Cr Macdonald be permitted an extension of time to speak.

The Motion was Put and

CARRIED (11/0)

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

Discussion continued.

The Motion as Moved by Cr Amphlett, and Seconded by Cr McLean was Put and

CARRIED (7/4)

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

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf090609.pdf](#)

CJ142-06/09 APPOINTMENT OF MEMBERS – DESIGN ADVISORY PANEL - [34172]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

For Council to appoint external representatives to the Design Advisory Panel.

EXECUTIVE SUMMARY

At its meeting held on 30 September 2008, the Council established the Design Advisory Panel, seeking nominations of members from relevant professional institutions representing:

Architecture
Urban Design Planning
Town Planning
Landscape Architecture

The nominations have now been received.

It is recommended that Council APPOINTS one (1) member and one (1) deputy member representing the disciplines of architecture, planning and urban design, and landscape architecture to the Design Advisory Panel for a two-year period.

BACKGROUND

At its meeting held on 30 September 2008, Council resolved to:

- 1 *AMENDS the Design Advisory Panel Terms of Reference, Point 4.5 to read:*

4.5 Payment

The members of the panel representing the professional institutions will be paid a flat fee for the time spent assessing applications, including discussions with the City's officers and applicants.

- 2 *ENDORSES the establishment of an independent Design Advisory Panel in accordance with the amended Terms of Reference at Attachment 5 to Report CJ213-09/08;*

- 3 *SEEKS nominations of members from relevant professional institutions representing:*

- *Architecture*
- *Urban Design Planning*
- *Town Planning*
- *Landscape Architecture*

who hold extensive professional expertise in their chosen field;

- 4 *NOTES that the Chief Executive Officer will be a member of the Panel and will convene and chair the Panel;*

- 5 *REVIEWS the costs and fee structure of the Design Advisory Panel in 12 months time.*

DETAILS

The City wrote to the relevant professional institutions, seeking one (1) member and one (1) deputy member to represent the disciplines of architecture, planning, urban design and landscape architecture.

A number of follow-ups were required with the professional institutions, in order to obtain nominations and this delayed the progress of this item.

The following nominations were received:

Planning Institute of Australia (WA Division)

2 nominations

Australian Institute Landscape Architecture

5 nominations

Australian Institute of Architects

4 nominations

Details on these nominations were provided to Elected Members under separate cover.

Discussions with the Planning Institute of Australia (WA Division) have confirmed that the two nominees from their Institute are able to represent both the planning and urban design professions. This will allow for one to be nominated as the member, and the other as the deputy member for combined professions of planning and urban design if required. Their preference is that the President of the Planning Institute of Australia be nominated as the panel member, and the second nomination be elected as deputy.

Discussions held with the Australian Institute Landscape Architects indicated that they have no order of preference for their nominees and believe that any of the nominees is capable of taking the role of either member or deputy member.

Discussions with the Australian Institute of Architects have confirmed that their nominations are in order of preference as indicated on the profiles provided to Elected Members under separate cover.

Link to Strategic Plan:

4.1 OBJECTIVE: to ensure high quality urban development within the City

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Account No:	1.410.A4101.335 9.0000
Budget Item:	
Budget Amount:	\$3,000 (2008/09) \$5,000 (2009/10)
YTD Amount:	\$0
Actual Cost:	\$5,000

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Nominations for the Design Advisory Panel were sought from the relevant professional associations and institutes.

COMMENT

The nominations from the Planning Institute of Australia (WA Division) are able to represent the professions of planning and urban design. Given that there have only been two (2) nominations received it is recommended that these nominees be the member and deputy member to represent the planning and urban design professions.

As there are multiple nominations from the Australian Institutes for Landscape Architects and Architects this will enable the appointment of one (1) member and one (1) deputy member for each of these professions to the Design Advisory Panel.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council APPOINTS one (1) member and one (1) deputy member representing the disciplines of architecture, planning and urban design, and landscape architecture to the Design Advisory Panel for a two-year period.

MOVED Cr Rosano, SECONDED Cr McLean that Council APPOINTS the following Panel Members to the Design Advisory Panel for a two-year period:

	Member	Deputy Member
Australian Institute of Architects	Mr Rod Mollet	Ms Nerida Moredoundt
Planning Institute of Australia	Mr Mathew Selby	Ms Jane Bennett
Australian Institute of Landscape Architects	Mr Andy Sharp	Ms Regan Douglas

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, Hollywood, Macdonald, McLean, Rosano and Young

C50-06/09 COUNCIL DECISION – EN BLOC RESOLUTION

MOVED Cr Fishwick, **SECONDED** Cr Rosano that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption Of Recommendations En Bloc, Council **ADOPTS** Items **CJ122-06/09, CJ124-06/09, CJ126-06/09, CJ130-06/09, CJ131-06/09, CJ132-06/09, CJ134-06/09, CJ135-06/09, CJ136-06/09, CJ137-06/09, CJ138-06/09 and CJ140-06/09.**

The Motion was Put and

CARRIED (11/0)

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

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ143-06/09 RECOGNITION OF LAND UNDER ROADS – [12283]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To recommend to Council not to recognise the value of land under roads acquired prior to 1 July 2008 in accordance with AASB 1051.

EXECUTIVE SUMMARY

In terms of Australian Accounting Standard AASB 1051, a local government is required to decide whether or not to recognise the value of land under roads acquired prior to 1 July 2008 in the annual financial statements.

Land under roads acquired on or after 01 July 2008 is required to be recognised in accordance with AASB 116, subject to the Local Government (Financial Management) Regulations 1996 (as amended).

It is recommended that Council ELECTS not to recognise the value of land under roads acquired prior to 1 July 2008 in accordance with AASB 1051.

BACKGROUND

In the past, the City of Joondalup has not recognised the value of land under roads in its annual financial statements. This accorded with the requirements of Regulation 16 of the Local Government (Financial Management) Regulations 1996 and Australian Accounting Standard AAS 27 *Financial Reporting by Local Governments*.

The withdrawal of AAS 27 with effect from the financial year ending on 30 June 2009 has resulted in local governments being required to comply with the mainstream accounting standards, which have been amended to incorporate some of the specific pronouncements contained in AAS 27.

Under the terms of AASB 116 *Property, Plant and Equipment*, a local government is required to account for all its assets, including any land. However, the AASB promulgated AASB 1051 “*Land Under Roads*” in December 2007 permitting local governments to decide whether or not to recognise land under roads acquired prior to 01 July 2008. Such Election is required to be made not later than 30 June 2009.

Land under roads acquired on or after 01 July 2008 will not be affected by this Election, as the provisions of AASB 116 will apply from this date.

DETAILS

Land under Roads is defined in AASB 1051 as “Land under roadways, and road reserves, including land under footpaths, nature strips and median strips”.

In terms of AASB 1051, the City of Joondalup may elect to recognise all land under roads acquired prior to 01 July 2008, effective from this date.

In practice, this will have the following impacts on the City’s financial reports:

- (a) All land under roads acquired or held prior to 1 July 2008 will need to be recognised in the annual financial statements ending 30 June 2009. No restatement of comparatives will be required;
- (b) Such land will be brought into account by way of adjustment to the balance of accumulated surplus at 01 July 2008;
- (c) The value attributed to land under roads acquired prior to 01 July 2008 will be either:
 - (i) the fair value of such land at the date of election, as measured by a formal sworn valuation; or
 - (ii) a deemed cost based on an earlier revaluation; or
 - (iii) a deemed cost based on an earlier deemed cost established as a result of an event-driven fair value measurement.

However, AASB 1051 permits the City not to recognise land under roads acquired prior to 1 July 2008 with no impact on the financial statements in this case.

If no decision is made either way, AASB 116 *Property, Plant and Equipment* will apply retrospectively to all land under roads. This will necessitate bringing into account all such land acquired prior to 01 July 2008 as a change in accounting policy in the 2008/09 financial year and the consequent restatement of comparative information for prior accounting periods to comply with the relevant accounting standards.

From a cost-benefit standpoint, there is little or no value to be derived from recognising and accounting for land under roads acquired prior to 1 July 2008. Moreover, recognising such land as an asset would contravene the existing provision of Regulation 16 of the Local Government (Financial Management) Regulations 1996, which precludes the recognition of Crown Land under roads as a local government asset and would require the inclusion of a disclosure note in the City’s accounts to that effect.

On the other hand, the cost and administration effort required for identifying, formally valuing and accounting for this land is considered significant with little economic justification to support it.

Issues and options considered:

- 1 Elect not to recognise land under roads acquired prior to 1 July 2008;
- 2 Elect to recognise land under roads acquired prior to 1 July 2008; or
- 3 Make no decision regarding land under roads acquired prior to 1 July 2008.

Link to Strategic Plan:

Objective 1.3 – To lead and manage the City effectively.

Legislation – Statutory Provisions:

- Regulation 16 of the Local Government (Financial Management) Regulations 1996,
- Paragraphs 8 and 9 of AASB 1051 *Land Under Roads*.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Recognising Land under Roads acquired prior to 1 July 2008 or making no decision will incur significant valuation costs for which no provision exists in the 2008/09 budget.

There will be no financial/budget implications if Council elects not to recognise any such land.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Electing not to recognise land under roads acquired prior to 01 July 2008 will allow the City to avoid significant outlay on the valuation of such land, as well as the ongoing cost and effort of restating and maintaining the relevant financial records pertaining to such land.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

Cr Diaz left the Room at 2133 hrs.

MOVED Cr Fishwick, SECONDED Cr Rosano that Council ELECTS not to recognise the value of land under roads acquired prior to 1 July 2008, in accordance with AASB 1051.

The Motion was Put and

CARRIED (10/0)

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

C51-06/09

CONSIDERATION TO CHANGE THE ORDER OF BUSINESS – [02154]

MOVED Mayor Pickard, SECONDED Cr Young that in accordance with Clause 14(4) of the City's Standing Orders Local Law 2005, C56-06/09 - Tender 002/09 – Provision of Graffiti Control Services be considered Behind Closed Doors at the end of the agenda.

The Motion was Put and

CARRIED (10/0)

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

C52-06/09

LOCAL GOVERNMENT REFORM – JUNE 2009 UPDATE [08144, 51577, 00033, 01139]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

PURPOSE

The purpose of this report is to provide the Council with an update of the City's progress in relation to development of its Local Government Reform Submission to the Minister for Local Government.

EXECUTIVE SUMMARY

At the 21 April 2009 meeting, Council endorsed the Local Government Reform Checklist being submitted to the Local Government Reform Steering Committee, in accordance with the Minister for Local Government's requirements.

At the 19 May 2009 meeting, Council accepted the timeframe for Stages 2 - 4 for the City of Joondalup Reform Submission to the Minister for Local Government.

The timeframe for the project included development of a preliminary report to Council (for the purposes of community consultation). The Structural Reform Guidelines produced by the Local Government Reform Steering Committee suggest that local governments should consider the following for the purposes of community consultation:

- Preferred amalgamation structure or other types of boundary adjustments.
- Proposed number of Elected Members.
- Feasible regional sharing arrangements (if any).
- Transition timeline including estimated costs, if appropriate.

This report briefly examines the above matters together with a proposed position in relation to the more significant aspects of reform to take to the community for comment.

BACKGROUND

In February 2009, the Minister for Local Government; Heritage; Citizenship and Multicultural Interests, the Hon John Castrilli MLA, announced the State Government's package of local government reform strategies. These strategies were aimed at achieving greater capacity for local governments to better plan, manage and deliver services to their communities with a focus on social, environmental and economic sustainability.

The principal strategies are voluntary structural reform, with the main objective to reduce the number of local governments across the State, and reduce the total number of Elected Members to between six and nine.

The Minister established a Steering Committee to coordinate the review. The Steering Committee has issued a set of guidelines to assist local governments through the reform process. The City has met the requirements of the timeframes established by the Minister to date.

DETAILS

Issues and options considered:

The next stage of the reform process is for the Council to examine principles upon which to release to the community in the form of a discussion paper. The discussion paper will be developed by the City in conjunction with its consultant employed for the purpose of assisting the City with its Reform Submission, however, is proposed to include the following philosophies, which are submitted to the Council for its consideration.

A copy of the community consultation report will be distributed to Elected Members for comment upon finalisation, and prior to release.

The following is proposed in relation to the community consultation strategy and discussion paper:

Community Consultation Strategy

Proposal: That the City of Joondalup:

- 1 *Undertake a community consultation exercise inviting comment from the community on matters to be addressed by the City in its Reform Submission to the Minister.*
- 2 *Develop its discussion paper utilising the content of this Council report.*

The Minister's reform process provides that there must be community consultation in order to assist the community in having meaningful and relevant input into the process. Whilst it is likely that the majority of the City of Joondalup's community are unaware of the Minister's proposed reform strategies, it remains important to inform the community why the City of Joondalup is undertaking an assessment of criteria related to reform, and the reasons for development of position statements, providing the community with the opportunity to have input into the City's Reform Submission to the Minister.

It is intended that the content of this report form the basis of the discussion paper to be released to the community for comment, and include the following matters to be addressed in the City's Reform Submission:

- An introduction from the Mayor providing a brief overview of the Minister's reform strategies and objectives of same, the City's ability to be sustainable as demonstrated through the review of the City of Joondalup's Checklist of April 2009, the City's general position regarding the reform proposals, and an invitation to comment on the proposal.
- Community of interest overview and how the preferred amalgamated structure (including any boundary adjustment proposal) will improve social, economic and environmental capacity on behalf of their communities.
- How community identity and representation will be preserved or improved.
- Membership of regional groupings.
- City of Joondalup's Checklist (April 2009) and how gaps identified will be addressed.

Whilst the timing of the consultation is yet to be finalised (July anticipated) is proposed that the consultation strategy will be undertaken in accordance with the City's guidelines on public participation/consultation, and include:

- Media releases.
- Advertisements in the local district newspaper and public notice boards inviting comment to the discussion paper.
- Articles in the City's publications.
- Corresponding with major stakeholders in the district including, but not limited to, local members of Parliament, Joondalup Business Association, and relevant resident and ratepayer groups within the district.
- Ensuring the discussion paper and feedback form is available on the City's website and hard copies are available on request from customer service areas.
- Public workshop(s) should it be deemed there is sufficient interest in the reform process.

It is considered important that employees also be consulted with regard to the reform process and as such, newsletters and information sessions will be used to disseminate relevant information. WALGA is also investigating the implementation of a support program for local government employees and Elected Members as they deal with the upheaval that may occur throughout reform of the sector. The program will offer assistance to all on an anonymous basis, primarily through a helpline staffed 24/7 by trained professionals and access to critical incident counselling. It is anticipated that this program will be in place approaching the August deadline for submissions to the Minister, and will be kept in place for approximately six months.

Discussion Paper:

Community of Interest Overview

Proposal: That a community of interest overview be included in the community consultation discussion paper providing an overview of the City's current economic, demographic and social structure and how it contributes to the City's shared common interests/values/characteristics/issues giving rise to a separate sense of identity or community.

The Minister has advised that should a local government find that amalgamation would not improve social, economic and environmental capacity of their local community, this should be expressed, with supporting evidence in their Reform Submission.

Community of Interest

It is considered that the division of the City of Wanneroo into two local governments only a decade ago provides sufficient evidence with regard the City of Joondalup's community of interest.

In the Local Government Advisory Board's (LGAB) report titled *Assessment of the Minister's Proposal to Divide the City of Wanneroo* (February 1998) the LGAB identified community of interest as one of the three main reasons for amending the local government's boundaries. The Board found that the proposed division of the City of Wanneroo into two local governments "allows for a split between the urban areas to the west of Wanneroo Road and the more mixed development to the east. In the eastern area, there are a number of different communities based on different land use and different patterns of urbanisations."

The Report further provided that "The Board found that residents within the City of Wanneroo see themselves as falling into different communities of interest. This was associated with a strong sense of identity with a place of residence and in perceived inequities between areas. This has been exacerbated by the focus on the development of Joondalup and a feeling by some residents that they are poorly represented on Council with a reduction in the number of Councillors in some Wards. The Board also found a strong sense of differentiation between longer term residents around the Wanneroo townsite and residents of the newer suburbs and between those who live to the east of Wanneroo Road and those who live in coastal suburbs. Much of this is to do with lifestyle choices."

Other differences related to communities interest between the Cities of Joondalup and Wanneroo identified in the LGAB Report included:

- The division would result in one local government that would have a relatively stable population likely to be ageing and another which will experience rapid population growth. This area would also be likely to attract younger families.
- The proposal recognised the differences in land use between the east and the west, however, given most residents were highly mobile and travel outside of the area for work, the economic interdependency of activities within the newly created local governments was not seen as a critical factor.
- The proposal allowed for a split between the urban areas to the west of Wanneroo Road and the more mixed development to the east.. In the east there are a number of different communities based on different land use and different patterns of urbanisation. The proposed division at the time assisted in maintaining the integrity of individual suburbs, which is not considered to have changed in the case of the City of Joondalup.

In the City's Reform Submission further examination of how the City of Joondalup's community identity will be preserved or improved will be undertaken. This includes those parts of the district that share common interests/values/characteristics/issues giving rise to a separate sense of identity or community, whether of an economic, social or other interest. Whilst a snapshot community profile of the City of Joondalup from ABS and City data can be provided, other issues to be examined may include:

- The geographical pattern of human activities (where people live, work and engage in leisure activities) and the various linkages between local communities.
- Shared interests and shared use of community facilities. For example, sporting, leisure and library facilities create a focus for the community. The use of shopping areas and the location of schools also act to draw people together with similar interests. This can also give indications about the direction that people travel to access services and facilities.
- How neighbourhoods and suburbs are important in the physical, historical and social infrastructure and how they generate a feeling of community and belonging.
- The integration of land use, environmental and transport systems and water catchment areas.

Preferred Amalgamation Structure or Other Types of Boundary Adjustments

Proposal: That the City of Joondalup retain its current local government boundary alignment.

Local Government Boundary Principles

One of the LGAB's principles regarding boundaries relates to the physical and topographic features that may be either natural or man-made, and may include water features (such as rivers); catchment boundaries; coastal plain and foothills; parks and reserves; and man-made features (such as railway lines or freeways).

These features can form identifiable boundaries and can also act as barriers to movement between adjoining areas. In many cases physical and topographical features are appropriate district and ward boundaries.

The LGAB supports local government structures and boundaries that facilitate the integration of human activity and land use.

City of Wanneroo Division

In August 1996, the Minister for Local Government formally directed the LGAB to review the boundaries for the Cities of Stirling and Wanneroo, and "... assess the options for division of the Cities of Wanneroo and Stirling into smaller units". A range of potential options was considered, and are outlined in more detail in the LGAB Report titled *Options for Stirling and Wanneroo – Final Report* (April 1997).

The City of Joondalup was established by virtue of the Joondalup and Wanneroo Order 1998 which came into operation as of 1 July 1998. The Order created two new local governments, the City of Joondalup and the Shire (now) City of Wanneroo.

In the LGAB Report titled *Assessment of the Minister's Proposal to Divide the City of Wanneroo* (February 1998) the LGAB identified that the physical and topographical features of the division of the former City of Wanneroo should be based on major roads as the basis for boundaries. The exception to this is Lake Joondalup, which is divided down the middle. The Board initially proposed that in order to effectively coordinate the management of this ecosystem, all of the lake and the surrounding open space fall within one local government, and as such it was suggested that the boundary between the two local governments run along the eastern edge of the open space to the east of the lake. It is important to note that the Cities of Wanneroo and Joondalup have jointly committed to the conservation of the ecosystem of Lake Joondalup as a shared facility.

It is considered that the City of Joondalup's boundaries concur with the LGAB's principles related to boundaries confirmed when the City was established in 1998, taking into consideration physical and topographical features and land use patterns, and as such it is proposed that the current boundaries be retained at this time.

Community Representation/Proposed Number of Elected Members

Proposal: That:

- 1 *The Minister for Local Government's recommendation to reduce the number of Councillors to between six and nine for all local governments be rejected, and that local governments, having a residential population exceeding 100,000, be permitted to have a Council comprising not less than 5 nor more than 14 Councillors if the Mayor is elected by electors, as per the current arrangements permitted under Section 2.17 of the Local Government Act 1995.*
- 2 *The City of Joondalup propose that its number of elected representatives be retained at 12 Councillors and a Mayor elected by electors.*
- 3 *The Minister for Local Government be requested to research the ratios of Elected Members per population in other States both prior to and after local government reform, and the effect that this may have had on the community, prior to making any legislative amendments regarding Elected Member representation.*
- 4 *The Minister for Local Government be requested to review the remuneration provided to Elected Members should the number of elected representatives be reduced.*

Elected Member Representation – General

The Local Government Reform Guidelines requires local governments to consider appropriate Elected Member representation and methods for ensuring appropriate community representation. The Minister's reform package includes a proposal to reduce the number of Elected Members to six to nine Councillors for each local government.

The Western Australian Local Government Association's (WALGA) Systemic Sustainability Study (SSS) report process went through a number of stages of consideration on this issue. In the initial draft SSS report released in February 2008, there was a proposal for reducing the number of Elected Members. This related to another proposal for an enhanced Regional process. Some of the feedback during the submission process advised that there should be consideration to Elected Member numbers aligned to a population ratio as some of the larger local governments will require more members than smaller country local governments.

In considering feedback on the draft report, WALGA refined its position and the final SSS report endorsed in September 2008, recommended the following;

SSS Action 35:

That Local Governments be encouraged to undertake regular reviews of the number of Councillors required to conduct the governance functions required.

During the recent reform process, discussions amongst larger metropolitan local governments have raised concern at the proposal for a reduction in Elected Member representation. The argument against a reduction in Elected Members has been based around the following:

- Councils are not a board of directors but are an elected representative body.
- That it is a fundamental change to the nature of local government to unilaterally change the role of Councillors to remove the focus on community representation.
- There will be significant expense to replace the voluntary community connection role undertaken by Councillors. To give any semblance of connection, Councils may require community officers and citizen committees (which have to be serviced by paid officers).
- Future population growth of some metropolitan local governments needs to be considered.
- The possible effect of potential candidates being dissuaded from standing for election given the commitment required to fulfill Council duties and community expectations.
- The increase in Councillor representation ratios will be significant for those local governments with large populations.
- The proposal to reduce the number of Elected Members is not consistent with the State Government's position on Members of the Legislative Assembly who cannot represent more than 22,500 people.
- The level of community engagement a Council has with its constituents has an impact on the ability of elected representatives to sufficiently represent the community.

Arguments for reduced Elected Member representation include the following:

- Better governance provided by a reduced number and a greater focus on strategic direction.
- Fewer Elected Members are more readily identifiable to the community.
- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.
- More scope for team spirit and cooperation amongst a smaller number of people.
- A reduction in the number of Elected Members may result in an increased commitment from those elected, reflected in greater interest and participation in Council affairs. It is suggested that should there be a reduced number of elected representatives the remuneration provided to Elected Members should be reviewed to attract quality candidates that are able to commit the time and resources to governing the district.
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local Elected Member.

WALGA has requested the DLGRD Reform Subcommittee look at this issue to research the ratios of Elected Members per population in other States both prior to and after local government reform, and the effect that this may have had on the community. The Minister has not given any undertaking at this time that the request will be examined.

It is of interest to note the suggestion of Hearfield and Dollery (January 2009) in their article 'Representative Democracy in Australian Local Government' (published in the Commonwealth Journal of Local Governance), that each Elected Member represents a much larger number of electors than ever before. This varies considerably from State to State with those more heavily populated having a far greater ratio of population per elected representative. Figures again taken from the 2006 *Local Government National Report* (DOTARS 2006:14) show that in Victoria, which has experienced the greatest fall in the number of local government representatives, this ratio recently stood at 1:8,053. In New South Wales, where the population is almost 40 per cent higher, but where there has been a less dramatic drop in the number of Councillors, the ratio was 1:4,432. For Queensland (before the recent halving of the number of councils), South Australia and Tasmania, these ratios came in at 1:3,079, 1:2,046, and 1:1,710 respectively. In Western Australia, with only a very slight decline in the numbers of Councils and representatives, the ratio stood at 1:1,475.

Elected Member Representation – City of Joondalup

Australian Bureau of Statistics data provides that the estimated resident population of the City of Joondalup at 30 June 2008 was 159,986, making it the second largest local government by population in Western Australia, and one of the largest local governments by population in Australia.

With twelve Councillor positions there is a ratio of 1:13,332 (where one Councillor represents 13,332 residents). If an elector ratio were to be examined, the City, at October 2007, had 102,563 electors, providing for a Councillor/elector ratio of 1:8,547, with Ward Councillor/elector representation (October 2007) as follows:

Ward	Electors	Councillor/Elector Ratio
North	17,706	1:8,853
Central	16,896	1:8,848
North Central	17,099	1:8,550
South	15,738	1:7,869
South East	16,797	1:8,399
South West	18,327	1:9,164

The LGAB may consider deviations greater than plus or minus 10% of the average ratio of Councillors to electors if the City is able to justify exceptional circumstances and presents arguments accordingly.

As required by the Local Government Act 1995, local governments must review their ward boundaries and Elected Member representation every eight years. The City of Joondalup undertook a comprehensive review in 2005, and at the Council meeting held on 13 December 2005 (C73-12/05) resolved to reduce the number of elected members and wards to the current arrangement of 12 Councillors representing six wards plus a Mayor elected at large by the community.

If the City of Joondalup were to reduce its Elected Member representation in accordance with the Minister's proposal the following ratios would occur:

- Average Councillor/resident ratio with six Councillors – 1:26,684.
- Average Councillor/resident ratio with nine Councillors – 1:17,776.
- Average Councillor/elector ratio with six Councillors – 1:17,093.
- Average Councillor/elector ratio with nine Councillors – 1:11,395.

The significant change in Councillor/resident and Councillor/elector ratios is considered to be unsustainable given the voluntary nature of the Elected Member role and the significant level of community engagement the City of Joondalup Council has with its constituents, and as such it is suggested that the Minister's recommendation to reduce the number of Councillors to between six and nine for all local governments be rejected. Instead, it is proposed that local governments having a residential population exceeding 100,000 be permitted to have a Council comprising not less than 5 nor more than 14 Councillors if the Mayor is elected by electors, as per the current arrangements permitted under Section 2.17 of the Local Government Act 1995.

Regional Sharing Arrangements

Proposal: That the City of Joondalup commits to continuing to liaise with the Cities of Stirling and Wanneroo to examine future service and infrastructure obligations that lead to more efficient and effective service delivery to the shared communities of interest.

In the City of Joondalup's Local Government Reform Checklist (adopted by the Council at its April 2009 meeting), the City indicated that it currently worked effectively as part of a group of local governments, comprising the north-west corridor of metropolitan Perth, delivering services regionally.

The City has the following formal regional sharing arrangements in place:

- Mindarie Regional Council (recycling).
- Tamala Pak Regional Council (recycling and land development).
- WALGA North Metropolitan Zone.

The City was an integral member of the North West Corridor Coordinating Committee, which considered the future growth need of the corridor, including regional governance models for economic development.

The north-west corridor of local governments retain similar interests and utilise both formal and informal networks/agreements to benefit the group through projects including, though not limited to:

- Regional resource sharing with the objective of enhancing economic, tourism and employment development opportunities within the region (including employment of shared officers).
- Lake Yellagonga Integrated Catchment Management Plan (included employment of a shared officer in 2008/09).
- Local Emergency Management Plan established with the City of Wanneroo.
- Joint funding of the Small Business Centre North West Metro in association with the City of Wanneroo.
- Regional infrastructure planning needs.
- Benchmarking.
- Australia Day activities (with the 2009 function being the largest ever held in Australia).
- Refuse collection contract with the City of Wanneroo.

It is considered that the north metropolitan corridor of local governments work cooperatively and efficiently taking into account the others' interests when strategically planning for the future, and working together for the mutual benefit of those communities involved.

The community consultation report will provide further detail of the types of activities the Cities of Joondalup, Stirling and Wanneroo work cooperatively on, and invite comment regarding further opportunities for regional development and collaboration.

Transition Timeline Including Estimated Costs (if appropriate)

In relation to any transition timeline this matter is not required relevant at this time given there is no immediate proposal to amalgamate. This may alter when the Council develops its final position and can be examined at that time.

The Minister, in his Guidelines, proposed that this section comprise the planned timing of the amalgamation including consideration of, though not limited to:

- Organisational change processes.
- Human resources management.
- Development of governance systems such as local laws and policies.
- Information technology and communication infrastructure.
- The impact on council elections.
- The impact on staff contracts.
- The impact on Council operations during the transition period.
- Details of estimated transition costs.

Much of the above information was provided to the Minister in the City of Joondalup's Checklist. It is of particular importance to demonstrate to the community that City of Joondalup has established efficient and effective management and governance structures since its division in 1998, and does not propose amalgamation at this time.

The gaps identified by the City at the time of completing the Reform Checklist have been incorporated into future plans to ensure the City is managed at an optimal level. The City was able to clearly demonstrate that it more than satisfactorily met the majority of requirements detailed in the Checklist.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

The Local Government Act 1995 sets out the requirements when a local government wishes to amend its boundaries and Elected Member representation and the role of the Local Government Advisory Board.

The language used in the guidelines clearly indicates that the process is voluntary. The Minister, through the CEO of the Department of Local Government and Regional Development (the Department), may require the City to provide the information requested by exercising powers under Section 8.2 of the Local Government Act 1995, but to date there is no suggestion that this power has or will be exercised.

On this basis, there does not appear any statutory obligation to complete the tasks leading to the submission of a Reform Submission, however, it is considered to be a useful exercise to demonstrate the Council's commitment to reform.

Risk Management considerations:

There are a number of risks involved if the Council does not comply with the guidelines:

- The CEO of the Department may request various information in accordance with Section 8.2 of the Local Government Act 1995;
- Other local governments may undertake a review which may impact on the City of Joondalup without it being involved in the process.
- The State Government may through legislation undertake structural reform of local government.

Legal advice circulating within the industry has cautioned local governments if they choose not to undertake a review.

Financial/Budget Implications:

There are no specific budgetary funds to undertake the review, nor for any boundary adjustments. Nominal costs will be incurred with the community consultation exercise required. A major concern expressed by WALGA is the issue relating to who is responsible for the costs associated with any structural reform.

Policy Implications:

Not Applicable.

Regional Significance:

Structural reform has significant implications for the region.

Sustainability Implications:

It has been acknowledged through the industry via WALGA's SSS Report that the current structure of local government needs to be reviewed to ensure it is sustainable.

Consultation:

Stage 2 requires community consultation, which will be undertaken in accordance with the City's guidelines on public participation/consultation.

All local governments have submitted a checklist to the Reform Committee, with the lists currently being reviewed by Department of Local Government staff. Once the checklists have been reviewed, the Reform Committee will provide feedback to individual Local Governments on the Committee's assessment of the information submitted. It is anticipated that Councils will need to address the Committee's feedback in their final Reform Submissions, together with supporting evidence.

COMMENT

It is proposed that the Council endorse the contents of this report to form the basis of the discussion paper to be released as part of the community consultation process required to meet the Minister's reform agenda.

It is to be noted that the City's administration will continue to work on matters related to the following, for inclusion in the final Reform Submission:

- The City's viability with regard to financial capacity.
- The City's ability to effectively deliver local government services, or capacity to meet community expectations.
- An assessment of the City's financial capacity to increase financial resources and derive long term cost efficiencies.
- The City of Joondalup's characteristics of economic factors and resources in the area.
- The City of Joondalup's demographic trends, and the appropriate planning for current and projected population characteristics.
- The City of Joondalup's transport and communication linkages to support connectivity between regions.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Mayor Pickard that Council ENDORSES the report dated 16 June 2009 regarding Local Government Reform and utilises the philosophies of the report to form the basis of the discussion paper to be released as part of the community consultation process required to meet the Minister’s reform agenda.

During discussion, the following movements occurred:

*Cr Diaz entered the Room at 2135 hrs;
Cr Hollywood left the Room at 2136 hrs.*

AMENDMENT MOVED Cr Corr, SECONDED Cr Hart that an additional Clause 2 be added to the Motion as follows:

“2 That Council ENDORSES the discussion paper before it is released for community consultation.”

Cr Hollywood entered the Room at 2139 hrs.

Discussion ensued.

The Amendment was Put and

LOST (3/8)

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

The Motion as Moved by Cr McLean, and Seconded by Mayor Pickard was Put and

CARRIED (9/2)

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

**C53-06/09 DIRECTION FOR REPEAL - LOCAL GOVERNMENT
AND PUBLIC PROPERTY AMENDMENT LOCAL
LAW (NO.2) 2008 - [22513] [23180] [04028]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To inform Council of recent direction received from the Joint Standing Committee on Delegated Legislation regarding the City’s *Local Government and Public Property Amendment Local Law (No.2) 2008*.

In light of the Committee’s current direction, it is recommended that Council requests the Chief Executive Officer to provide the Joint Standing Committee on Delegated Legislation (JSCDL) with a written undertaking to repeal the City’s *Local Government and Public Property Amendment Local Law (No.2) 2008* and agree not to rely on the \$500 penalty in the interim.

BACKGROUND

At the Meeting of 19 May 2009, Council resolved, inter alia, to:

REQUEST the CEO to respond to the Joint Standing Committee on Delegated Legislation, indicating the City's intention not to oppose the Committee's recommendation for disallowance of the City's Local Government and Public Property Amendment Local Law (No.2) 2008.

The City has since actioned the above resolution.

DETAILS

Having provided the JSCDL with a written intention not to oppose the City's recommendation, the City has since received further correspondence from the Committee requesting that an additional resolution of Council be obtained as soon as possible.

The new resolution requires Council to agree to provide a written undertaking to repeal the \$500 penalty contained in the City's current *Local Government and Public Property Amendment Local Law (No.2) 2008* and agree not to rely on the penalty in the interim. Correspondence from the City must be received by the JSCDL by **18 June 2009**.

The process required to repeal one aspect of an Amendment Local Law is more onerous than merely repealing an Amendment Local Law in its entirety, therefore, it is recommended that Council resolves to repeal the *City of Joondalup Local Government and Public Property Amendment Local Law (No.2) 2008* in its entirety. This will satisfy the JSCDL's concerns surrounding the \$500 penalty and will reduce administrative burdens on the City. Other provisions within the Amendment Local Law that will be repealed as a result of Council's resolution are minor changes that seek to support the introduction of a \$500 penalty. The nature of the offence, namely, the requirement of a shopping trolley owner to remove an abandoned shopping trolley within 3 hours of being notified by the City, will not be affected by repealing the entire Amendment Local Law. In addition, the Department of Local Government and Regional Development has advised the City that it may revert to its previous penalty of \$100 once a written intention not to rely on the \$500 penalty has been received by the JSCDL. This means that the offence is still able to be enforced with a reduced penalty while the City actions its intention to repeal the Amendment Local Law.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

This report recommends repealing part of the City's *Local Government and Public Property Amendment Local Law (No.2) 2008* in accordance with direction provided by the JSCDL.

In accordance with the JSCDL's *Report 23: "Issues of Concern Raised by the Committee Between 1 May 2006 and 30 April 2007 with Respect to Local Laws"*, the JSCDL has indicated that the City must fulfil its commitment to repeal the provision within 2 years of having been notified by the Committee. Should the City fail to complete its stated commitments, the Committee will move to disallow the Amendment after a 2 year period.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The process for repealing the City's *Local Government and Public Property Amendment Local Law (No.2) 2008* does not place a significant financial burden on the City.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Should Council agree to provide the JSCDL with the requested resolution, the City will seek to inform affected retailers of the elements within the Local Law that are subject to the repeal requirements.

COMMENT

Not Applicable.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, **SECONDED** Cr Rosano that Council **REQUESTS** the Chief Executive Officer to provide the Joint Standing Committee on Delegated Legislation with a written undertaking to repeal the City's *Local Government and Public Property Amendment Local Law (No 2) 2008* and **AGREES** not to rely on the \$500 penalty in the interim.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (10/1)**

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

C54-06/09 MOTION TO GO BEHIND CLOSED DOORS**MOVED Cr Hollywood, SECONDED Cr Young that:**

- 1 in accordance with Section 5.23 of the Local Government Act 1995 and Clause 67 of the City of Joondalup’s Standing Orders Local Law 2005, this meeting of Council sit behind closed doors to consider:**

C55-06/09 Confidential Report – Unauthorised Spraying of Korella Park, being a matter relating to the personal affairs of a person;

C56-06/09 Tender 002/09 – Provision of Graffiti Control Services being a matter relating to a contract;

- 2 the following employees be permitted to remain in the Chamber while the meeting is sitting behind closed doors as detailed in (1) above:**

- **Chief Executive Officer, Mr Garry Hunt**
- **Director Governance and Strategy, Mr Jamie Parry**
- **Director, Corporate Services, Mr Mike Tidy**
- **Director, Infrastructure Services, Mr Martyn Glover**
- **Administrative Services Coordinator, Ms Janet Foster**

The Motion was Put and**CARRIED (9/2)**

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

Members of staff (with the exception of the Chief Executive Officer, Director Governance and Strategy, Director Corporate Services, Director Infrastructure Services and Administrative Services Coordinator), members of the public and press left the Room at this point, the time being 2157 hrs.

Cr Fishwick left the Room at 2157 hrs.

Name/Position	Cr Marie Macdonald
Item No/Subject	C55-06/09 - Confidential Report – Unauthorised Spraying of Korella Park
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald is the Treasurer of the Joondalup Community Coastal Care Forum and member of a Friends Group

Tenders were advertised on 7 March 2009 through state wide public notice for the Provision of Graffiti Control Services. Tenders closed on 24 March 2009. Eight (8) Submissions were received from:

- Top That! Executive Cleaning Services;
- Dalecoast Pty Ltd T/as Graffiti Systems Australia;
- West Aus Graffiti Removal;
- The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean;
- JVR Surface Cleaning;
- FCT Surface Cleaning;
- Rolluka Nominees Pty Ltd T/as Kleenit; and
- Graffiti Force Pty Ltd.

Respondents were requested to submit pricing based on two options. Option A comprised a straight schedule of rates for various types of graffiti removal. Option B comprised a schedule of rates with a performance based penalty/bonus to promote graffiti removal within specific target timeframes.

The submission from Dalecoast Pty Ltd T/as Graffiti Systems Australia based on Option B represents best value to the City and is the lowest priced compliant Tender. They demonstrated a comprehensive understanding of the City's requirements, have significant experience in providing similar services to the City and other local governments and have sufficient capacity to meet the City's graffiti removal completion timeframes.

It is recommended that Council ACCEPTS the Tender submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia for Option B for the Provision of Graffiti Control Services for an initial three (3) year period commencing 1 July 2009, with an option to extend to a maximum of five (5) years inclusive of extensions in accordance with the statement of requirements as specified in Tender 002/09 at the submitted schedule of rates.

BACKGROUND

The City has a requirement for the provision of graffiti control services principally to:

- (a) Remove graffiti by chemical, high pressure water and other methods where safe and suitable to the surface type and graffiti medium (eg. aerosol paint);
- (b) 'Paint out' or covering of graffiti with another coating type suitable to the surface material and graffiti medium (eg. marker pen).

Graffiti is to be removed from various locations as required including privately owned residential and commercial property as well as City owned and controlled property.

The City had a Contract with Dalecoast Pty Ltd T/as Graffiti Systems Australia for Graffiti Control Services which expired on 31 March 2009. The Contractor has been providing the services on an interim basis until a new Contract is put in place.

DETAILS

Tenders were advertised on 7 March 2009 through state wide public notice for the Provision of Graffiti Control Services. Tenders closed on 24 March 2009. Eight (8) Submissions were received from:

- Top That! Executive Cleaning Services;
- Dalecoast Pty Ltd T/as Graffiti Systems Australia;
- West Aus Graffiti Removal;
- The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean;
- JVR Surface Cleaning;

- FCT Surface Cleaning;
- Rolluka Nominees Pty Ltd T/as Kleenit; and
- Graffiti Force Pty Ltd.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in completing similar services	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of four members; one with tender and contract preparation skills and three 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 (including where each of the tenderers is located) and a calculation of the comparative pricing of each of the submissions for both options is provided at Attachment 2.

To calculate the comparative pricing the m² of graffiti removed in the City for the twelve months to March 2009 and the rates submitted by each Tenderer for removal Monday to Friday between 6.00am and 6.00pm were used. To allow for the current increasing trend in the incidence of graffiti a 10% increase on the twelve month quantity was also factored into the calculation.

A base cost was calculated for year one and the costs for years' two to five were calculated on an average CPI increase of 3.5% compounded. In the case of Option B two calculations were undertaken; one showing the lowest cost based on targets never being met and penalties applying for every month and the other showing the highest cost based on targets always being met and bonuses applying for every month.

It should be noted that these costs are indicative and used for tender evaluation purposes only. Future actual costs will vary based on demand and subject to change in accordance with the operational needs of the City.

Evaluation Summary

The Tender submitted by Top That! Executive Cleaning Services did not address any qualitative criteria and only offered graffiti paint-out. As a result, the Tender was unable to be evaluated and was deemed non-compliant.

Respondent	Evaluation Score	Option A Price Ranking	Option B Price Ranking	Qualitative Rank
Dalecoast Pty Ltd T/as Graffiti Systems Australia	85.5%	1	1	1
Rolluka Nominees Pty Ltd T/as Kleenit	85.2%	2	2	2
Graffiti Force Pty Ltd	75.1%	4	3	3
FCT Surface Cleaning	59.2%	6	7	4
West Aus Graffiti Removal	50.7%	3	5	5
JVR Surface Cleaning	44.0%	5	4	6
The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean	35.0%	7	6	7
Top That! Executive Cleaning Services	Non-compliant, not assessed further			

Issues and options considered:

Graffiti Control Services are required to remove or 'paint out' graffiti throughout the City. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

The Tender was advertised with two pricing options. Option A comprised a straight schedule of rates for various types of graffiti removal. Option B comprised a schedule of rates with a performance based penalty/bonus to promote graffiti removal within specific target timeframes. Removing graffiti quickly is essential to deterring graffiti being reapplied and meeting the desired timeframes for graffiti removal is a focus of contract performance. Offering a performance based contract is considered to be a way of promoting this.

To receive a bonus under Option B the Contractor must achieve the required graffiti removal completion timeframes for a minimum of 85% of total graffiti report numbers for a minimum of nine (9) months within the twelve (12) month Contract period. If this is achieved the bonus is 5% of the total amount previously invoiced by the Contractor for the months in which the 85% target was met. The bonus is calculated and paid at the conclusion of the twelve (12) month period Contract period.

Conversely a penalty under Option B will be applied where the Contractor does not meet the required minimum 85% target for six (6) or more months within the twelve (12) month Contract period. In this situation a penalty of 5% will be applied to the total invoiced amount for all of the months in that twelve (12) month period in which the eighty five (85%) target was not achieved. The penalty is calculated at the conclusion of the twelve (12) month Contract period and deducted from outstanding and/or future invoices.

Link to Strategic Plan:

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

4. The Built Environment

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

Strategy 4.2.8 The City provides an effective service for eradicating graffiti from City-owned and privately-owned buildings.

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 high as the City does not have the internal resources to meet the service levels expected by the community for the timely removal of graffiti. Untreated graffiti has been linked to the prevalence of other types of crime and has the potential to negatively affect crime levels and reduce the community's satisfaction with the appearance of their local area.

It is considered that 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 meet the required graffiti removal completion timeframes.

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
\$800,000	\$650,252 (1-Jul-08 to 31-Mar-09) \$144,500 (1-Apr-09 to 31-May-09) \$21,768 (new Contract)	\$261,218	\$1,400,774

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$1,400,774. This represents a significant reduction in the rates for graffiti removal that the City has been paying over the last 18 months. Despite the reduction in rates there are significant risks in estimating graffiti removal expenditure because the driver is volume. Although a notional escalation in volume of 10% has been used in the calculations the 2009/10 budget will include a buffer to ensure there are adequate funds.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia.

Graffiti Systems Australia achieved the top qualitative assessment of 85.5% and was also ranked first in price for both Options A and B. They are an established organisation with considerable experience in providing similar services to other local governments including the Cities of Wanneroo, Swan and Subiaco as well as being the City's current service provider. They demonstrated a comprehensive understanding of the City's requirements and have sufficient capacity to meet the City's volume of work.

The price submitted by Graffiti Systems Australia for Option B (the performance based option) is higher than for Option A. The higher cost of Option B in the first year of the Contract with the maximum bonus applied is estimated to be \$6,620. Over five years, this difference is estimated to be \$37,580. While option B has a small increased cost to the City, the Contractor has an incentive to meet the City's graffiti removal completion timeframes and the City has the comfort of knowing that if they are not met there will be a lower cost to the City.

The price submitted by Graffiti Systems Australia for Option B is the recommended option.

ATTACHMENTS

Attachment 1	Summary of Tender Submissions
Attachment 2	Price Assessment

VOTING REQUIREMENTS

Simple Majority

OFFICER'S ORIGINAL RECOMMENDATION: That Council ACCEPTS the Tender submitted by Dalecoast Pty Ltd T/As Graffiti Systems Australia for Option B for the provision of Graffiti Control Services for an initial three (3) year period with an option to extend to a maximum of five (5) years inclusive of extensions in accordance with the statement of requirements as specified in Tender 002/09 at the submitted schedule of rates.

ADDITIONAL REPORT OF THE CHIEF EXECUTIVE OFFICER DATED 12 JUNE 2009

Following the Council resolution of 19 May 2009 the CEO established a panel comprising four officers, the purpose of which was to re-evaluate the tenders following the City's tender processes. The re-evaluation panel comprised four members; one with tender and contract preparation skills and three persons (one being a Director and two Managers) with the appropriate tender experience but independent from the initial process and any ongoing management of graffiti control.

To assist in ensuring due process and probity issues were met, the City's Internal Auditor was involved in all stages of the re-evaluation process. The Internal Auditor reported to the CEO that the panel carried out the re-evaluation of submissions in accordance with the City's evaluation process in a fair and equitable manner.

The Tender submitted by Top That! Executive Cleaning Services did not address any qualitative criteria and only offered graffiti paint-out. As a result, the Tender was unable to be evaluated and was deemed non-compliant. The panel deemed the remainder of tenders worthy of qualitative evaluation.

As a result of the qualitative evaluation the panel agreed on the following rankings for the compliant submissions:

Respondent	Evaluation Score	Option A Price Ranking	Option B Price Ranking	Qualitative Rank
Dalecoast Pty Ltd T/as Graffiti Systems Australia	81.1%	1	1	1
Rolluka Nominees Pty Ltd T/as Kleenit	79.6%	2	2	2
Graffiti Force Pty Ltd	74.8%	4	3	3
FCT Surface Cleaning	51.4%	6	7	4
West Aus Graffiti Removal	41.9%	3	5	5
JVR Surface Cleaning	39.3%	5	4	6
The Trustee for Mesics Drilling Trust T/as Quick Smart Enviro Clean	29.3%	7	6	7
Top That! Executive Cleaning Services	Non-compliant, not assessed further			

With regard pricing and cost implications for the City, the re-evaluation panel examined the original evaluation panel's calculations and methodology and concurred that the pricing regime was satisfactory and no further evaluation was required.

It is important to note that whilst the weighted percentage scores are marginally different to those of the original evaluation panel all rankings reflect those agreed by the original evaluation panel.

It is considered that the re-evaluation panel carried out the assessment of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia.

Graffiti Systems Australia achieved the top qualitative assessment in both evaluations and was also ranked first in price for both Options A and B. They are an established organisation with considerable experience in providing similar services to other local governments. They demonstrated a comprehensive understanding of the City's requirements and have sufficient capacity to meet the City's volume of work.

The price submitted by Graffiti Systems Australia for Option B is the recommended option as per the original report to the Council in May 2009.

It is important to note the risks associated with the Council not accepting the administration's recommendation, which include:

- Clause 11(da) of the Local Government (Administration) Regulations 1996 provides that written reasons for each decision made at a meeting that is significantly different from the relevant written recommendation of a Committee or an employee as defined by Section 5.70 of the Act must be included in the minutes (but not a decision to only note the matter or to return the recommendation for further consideration). The Council would need to identify legitimate reasons that would stand up to external questioning of the decision making processes of the City and the Council, particularly if due process is deemed to have been followed.
- It is likely that FOI applications would be submitted to the Council for all documentation relevant to the evaluation of tenders and written submissions made to the Minister and Department of Local Government questioning the Council's decision making process.

MOVED Cr McLean, SECONDED Cr Amphlett that Council accepts the Tender submitted by Dalecoast Pty Ltd T/as Graffiti Systems Australia for Option B for the Provision of Graffiti Control Services for an initial three (3) year period, commencing 1 July 2009, with an option to extend to a maximum of five (5) years inclusive of extensions in accordance with the statement of requirements as specified in Tender 002/09 at the submitted schedule of rates.

Cr Hart left the Room at 2237 hrs.

The Motion was Put and

CARRIED (8/2)

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

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19min160609.pdf](#)

C57-06/09 MOTION TO GO TO OPEN DOORS

MOVED Cr Young, **SECONDED** Cr Amphlett that in accordance with clause 67 of the City of Joondalup's Standing Orders Local Law 2005, the Meeting of Council held on 16 June 2009 be held with open doors.

The Motion was Put and

CARRIED (10/0)

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

Members of staff entered the Room at 2313 hrs. Two members of the public were present.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motions in relation to Items:

- C55-06/09 - Confidential Report - Unauthorised Spraying of Korella Park.
- C56-06/09 - Tender 002/09 Provision of Graffiti Control Services.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**NOTICE OF MOTION - CR BRIAN CORR - REDUCTION OF WATER USAGE IN ILUKA, WOODVALE WATERS AND HARBOUR RISE AND DEVELOPMENT OF POLICY IN RELATION TO SPECIFIED AREA RATES**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Corr gave notice of his intention to move the following motion at the Council Meeting to be held on 21 July 2009:

“That Council REQUESTS a report on the advantages and disadvantages of:

- 1 The City entering into discussions with the residents of Iluka, Woodvale Waters and Harbour Rise, the three areas currently with ‘Specified Area Rates’, to investigate ways of reducing water usage without affecting the amenity of the areas, to the satisfaction of the residents, and with an outcome that is in time for consideration in the 2010/11 budget process;***
- 2 a ‘Specified Area Rates policy’ being developed by the City – a policy that would guide other areas of the City that might wish to pay a Specified Area Rate for additional landscaping services.”***

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2315 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 ROSANO
Cr R FISHWICK
Cr F DIAZ