

Minutes

MEETING HELD ON TUESDAY, 21 JULY 2009

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY,
21 JULY 2009

DECLARATION OF OPENING

The Mayor declared the meeting open at 1907 hrs.

ANNOUNCEMENT OF VISITORS

Mayor Pickard welcomed Mr Mal McLean, President of the Ocean Ridge Junior Football Club.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors:

Cr KERRY HOLLYWOOD	North Ward	
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 MIKE NORMAN	South-West Ward	
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK	South Ward	<i>Absent from 1936 hrs to 1938 hrs</i>

Officers:

MR GARRY HUNT	Chief Executive Officer
MR CLAYTON HIGHAM	Acting Director, Planning and Development
MR JAMIE PARRY	Director, Governance and Strategy
MR MIKE TIDY	Director, Corporate Services
MR MARTYN GLOVER	Director, Infrastructure Services
MR MIKE SMITH	Manager, Governance and Marketing
MR ROBERT FARLEY	Manager Planning Approvals and Environmental Services
MR GAVIN TAYLOR	Manager, Leisure and Cultural Services <i>to 1948 hrs</i>
MR MARK McCRORY	Media Advisor
MRS JANET FOSTER	Administrative Services Coordinator
MRS LESLEY TAYLOR	Administrative Secretary
MS ANNE PURDY	Administrative Secretary

There were 33 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following question was taken on notice at the Council meeting held on 16 June 2009:

Mr S Page, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 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?

A1 The City does not get involved in providing compensation in a situation where it provides facilities to meet community needs on land that has been set aside for that purpose.

The following question was taken on notice at the Special Meeting of Council held on 17 June 2009:

Mr M Sideris, Mullaloo:

Q1 Does this Council believe it is good governance to release to the public a document that requires extensive scrutiny, which does not give sufficient time to the public for the preparation of questions?

A1 The City of Joondalup regularly consults with the community on various matters in accordance with its community consultation policy and legislative requirements. The City believes that the times allocated are reasonable.

The following questions were submitted prior to the Council meeting:

Mr S Kobelke, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 With regard to the Community and Stakeholder Feedback Survey – Seacrest Park Development, can the City confirm that the email and phone numbers requested on the survey are unable to be harvested by any Elected Member for any reason?

A1 The Local Government Act 1995 prescribes that Elected Members are entitled to have access to any information held by the City that is relevant to their performance as an Elected Member. Information is supplied to Elected Members based on this requirement under law. Elected Members will not have access to submission contact details.

Q2 With the growing community calls for disclosure and transparency, and with the Local Government Elections due in October 2009 will the City of Joondalup be seeking to have the Local Government Act amended to exclude people with a criminal conviction, including spent convictions, from standing as candidates for local government in line with State and Federal politicians.

A2 Section 4.48 of the Local Government Act 1995 details the eligibility to be a candidate for a local government election. One of the criteria that disqualifies a person from being a candidate is if that person:

- has been convicted of a crime and is in prison serving a sentence for that crime; or
- has been convicted in the preceding 5 years of a serious local government offence.

There are no proposals before the City or the Council to modify the current provisions of the Act, which adequately deal with the eligibility criteria required to stand as a candidate in a local government election.

Q3 *I have reviewed the Ocean Reef Marina Reports and Studies on the City's website. I have not been able to find any report, preliminary or otherwise, of the financial investigations, analysis or studies. Is the City able to provide any information on this?*

A3 The City has not undertaken any detailed financial investigation on Concept Plan 7. At the conclusion of the community consultation period, it is the City's intention to undertake detailed business planning and financial analysis should, and if, Concept Plan 7 meets with community and Council approval.

Q4 *When the City of Joondalup conducts community consultation such as the Ocean Reef Marina and Seacrest Park in which it asks Joondalup residents to provide personal details including email address, is the City harvesting the email addresses provided to add to its data base for email of electronic City of Joondalup promotional material such as the Mayor's Update and the Community Activity Update?*

A4 No.

Q5 *Do the City of Joondalup Elected Members including the Mayor have access in any way to the personal details including phone numbers and email addresses, that are provided by Joondalup residents in community consultation submissions/forms?*

A5 No.

Mr R White, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *The survey document was uploaded to the Joondalup City website on 9th June. Can the city confirm that surveys received from respondents prior to 15th June will not be considered in the survey results evaluation?*

A1 The City conducted community consultation from Tuesday 9 June 2009 to Monday 6 July 2009. The City will consider all feedback received during this time.

Q2 *The survey closed on 6th July. It was noticed that the electronic survey remained posted up until 10th July. Can the City confirm that surveys received post the 6th June will not be considered in the evaluation?*

A2 Feedback received after the closing date of Monday 6 July 2009 will be collated and will be included separately in the report to Council as surveys received outside of the consultation period. It will be the determination of Council on how these surveys will be considered.

- Q3 *The City added addendum 1 to the FAQ questions towards the latter part of the survey period. Addendum 1 included for the following clubs that would use the facility. ie. Sorrento Duncraig Junior FC, Wanneroo Joondalup Tee-ball Club, Whitfords Amateur FC, Sorrento Duncraig Junior Cricket Club, Sorrento Duncraig Senior Cricket Club. Could the City please advise the amount of time allocated to each of these clubs respectively for use of the Seacrest facility?*
- A3 Bookings for the proposed facility at Seacrest Park have not yet been determined by the City, however all current users, as mentioned above, will continue to have access similar to their existing arrangements at Seacrest Park.
- Q4 *With reference to Addendum 1 of the FAQ. The Whitfords Junior Football Club is not mentioned as being a user of the facility. Can the City confirm that the Whitfords Junior FC will not have access to Seacrest Park facility?*
- A4 It is proposed that the Whitfords Junior Football Club would continue to use MacDonald Park for training and game purposes.
- Q5 *Question 4 of the FAQ comments that the City will develop a lease arrangement which provides a set of guidelines on how the facility would be managed including opening hours and type of activities. Could the City please advise which body or club this lease arrangement will be with?*
- A5 It is proposed that the existing clubs located at Seacrest Park, together with the Whitfords Amateur Football Club, would develop an incorporated Sports Association. Once the Sports Association was registered, the City would establish a lease with that Sports Association for sporting facility at Seacrest Park.

Ms S Kobelke, Sorrento:

Re: Seacrest Park Community Sporting Facility.

- Q1 *Has the City of Joondalup had any discussions with the Sacred Heart College Sorrento Management, Headmaster or Business Development Manager regarding the school using the Seacrest Park \$5.2 million dollar facilities if the project were to proceed?*
- A1 No the City has not held discussions with Sacred Heart College management.
- Q2 *Have any of the Elected Members had discussions (formal or informal) with the Sacred Heart College Sorrento Management, Headmaster or Business Development Manager in relation to the school using the Seacrest Park \$5.2 million dollar facilities if the project were to proceed?*
- A2 Ms Kobelke would need to ask this question of each of the Elected Members.
- Q3 *Did the City of Joondalup include the Sacred Heart College in the key group of stakeholders to be asked to comment on the Seacrest Park \$5.2 million dollar infrastructure project?*
- A3 No, Sacred Heart College was not included as a key stakeholder.
- Q4 *The Mayor Troy Pickard in a radio interview with ABC morning radio said the City had between 2 minutes and two weeks to submit a proposal to the Federal Government. Can the City advice what other projects were considered in this short time for the submission to the Federal Government?*

A4 The statement attributed to Mayor Pickard is inaccurate. Both the West Coast Drive Coastal Pathway Enhancement Project and Seacrest Park Community Sporting Facility were considered.

Q5 *Can the City of Joondalup confirm that in their own internal recording of parks and reserves that the Seacrest Park has always been recorded as a local park?*

A5 Similar to MacDonald Park and Kingsley Park, Seacrest Park is classified as a "Local Reserve" under the City's District Planning Scheme. Significant sporting facilities including kitchen, change rooms and function room exist on these sites. Clubs currently using these facilities operate under a Club Restricted Liquor Licence.

In addition to this the City has been looking at a hierarchy of classifications of parks and reserves across the entire City, however, that work is still in progress and currently has no formal standing. The only formal classification at the present time is that provided under the District Planning Scheme.

Ms I Hughes, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *Why did the City select Whitfords FC as one of the users of Seacrest Park? The Whitfords FC is not even a club of the suburb of Sorrento. Sorrento comes under the Subiaco Football district?*

A1 The proposed development at Seacrest Park is designed to accommodate a variety of sporting clubs' needs, including the four (4) existing clubs and one (1) proposed club, Whitfords Amateur Football Club. The Whitfords Amateur Football Club had previously identified the need for improved facilities including clubroom and playing ovals, which could be met with the proposed facilities at Seacrest Park.

Q2 *Of all the other parks that could have been proposed for this development, can the City advise the prime reason why Seacrest Park was selected by the City as being suitable for this development?*

A2 The key rationale for the selection of Seacrest Park was that it could accommodate two (2) AFL ovals and the existing facilities were considered inadequate for existing sporting groups. MacDonald Park cannot accommodate two AFL ovals as there is an established turf wicket pitch used by Whitfords & Districts Senior Cricket Club and hockey pitches used by Whitfords Hockey Club.

Q3 *Why didn't the City consider proposing a larger clubhouse at MacDonald Reserve, which is the current home ground of Whitfords Football Club?*

A3 The City did consider developing clubroom facilities at McDonald Park, however given the Whitfords Amateur Football Club growing numbers the club requires two (2) AFL ovals.

Q4 *In the Frequently Asked Questions document, the City says that the final design will take into account anti social behaviour so as to reduce the impact of this issue. Can the City please advise how and what measures will be used to control anti-social behaviour?*

A4 The City would consider a number of strategies to control antisocial behaviour at the proposed facilities including, design of the building (eg sound proofing, security lighting, location of entry and exit points), restricted hours of operations, restricted Liquor License, car park control and lease conditions that would establish the type and frequency of functions and the times the facility could be utilised.

Mr H Griffiths, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *Has the City engaged in traffic and parking studies in order to identify the impact of the new facility proposed at Seacrest Park?*

A1 The City has undertaken a preliminary review on the potential traffic and parking impact with a further assessment to be undertaken. The findings will be presented in the report to Council on the proposed facilities at Seacrest Park.

Q2 *The Sorrento Junior soccer club used to train on Seacrest Park. We have since heard that the City has told them they can no longer train at Seacrest? Is this correct?*

A2 The City does not have any formal bookings for Sorrento Soccer Club at Seacrest Park. Seacrest Park is currently allocated for Football, Cricket and Tee Ball. Sorrento Soccer Club has been allocated three (3) ovals at Percy Doyle Reserve and two (2) ovals at Marri Park.

Q3 *Will Whitfords FC be moving their administration to Seacrest Park?*

A3 The intent is for Whitfords Amateur Football Club to be relocated to Seacrest Park.

Q4 *Why does the Whitfords FC need 2 additional ovals - do they intend to play 2 football games at the same time on Seacrest Park?*

A4 As part of the Whitfords Amateur Football Club fixtures, once a fortnight there would be two games scheduled at Seacrest Park consecutively.

Q5 *We have lived in the area for over 9 years. We walk our dog at Seacrest Park often. This is the first year we have never seen 2 football ovals at Seacrest Park. When did the City first decide to have 2 AFL ovals on Seacrest Park?*

A5 Seacrest Park has always been identified by the City as an active sporting reserve, capable of accommodating a range of sports, including two (2) AFL ovals. Two (2) AFL ovals have been marked for use prior to 2009.

Ms B Jiwa, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *Can the City explain why there was no opportunity for the current proposal to develop Seacrest Park to come before Council prior to the CEO applying for the Federal grant?*

A1 Council endorsed the CEO to submit a funding application for the development of a Community Sporting Facility at Seacrest Park at its meeting held on 17 March 2009. The City only had a four (4) week period to make a submission, therefore no community consultation as undertaken at this time. At the Council meeting in March 2009 it was noted that the City would be undertaking community consultation on the proposed project and reporting the outcomes to Council.

- Q2 *Can the City provide documentation or a link to the minutes of the meeting where it was made clear to Council that the current proposal to develop Seacrest Park had not been put before the community it was affecting at any time in the past?*
- A2 Council Meeting 17 March 2009 (CJ049-03/09 refers). These minutes can be downloaded from the City's website.
- Q3 *Can the City confirm the exact date the Council made the decision to survey the community on the proposed development of Seacrest Park and provide documentation or a link to the minutes of that meeting?*
- A3 See response to Question 2.
- Q4 *Can the City provide details, dates or timelines of when the needs analysis for the proposed \$5.2 million infrastructure project at Seacrest Park was carried out?*
- A4 The current facilities at Seacrest Park are considered inadequate for the needs of the existing sporting clubs. In 2007, the City in discussion with Whitfords Amateur Football Club and Sorrento Duncraig Cricket Club identified the need for improved facilities specifically relating to clubrooms and sporting ovals. Seacrest Park was considered an active sporting reserve that had to the potential to accommodate these needs if appropriate facility were developed.

Ms S McArthur, Joondalup:

Re: *Ocean Reef Marina Concept Plan*

Q1 *Please advise the date Council sent correspondence to DEWHA regarding the Graceful Sun Moth under the EPBC Act, Part 3, Division 1, Subsection C,; the date DEWHA replied and what advice DEHWA provided.*

A1 The referral document was sent to DEWHA by the City's consultants on 9 June 2009. DEWHA acknowledged receipt of the referral document on 15 June 2009. The City's environmental consultants SMEC Australia Pty Ltd received email advice regarding the decision on 14 July 2009 which was forwarded to the City on 15 July 2009.

DEWHA's decision is as follows:

"We have decided that the proposed action is a controlled action and, as such, requires assessment and approval by the Minister for Environment, Heritage and the Arts before it can proceed."

Re: *Tamala Park Coastal Reserve*

Q2 *Why does the City consider it appropriate that the DEC be responsible for costs associated with construction and maintenance of a recreational facility (dual use path) that will mainly be used by residents of the City?*

A2 It would be appropriate for the Department of Environment and Conservation to meet the cost of the construction and maintenance of the dual use path because it will be predominantly on land that they are anticipated to be responsible for, that is, the regional park.

Mr M Sideris, Mullaloo

Re: Notice of Motion No 2 – Cr Marie Macdonald – Call for a report on Protocol or Criteria used when Responding to an Elected Member’s Request for documents from the City

Q1 In light of the Officers Comments to Notice of Motion 2 by Cr Macdonald's regarding request for documents from an Elected Member, can the City of Joondalup please explain why the Chief Executive Officer, appears to have absolute veto on what information an elected Councillor has access to, or indeed does not have access to?

A1 The role of the Chief Executive Officer is governed by the provisions of the Local Government Act 1995, along with the ability of Elected Members to access information. The Chief Executive Officer complies with the relevant legislation provisions and policies of the Council.

Mr D Hanslip, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 What is the City’s policy on verge parking around parks, particularly as is the case with Seacrest Park, the park is surrounded by footpaths and busy roads? Is it permitted for vehicles to cross footpaths to park on verges or for vehicles to be left partially on footpaths?

A1 The City’s Parking Local Law allows parking on the verge of a reserve. A vehicle cannot obstruct the footpath.

Q2 Are facilities similar to the Seacrest Community Sporting Facility constructed within 30 metres of existing houses anywhere else in the City of Joondalup?

A2 Sporting facilities located in a similar proximity to residents as the proposed facility at Seacrest Park include:

- Guy Daniels Clubrooms at Heathridge Park, located 32.3 metres to the nearest residence.
- Emerald Park Clubrooms in Edgewater, located within 34.7 metres to the nearest residence.

Q3 Have licensed, two storey sports club and function rooms of the size and location of those proposed for Seacrest Park, ever been on a plan for Seacrest Park prior to March 2009?

A3 Seacrest Park has always been identified as an active sporting reserve that would require the development of sporting facilities. No concept plans have been considered by the City prior to the current proposed Community Sporting Facility.

Q4 Has a facility similar to the Seacrest Community Sporting Facility ever been proposed before in the City of Joondalup in an established neighbourhood where no such plan existed before?

A4 This question requires further investigation.

Q5 Does the City of Joondalup have a liquor licensing policy as part of its Development Assessment Planning, that provides guidance on the types of licensed premises that are regarded as suitable to particular areas and the types of conditions that are likely to attach to a liquor licence in that area?

A5 The City does not have a liquor licensing policy. Applications for development approval that include applications for a liquor license are assessed on a case-by-case basis taking into account various factors such as compatibility of surrounding land uses and the potential effects resulting from the proposal.

The following questions were submitted verbally at the Council meeting held on 21 July 2009:

Mr W Platt, Sorrento:

Re: Seacrest Park Community Sporting Facility.

Q1 *How long has the City been aware that the Federal funds allocated to the proposed Seacrest Park Sporting Facility can be transferable to another location and flexibility exists to make alternative arrangements as indicated by the letter from the Federal Minister?*

A1 This question will be taken on notice.

Q2 *Has the City of Joondalup followed the correct procedures as laid out and recommended in the City's Master Planning process?*

A2 This question will be taken on notice.

Mr S Magyar, Heathridge:

Re: CJ154-07/09 Minutes of Sustainability Advisory Committee, Recommendation 7.

Q1 *Is there a legislated timeline for the City to develop a Strategic Waste Minimisation Plan and when does the administration believe the plan will be put out for public comment?*

A1 This question will be taken on notice.

Re: Ocean Reef Marina Development

Q2 *The Graceful Sun Moth, which is a protected and rare endangered species, has been identified as existing on land adjoining the Ocean Reef Marina. What plans has Council made to protect this rare endangered species and its habitat?*

A2 This question will be taken on notice.

Mrs J Wilson, Sorrento:

Re: Seacrest Park – Parking

Q1 *The City's projection of 62 vehicles at Whitfords Amateur Football Club on match days is underestimated. How did the City come to those car parking numbers and can it reassess the numbers and find out why there is such a difference in the numbers to what is actually occurring now?*

A1 This question will be taken on notice.

PUBLIC STATEMENT TIME**Mrs J Curtin, Sorrento:**

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

Mr P Mak, Sorrento:

Mr P Mak spoke in relation to Seacrest Park Community Sporting Facility.

Mrs C Farrell, Sorrento:

Mrs C Farrell spoke in relation to Seacrest Park Community Sporting Facility.

APOLOGIES AND LEAVE OF ABSENCE

Apology - Cr Sue Hart

Leave of Absence previously approved

Cr Fiona Diaz 6 - 23 July 2009 inclusive

**C58-07/09 REQUESTS FOR LEAVE OF ABSENCE – CR MICHELE ROSANO,
CR MARIE MACDONALD, CR SUE HART AND CR BRIAN CORR –
[78624]**

Cr Michele Rosano has requested Leave of Absence from Council duties covering the period 21 July 2009 to 5 August 2009 inclusive.

Cr Marie Macdonald has requested Leave of Absence from Council duties covering the period 31 July 2009 to 25 August 2009 inclusive.

Cr Sue Hart has requested Leave of Absence from Council duties covering the period 11 – 25 August 2009 inclusive.

Cr Brian Corr has requested Leave of Absence from Council duties covering the period 18 – 23 August 2009 inclusive.

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

Cr Michele Rosano	21 July - 5 August 2009 inclusive
Cr Marie Macdonald	31 July – 25 August 2009 inclusive
Cr Sue Hart	11 – 25 August 2009 inclusive
Cr Brian Corr	18 – 23 August 2009 inclusive

The Motion was Put and

CARRIED (9/0)

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

CONFIRMATION OF MINUTES**C59-07/09 MINUTES OF COUNCIL MEETING, 16 JUNE 2009**

MOVED Cr McLean, SECONDED Cr Fishwick that the Minutes of the Council Meeting held on 16 June 2009 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (9/0)

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

C60-07/09 MINUTES OF SPECIAL MEETINGS OF COUNCIL, 17 JUNE 2009 AND 7 JULY 2009

MOVED Cr Amphlett, SECONDED Cr Fishwick that the Minutes of the following Special Meetings of Council be confirmed as a true and correct record:

- **Special Meeting of Council held on 17 June 2009;**
- **Special Meeting of Council held on 7 July 2009.**

The Motion was Put and

CARRIED (9/0)

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

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**GREENWOOD GARDEN AND VERGE COMPETITION**

Mayor Pickard made a presentation to the winners of the City's Greenwood Garden and Verge Competition categories.

The competition was designed to encourage local people to make the best use of their gardens and verges, given the dry hot WA climate and continuing water shortages.

Mrs J Meagher is the winner of the first category – Established Waterwise Garden.

The judges stated that her garden was a lovely display of native species, demonstrating a floral diversity in native species and providing a habitat for local fauna. The plants were well established, indicating water requirement for this garden would be minimal.

Mr Michael Powell is the winner of the Established Environmentally Friendly Garden category.

The judges stated that a key feature of this garden was that waterwise native plants had been used, use of fertiliser was minimal and that water for the garden is sourced from rainwater. The density and type of vegetation in this garden also provided a great residential refuge for wildlife.

Mr Carl Fitzgerald-Bloomer is the winner of the Beginners Waterwise Garden category.

The judges stated that the works carried out at this property demonstrated how an unwanted turf area could be converted into something more visually appealing that also saves water at the same time. Once this garden becomes more established, it will look great and also cool down the property. The inclusion of a verge tree would provide additional shade and water savings.

Mrs Clare Murphy is the winner of the Beginners Environmentally Friendly Garden category.

The judges stated the newly established garden aimed to protect the home from the afternoon sun to reduce the house temperature and used a good mix of native flora which would create a good habitat for native fauna.

Mayor Pickard congratulated all winners and everyone who participated in this initiative.

OCEAN RIDGE JUNIOR FOOTBALL CLUB

Mayor Pickard advised the Ocean Ridge Junior Football Club had recently celebrated a very impressive milestone, the club's 30th anniversary and that the Club's President, Mal McLean was in attendance as a special guest to present a commemorative plaque in appreciation of the City's ongoing support of their Club and junior football in general.

Mayor Pickard commented the City and the Club had worked closely together in the past few years on several issues and the City looked forward to continuing the good relationship.

ICLEI WATER CAMPAIGN MILESTONE AWARD

Mayor Pickard stated the City of Joondalup had been recognised for its commitment to sustainable water management through its participation in the "Water Campaign" – an international freshwater management program.

He advised the Water Campaign was run by the International Council for Local Environmental Initiatives (ICLEI) and aimed to encourage local governments worldwide to respond actively to the climate change issue and the importance of water management.

During June 2009, the City received an ICLEI Water Campaign Milestones 1 and 2 Corporate and Community award at the Australian Local Government Association's National General Assembly.

Mayor Pickard stated the achievement of Milestone 1 recognised the City's water consumption and quality inventories, which allowed progress towards sustainable water management and the setting of water usage reduction targets.

The achievement of Milestone 2 recognised that the City had committed to reduce its corporate water consumption by 10 per cent by 2015.

One of the reports on the agenda tonight sought Council endorsement of water actions to ensure the City can achieve the ICLEI Milestone 3, which would continue the City's commitment to reducing the impact on its water resources, which delivered environmental, financial and social benefits to the community.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

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

Name/Position	Cr Russ Fishwick
Item No/Subject	Item CJ150-07/09 – Proposed Additions of 32 Rooms to Existing Nursing Home at Lot 1253 (63) Kinross Drive and Lot 1254 (21) Edinburgh Avenue, Kinross
Nature of interest	Financial
Extent of Interest	Cr Fishwick's spouse is employed by Amana Living Inc.

Disclosure of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Item CJ150-07/09 – Proposed Additions of 32 Rooms to Existing Nursing Home at Lot 1253 (63) Kinross Drive and Lot 1254 (21) Edinburgh Avenue, Kinross
Nature of interest	Interest that may affect impartiality
Extent of Interest	A relative of Mr Hunt is in one of the facilities owned by Amana Living

Name/Position	Cr Marie Macdonald
Item No/Subject	Item C65-07/09 – Notice of Motion No 3 – Cr Marie Macdonald – Call for a Report on the Proposed City of Joondalup Beach Management Plan - [78624] [04048]
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald lives in Mullaloo

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

Nil

C61-07/09 PETITIONS**1 PETITION REQUESTING SPECIAL MEETING OF ELECTORS – PROPOSED COMMUNITY SPORTING FACILITY TO BE BUILT IN SEACREST PARK - [75029] [02146]**

A 195-signature petition (of which 186-signatures have been verified as being Electors) has been received from residents requesting that a Special Meeting of Electors be held to discuss the following matters:

- “1 The proposed Community Sporting Facility to be built in Seacrest Park.
- 2 Has the Council conducted impact studies on Seacrest Park, and other alternative venues?

Why was Seacrest Park considered the best alternative for Whitfords Football Club which will be operating outside its boundaries when it is in the middle of a quiet residential area in the middle of the suburb?

Is Council prepared to conduct impact studies on Seacrest Park, and other alternatives, and make them available to the public?

- 3 The expected problems associated with this facility including:
- (a) The impact it will have on local residents and our way of life.
 - (b) Environmental impact on Seacrest Park and surrounding streets.
 - (c) Increased antisocial behaviour.
 - (d) Increased noise pollution.
 - (e) Increased traffic and parking.
 - (f) Lighting.
 - (g) Dog access to the park.
 - (h) Problems associated with a licensed premises.
 - (i) Locking the gate.”

2 PETITION OPPOSING THE PROPOSED COMMUNITY SPORTING FACILITY – SEACREST PARK, SORRENTO - [02146]

A 19-signature petition has been received from residents of the City of Joondalup strongly opposing the proposed community sporting facility at Seacrest Park, Sorrento.

3 PETITION REQUESTING CHANGE TO PARKING RESTRICTIONS – UPNEY MEWS, JOONDALUP - [57618]

A 21-signature petition has been received from residents of the City of Joondalup requesting that Council considers implementing “resident/visitor parking only” in Upney Mews, Joondalup, similar to that in Plaistow Street.

4 PETITION REQUESTING IMPROVED TRAFFIC SAFETY AT THE PEDESTRIAN CROSSING, WARRIGAL PARK, GREENWOOD - [23498]

Cr Corr tabled a 129-signature petition on behalf of residents of the City of Joondalup requesting that safety be improved at the pedestrian crossing to Warrigal Park on Bottlebrush Drive, Greenwood.

MOVED Cr Young, SECONDED Cr Corr that:

- 1 the petition requesting a Special Meeting of Electors be RECEIVED, and COUNCIL NOTES that in accordance with Section 5.28 of the Local Government Act 1995, a Special Meeting of Electors has been scheduled to be held at 7.00 pm on Monday, 20 July 2009 at the Craigie Leisure Centre, Whitfords Avenue, Craigie;
- 2 the following Petitions be RECEIVED, referred to the CEO and a subsequent report presented to Council for information:
 - (a) the petition opposing the proposed community sporting facility at Seacrest Park, Sorrento;
 - (b) Petition requesting that Council considers implementing "resident/visitor" parking in Upney Mews, Joondalup;
 - (c) Petition requesting improved safety at the pedestrian crossing to Warrigal Park on Bottlebrush Drive, Greenwood.

The Motion was Put and

CARRIED (9/0)

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

CJ144-07/09 MINUTES OF THE MEETING OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON 3 JUNE 2009

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

FILE NUMBER: 55511

ATTACHMENTS: Attachment 1 Minutes of the Seniors Interests Advisory Committee meeting held on 3 June 2009

PURPOSE

To submit the unconfirmed minutes of the Seniors Interests Advisory Committee (SIAC) to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on 3 June 2009.

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

- Item 1 Presentation – Seniors Peer Based Mental Health Promotion Project

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 3 June 2009 forming Attachment 1 to Report CJ144-07/09;*
- 2 *REQUESTS the CEO to provide a report for consideration by the Seniors Interests Advisory Committee on ways of identifying socially isolated seniors who might wish to be involved in the City's seniors activities.*

BACKGROUND

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

DETAILS

Issues and options considered:

The Motions moved at the Seniors Interests Advisory Committee meeting 3 June 2009 are shown below, together with officer's comments.

1 Presentation – Seniors Peer Based Mental Health Promotion Project

The following Motion was carried:

“That the Seniors Interests Advisory Committee NOTES the presentation on the Seniors Peer Based Mental Health Promotion Project.”

Officer's Comments

Nil.

Requests for Reports for Future Consideration

The following motion was carried:

“That a report be prepared for consideration by the Seniors Interests Advisory Committee on ways of identifying socially isolated seniors who might wish to be involved in the City's seniors activities.”

Officer's Comments

Participation in community life and social, cultural, leisure, recreational and learning activities are important for older peoples' health, well-being and their quality of life. Identifying ways of recognising people at risk of social isolation will enable the City and local service providers to increase community participation. The City has the potential to play an ongoing role in identification and support of people at risk of social isolation through its existing programs and activities and is a focus of the City's Positive Ageing Plan that is being considered at the July Council Meeting.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan Key Focus Area: Community Wellbeing

Objective: The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- To develop, provide and promote a diverse range of lifelong learning opportunities.
- To meet the cultural needs and values of the community.
- To continue to provide services that meet changing needs of a diverse and growing Community.
- To work with the community to enhance safety and security in a healthy environment.
- To continue to meet changing demographic needs.
- To ensure the City responds to and communicates with the community.

Policy The existing policies that are deemed to have the most impact on seniors are:

- 5-1 Access and Equity (access to community facilities and public space: overcoming barriers that could prevent participation in community activities);
- 8-8 Rates (reduced rates for seniors);
- 4-2 Fees and Charges (reduced fees for seniors for some services);
- 7-20 Use of community facilities (accommodation provided free of charge to seniors groups under the “subsidised use” policy).

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

It is important to inform the Council if the matter will have an impact on the region. The impact may relate to the effect that the decision of the Council will have on its partners or neighbouring local governments, or if it is a partnering proposal. The report should canvas the advantages and disadvantages the pending decision will have on the region.

Sustainability Implications:

The promotion of the Act-Belong-Commit message to community groups and people identified as being at risk of social isolation will encourage an increase in volunteering and participation in community groups, activities, programs and events. Greater community participation will have a positive social impact enhancing the mental health of individuals and overall community wellbeing.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council:

- 1 **NOTES** the unconfirmed minutes of the Seniors Interests Advisory Committee held on 3 June 2009 forming Attachment 1 to Report CJ144-07/09;
- 2 **REQUESTS** the CEO to provide a report for consideration by the Seniors Interests Advisory Committee on ways of identifying socially isolated seniors who might wish to be involved in the City's seniors activities.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf140709.pdf](#)

CJ145-07/09 POSITIVE AGEING PLAN 2009 - 2012

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

FILE NUMBER: 77613

ATTACHMENTS: Attachment 1 Positive Ageing Plan 2009 – 2012

PURPOSE

To seek approval for the Positive Ageing Plan 2009 – 2012.

EXECUTIVE SUMMARY

The City's Positive Ageing Plan has been finalised and now requires approval.

It is recommended that Council ADOPTS the Positive Ageing Plan 2009 - 2012 forming Attachment 1 to Report CJ145-07/09.

BACKGROUND

The Seniors Plan 2004 - 2008 was a locally focused initiative and evolved from the "Seniors Master Plan Leisure and Social Activity Needs", which the City commissioned a consultant to complete in 2001. Some key focus areas of the 2004 – 2008 Plan were life-long learning, information provision, policy review, community participation, volunteering and the prevention of elder abuse. Of the 23 key actions in the Plan 85% have been implemented. The balance of these actions has either been incorporated into the new Positive Ageing Plan or the need for these actions has changed in the current environment.

A comprehensive review of the City's Seniors Plan 2004 – 2008 has been conducted. The Age-Friendly Communities: A Western Australian Approach framework (developed by the Department for Communities) was used as the research tool for industry and community consultation and formed the basis for the new Plan.

Research and extensive industry and community consultation has been undertaken based on the topics of outdoor spaces and buildings; transportation; housing; respect and inclusion; social participation; communication and information; civic participation and employment; and community support and health services. Outcomes of the research and community consultation have been incorporated into the attached Positive Ageing Plan 2009 – 2012.

The Positive Ageing Plan is a component of the City's Community Development Plan. Implementation and review of the Community Development Plan is one of the strategies in the 2008 – 2011 Strategic Plan hence the outcomes and objectives are integrated with the City's overall social planning process.

In the development of the Positive Ageing Plan, the City is working towards a sustainable future and continuing to deliver high quality services which contribute to the standard of living of older people in the community.

DETAILS

As the second largest Local Government in Western Australia, the City of Joondalup has a population in excess of 158,000. Understanding the aspirations and needs of local residents aged 50+ is a central concern of Local Government.

According to the Australian Bureau of Statistics survey in 2006, 28.3% of the City's population were over 50 (42,000 people). People's needs and preferences change as they get older and they have expectations as to how well their communities will meet their needs and respond to their preferences. The size of the older population is increasing as the baby boomers move into this phase of their lives.

Issues and options considered:

A broad range of issues and options have been considered through consultation with key stakeholders and these are outlined in the Positive Ageing Plan. Key issues include:

Transport

A major concern for seniors is transport, especially for one-off medical appointments. Taxis are considered expensive and unreliable. The main barrier for seniors to participate in community events is the lack of transport. To ensure their participation, accessible transport must be available. For those with their own vehicle, parking is the main problem. More accessible bays are requested. Several discussion participants believe the introduction of paid parking will decrease the number of senior visitors to the City.

Intergenerational Community Participation

Intergenerational activities have been suggested as a way to help break down barriers between age groups. Many seniors feel they are “separated as a different species” in community events, with the generational gap growing larger.

Social Isolation

Social isolation has been highlighted as a major concern keeping many seniors from participating in their community. Findings indicate that more emphasis needs to be put on the benefits of remaining involved in the community in terms of health, wellbeing and the prevention of depression.

Public Spaces and Facilities

Participants suggested that green spaces and public facilities available in the City are under-utilised. They are considered to be inviting and attractive, but more planning is required to ensure spaces and facilities are utilised to capacity. Lack of or insufficient seating has been identified by participants. Ideas giving different uses to the parks and public facilities included:

- the installation of outdoor gyms with accompanying programs to encourage usage;
- increased seating in public spaces, which is important to seniors for resting;
- increased numbers of barbeques and communal areas;
- provision of appropriate access to public facilities (i.e. provision of ramps).

Legislation/Strategic Plan/Policy Implications

It is estimated that 54% of all people in Western Australia with a disability are over the age of 65. Statistics also show that this age group accounts for 15% of unpaid disability carers.

Legislation

Relevant Acts include:

- The WA Disability Services Act 1993 (amended in 2004) requires state and local government authorities to develop and implement Access and Inclusion Plans.
- Western Australian Equal Opportunity Act (1994);
- Commonwealth Disability Discrimination Act (1992).

Strategic Plan

Key Focus Area: Community Wellbeing

The existing Seniors Plan is a component of the City's Community Development Plan and has been reviewed as per strategy 5.1.2. This review has resulted in the development of the Positive Ageing Plan.

Objective: 5.1 To ensure that the City's facilities and services are of a high quality and accessible to everyone.
5.1.2 The City implements and, if necessary, reviews its Community Development Plan.

Policy

The existing policies that are deemed to have the most impact on seniors are:

- 5-1 Access and Equity (access to community facilities and public space: overcoming barriers that could prevent participation in community activities);
- 8-8 Rates (reduced rates for seniors);
- 4-2 Fees and Charges (reduced fees for seniors for some services);
- 7-20 Use of community facilities (accommodation provided free of charge to seniors groups *under the "subsidised use" policy*).

Risk Management considerations:

An adequate response to the needs of older people in City planning and development is integral to the success of future service provision given the project high level of growth in the City's ageing population.

Financial/Budget Implications:

There may be some costs associated with implementing strategies in the Positive Ageing Plan although the majority of the strategies link to existing Business Unit Plans. Any additional costs will be identified and presented for budget deliberations each financial year.

Regional Significance:

Not Applicable.

Sustainability Implications:

The Positive Ageing Plan will enhance the future sustainability of the City of Joondalup as an age friendly community.

Consultation:

Relevant City of Joondalup officers, private organisations, not for profit and government agencies have been consulted in the development of the Positive Ageing Plan including:

<ul style="list-style-type: none"> - Seniors Interest Advisory Committee - Office for Seniors Interests and Carers - Centrelink - Edith Cowan University - Public Transport Authority - Chronic Disease Team - WA Police - University of the Third Age - Commonwealth Carelink - Community Vision Inc - Act Belong Commit - Citizen's Advice Bureau - Volunteering WA 	<ul style="list-style-type: none"> - Older People's Rights Service - WA Retirement Complexes Association - Telecross (Red Cross program) - Council on the Ageing - Aged and Community Services WA - Community Newspapers - Sorrento Bowling Club - Lakeside Shopping City - Imperial Ballroom - Joondalup Health Campus - Vario Health Institute - Advocare - Concordia Lutheran Church - Glengarry Retirement Village
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The findings from the consultation process have been collated into a draft Positive Ageing Plan for which comment has been sought from key stakeholders. Following input from internal and external stakeholders minor modifications were made to the draft Plan.

COMMENT

The community-wide consultation process to review the Seniors Plan 2004 – 2008 has been well received by all stakeholders. The Positive Ageing Plan will provide a working document, aligned with other components of the Community Development Plan, to ensure that the contemporary needs of older people in the community are addressed by the City.

The Positive Ageing Plan contains a significant number of strategies and targets to be achieved over the three year life span. An Implementation Plan will be developed that provides direction on the timeframe, responsibility, resources and outcomes for the strategies.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council ADOPTS the Positive Ageing Plan 2009 – 2012 forming Attachment 1 to Report CJ145-07/09.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf1400709.pdf](#)

CJ146-07/09 CHANGE OF LAND USE FROM OFFICE TO COSTUME HIRE (RETROSPECTIVE): LOT 9 (15/7) DELAGE STREET, JOONDALUP

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

FILE NUMBER: 16585

ATTACHMENTS: Attachment 1 Locality Plans
Attachment 2 Development Plans

PURPOSE

The purpose of this report is to request Council's determination of an application for Retrospective Planning Approval for a change of use from Office to Costume Hire at Lot 9 (15/7) Delage Street, Joondalup.

EXECUTIVE SUMMARY

An application for retrospective planning approval has been received for a change of land use from Office to Costume Hire at Unit 15/7 Delage Street, Joondalup. The subject land is occupied by an existing commercial development divided into 15 units. The lot has an area of 8522m² and is zoned Service Industrial under the City of Joondalup District Planning Scheme No.2 (DPS2). (Attachment 1 refers).

A car parking requirement is not specified within DPS2 for the land use 'Costume Hire'. As such, Council is required to determine an appropriate car parking standard for this land use.

The development is consistent with the objectives and purposes of the Service Industrial zone, and generally satisfies DPS2 requirements, with the exception of car parking, where a four bay shortfall is proposed.

It is recommended that the application be approved, subject to acceptance of a car parking standard for 'Costume Hire' of 1 bay per 30m² net lettable area (NLA).

BACKGROUND

Suburb/Location:	Lot 9 (15/7) Delage Street, Joondalup
Applicant:	Ingrid Parkin
Owner:	Charles Frank Ferrara
Zoning:	DPS: Service Industrial
	MRS: Urban
Site Area:	8,522m ²
Structure Plan:	Not Applicable

The subject site is located at the intersection of Delage Street and Winton Road, on the eastern side of the Winton Road Business Park. The overall area of the lot is 8,522m² and consists of:

- a two storey development (fronting Winton Road and the intersection with Delage Street) comprising nine units, including four Showrooms, Vehicle Hire premises, Costume Hire (subject of this application), three Offices and a therapeutic massage centre;
- a single storey development (fronting Delage Street) comprised of seven units, including four showrooms, warehouse and two shops; and
- 123 associated car parking bays.

A land use survey of the Winton Road Business Park was undertaken in November 2008. During this review nine units within the subject lot were identified as operating unauthorised land uses. The remaining units have land uses that comply with the requirements of DPS2, or have non-conforming use rights due to approvals issued under the City of Wanneroo Town Planning Scheme No.1 (TPS1). Six of the units with unauthorised land uses have since made application for retrospective approval for the unauthorised land uses. These applications have been approved under Delegated Authority.

Unit 15 was approved as an Office in 1994, under TPS1, and has been occupied by the Costume Hire business since early 2006.

DETAILS

The applicant seeks to continue operating as a Costume Hire business in the same manner in which it is currently operating (presently without Planning Approval).

The business operates as follows:

- Hours of operation are Monday, Friday, Saturday from 10am-5pm, Wednesday from 10am-6pm, and Thursday from 10am - 8pm.
- Has a maximum of three staff at the premises at any one time.
- Involves only the hire of fancy dress costumes and associated accessories, with some ancillary sales.

The application complies with the relevant provision of DPS2 other than the car parking over the subject lot. The car parking table below outlines the car parking requirements for the original development (and what was approved) and the car parking requirement based on the current land uses.

	Land Use	Standard Applied	Bays Required	Bays Provided
Car Parking as approved	Office - 332m ² Warehouse - 2711m ² Massage Therapy - 314m ² Showrooms - 495m ²	1:30m ² Gross Floor Area (GFA) - TPS1 Industry Standard 1:30m ² Net Lettable Area (NLA) - DPS2	129	123
Car Parking Required	Showrooms - 1845m ² Vehicles Sales/Hire - 140m ² Costume Hire - 143m² Warehouse - 1361m ² Office - 332m ² Massage Therapy - 314m ² (non-conforming use rights)	1:30m ² NLA - DPS2 1:200m ² plus 1 bay per employee - DPS2 1:30m² NLA (recommended) 1:50m ² Gross Leasable Area (GLA) - standard previously approved by Council 1:30m ² GFA - TPS1	127	123

As indicated the overall car parking required should the 'Costume Hire' standard be considered appropriate, will result in a shortfall of 4 bays.

Issues and options considered:

Council has discretion to:

- Approve the application
- Approve the application with conditions; or
- Refuse the application

Legislation/Strategic Plan/Policy Implications

Legislation

Costume Hire is a discretionary ("D") use in the Service Industrial Zone. A "D" use means:

"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down in subclause 6.6.2;"

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8 as follows:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) interests of proper and orderly 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 provision 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 submissions process;*
- (i) the comments and 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 a precedent; and*
- (k) any other matter which in the opinion of the Council is relevant.*

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a "D" or "A" use application shall have due regard to the following (whether or not by*

implication or otherwise they might have required consideration under the preceding subclauses of this clause):

- (a) the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) the nature of the roads giving access to the subject land;*
- (d) the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) any relevant submissions or objections received by the Council; and*
- (f) such other matters as the Council considers relevant, whether the same nature as the foregoing or otherwise.*

A car parking standard is not prescribed by Table 2 of the DPS2 and as such Council's determination is required. Clause 4.8 allows Council to determine an appropriate parking standard as follows:

4.8 CAR PARKING STANDARDS

- 4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 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.*

For variations to site and development requirements, Clause 4.5 of DPS2 specifies the following:

- 4.5.1 Except for development in respect of which the Residential Design Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding the 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.*

Strategic Plan

It is considered that the proposal does not have any Strategic Plan implications given that it is an existing development.

Policy

Not Applicable.

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable

Consultation:

Clause 6.7.2 of DPS2 allows public consultation to be undertaken prior to the consideration of an application for Planning Approval where this is considered necessary or appropriate. In this instance there is no impact or loss of amenity to the surrounding area as a result of this land use, and the business is consistent with the Service Industrial Zone. Furthermore there have been no complaints or issues in relation to the business since it commenced in early 2006.

COMMENT

The land use 'Costume Hire' is consistent with the objectives of the Service Industrial Zone as set out by DPS2. The land use is considered not to have an adverse impact on the amenity of the adjoining units or the locality, and is considered appropriate in this location.

Car Parking

DPS2 does not prescribe a car parking standard for 'Costume Hire'. It is considered appropriate that a car parking standard of 1 car bay per 30m² NLA should apply, given that:

- Costume Hire is a specialised use, being the hire of fancy dress garments. It is considered that this does not generate as much parking demand as a shop;
- Other local authorities apply a standard of 1 car bay per 30m² NLA which is considered sufficient; and
- The business has been operating since early 2006 without complaint. The amount of required car parking bays for the unit remains unchanged from the previous Office use.

Prior to the land use survey and subsequent retrospective Planning Approvals a car parking shortfall of 6 car parking bays existed for the overall site. Following subsequent Planning Approvals being issued and the calculation of car parking in accordance with DPS2 standards the overall shortfall is reduced to 4 car parking bays across the site. This remains unchanged as a result of this application. Given that the overall car parking shortfall has been reduced from 6 to 4 bays as a result of DPS2 standards being less than the TPS1 standard, it is considered that there is no adverse impact on the locality.

The City has no record of complaints in relation to car parking, which further indicates that there is adequate car parking for the land uses.

Conclusion

The retrospective change of use to 'Costume Hire' is considered appropriate and is supported.

The proposed car parking standard will provide adequate parking for the land use. On this basis, it is recommended that the application be approved subject to conditions.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council with regard to the application for Retrospective Planning Approval dated 11 March 2009 submitted by Ingrid Parkin, the applicant, on behalf of the owner, Charles Frank Ferrara, for retrospective change of use from Office to Costume Hire at Lot 9 (15/7) Delage Street, Joondalup:

- 1 DETERMINES that in having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No.2 that a car parking standard for "Costume Hire" of "one bay per 30m² of net lettable area" is appropriate;**
- 2 EXERCISES discretion under Clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that car parking provision of 123 bays in lieu of 127 bays is appropriate;**

3 APPROVES the application subject to the following conditions:

- (a) This approval relates only to the premises marked in red on the approved plans received 11 March 2009;
- (b) This approval is for 'Costume Hire' as defined in the City of Joondalup District Planning Scheme No.2;
- (c) All waste receptacles shall be placed in the on-site approved bin enclosure at all times.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf140709.pdf](#)

CJ147-07/09 AMENDMENTS TO THE PLANNING AND DEVELOPMENT REGULATIONS 2009

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning & Community Development

FILE NUMBER: 07032

ATTACHMENTS: Attachment 1 Planning Bulletin 93/2009 – *Planning and Development Regulations 2009.*

PURPOSE

To approve an amended schedule of planning fees and charges for the 2009/10 Council Budget.

EXECUTIVE SUMMARY

On 19 June 2009 the State Government published in the Government Gazette the Planning and Development Regulations 2009. These Regulations come into effect on 1 July 2009.

Amongst other things, the Regulations amend the maximum fees permitted to be charged for Development Approval and other planning matters.

On 17 June 2009 Council adopted the City of Joondalup Budget for 2009/10. The Regulations and change in fees necessitate Council's approval to an amended schedule of fees and charges for the 2009/10 budget.

BACKGROUND

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

The fees and charges were gazetted in 2000 and reviewed in 2007 and 2008.

DETAILS

The Regulations provide fees for the following:

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

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

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

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

Description	Basis of Charge	GST Y/N	Current Gross Fee (inc. GST)	GST	Proposed Gross Fee (inc. GST)
Administrative Fee – Administrative Charges					
Scheme Amendments	Per Amendment	Y	Costs estimated from hourly rates in Regulations before GST	10%	Costs estimated from hourly rates in Regulations before GST
Structure Plans		Y	Costs estimated from hourly rates in Regulations before GST	10%	Costs estimated from hourly rates in Regulations before GST
Administration Fee – Subdivision Clearance					
Administration Charge	0-5 Lots	N	\$64.00 per lot	N/A	\$66.00 per lot
Administration Charge	5-195 Lots	N	\$64.00 for first 5 lots, thereafter \$32.00 per lot	N/A	\$66.00 for first 5 lots, thereafter \$33.00 per lot
Administration Charge	196 plus lots	N	\$6,400.00	N/A	\$6,617.00
Application Fees – Development Application Fees					

(a) Change of use application or for alteration or extension or change of a non-conforming use to which development application fees do not apply		N	\$254.00, and if the change of use or the alteration or extension or change of the non-conforming use has commenced, an additional amount of \$508.00 by way of penalty.	N/A	\$265.00, and if the change of use or the alteration or extension or change of the non-conforming use has commenced, an additional amount of \$530.00 by way of penalty.
(b) Development Applications	Less than \$50,000	N	\$127.00	N/A	\$132.00
(c) Development Applications	\$50,000 - \$500,000	N	0.29% of estimated development cost	N/A	0.30% of estimated development cost
(d) Development Applications	\$500,000 - \$2.5million	N	\$1450.00 plus 0.23% of amount >\$500,000	N/A	\$1500.00 plus 0.24% of amount >\$500,000
(e) Development Applications	\$2.5million - \$5million	N	\$6050.00 plus 0.19% of amount >\$2.5million	N/A	\$6300.00 plus 0.20% of amount >\$2.5million
(f) Development Applications	\$5million - \$21.5million	N	\$10,800.00 plus 0.12% of amount >\$5million	N/A	\$11,300.00 plus 0.12% of amount >\$5million
(g) Development Applications	More than \$21.5million	N	\$30,600.00 and if the development has commenced or been carried out, an additional amount by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (b), (c), (d), (e), (f), or (g)	N/A	\$31,100.00 and if the development has commenced or been carried out, an additional amount by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (b), (c), (d), (e), (f), or (g)
Home Occupation Application	Initial Fee	N	\$191.00 and, if the home occupation has commenced an additional amount of \$382.00 by way of penalty	N/A	\$199.00 and, if the home occupation has commenced an additional amount of \$398.00 by way of penalty
Home Occupation Application	Renewal fee (where required)	N	\$64.00 and, if the approval to be renewed has expired an additional amount of \$128.00 by way of penalty	N/A	\$66.00 and, if the approval to be renewed has expired an additional amount of \$132.00 by way of penalty
Application Fees – Written Planning Advice					
Written Planning Advice		Y	\$64.00 inc. GST	10%	\$66.00 inc. GST
Application Fees – Zoning Certificate					
Zoning Certificate		N	\$62.00	N/A	\$66.00

Licences – Building Licences					
Building Application Codes Variation	Per Application	N	\$127.00	N/A	\$132.00

Issues and options considered

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation

The *Planning and Development Regulations 2009* provide a framework for Local Government fees and charges in relation to planning services and include details of the fees that may be levied.

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

6.16 Imposition of fees and charges

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

** Absolute majority required.*

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

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

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

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

** Absolute majority required.*

6.19 Local government to give notice of fees and charges

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

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

Strategic Plan

Not Applicable.

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Council adopting the amendments to the legislation will allow the City to charge planning fees that are consistent with the *Planning and Development Regulations 2009*.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

While Section 6.19 of the *Local Government Act 1995* provides for public notice to be provided by the Local Government the agreed notification period is not specified.

Therefore a public notification period of 20 working days is being requested.

COMMENT

On 17 June 2009 Council adopted the City of Joondalup Budget for 2009/10. The new fees and charges contained in the Regulations necessitate approval to an amended schedule of fees and charges for Council's 2009/10 budget.

It is recommended that the fees and charges set out in Planning Bulletin 93/2009 – *Planning and Development Regulations 2009* are adopted by Council.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr McLean, SECONDED Cr Fishwick that Council:

1 NOTES the amendments to the *Planning and Development Regulations 2009*.

2 AMENDS its 2009/10 schedule of Fees and Charges as follows:

Description	Basis of Charge	GST Y/N	Current Gross Fee (inc. GST)	GST	Proposed Gross Fee (inc. GST)
Administrative Fee – Administrative Charges					
Scheme Amendments	Per Amendment	Y	Costs estimated from hourly rates in Regulations before GST	10%	Costs estimated from hourly rates in Regulations before GST
Structure Plans		Y	Costs estimated from hourly rates in Regulations before GST	10%	Costs estimated from hourly rates in Regulations before GST
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Administration Charge	5-195 Lots	N	\$64.00 for first 5 lots, thereafter \$32.00 per lot	N/A	\$66.00 for first 5 lots, thereafter \$33.00 per lot
Administration Charge	196 plus lots	N	\$6,400.00	N/A	\$6,617.00
Application Fees – Development Application Fees					
(a) Change of use application or for alteration or extension or change of a non-conforming use to which development application fees do not apply		N	\$254.00, and if the change of use or the alteration or extension or change of the non-conforming use has commenced, an additional amount of \$508.00 by way of penalty.	N/A	\$265.00, and if the change of use or the alteration or extension or change of the non-conforming use has commenced, an additional amount of \$530.00 by way of penalty.
(b) Development Applications	Less than \$50,000	N	\$127.00	N/A	\$132.00
(c) Development Applications	\$50,000 - \$500,000	N	0.29% of estimated development cost	N/A	0.30% of estimated development cost
(d) Development Applications	\$500,000 - \$2.5million	N	\$1450.00 plus 0.23% of amount >\$500,000	N/A	\$1500.00 plus 0.24% of amount >\$500,000
(e) Development Applications	\$2.5million - \$5million	N	\$6050.00 plus 0.19% of amount >\$2.5million	N/A	\$6300.00 plus 0.20% of amount >\$2.5million
(f) Development Applications	\$5million - \$21.5million	N	\$10,800.00 plus 0.12% of amount >\$5million	N/A	\$11,300.00 plus 0.12% of amount >\$5million

(g) Development Applications	More than \$21.5million	N	\$30,600.00 and if the development has commenced or been carried out, an additional amount by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (b), (c), (d), (e), (f), or (g)	N/A	\$31,100.00 and if the development has commenced or been carried out, an additional amount by way of penalty, that is twice the amount of the maximum fee payable for determination of the application under paragraph (b), (c), (d), (e), (f), or (g)
Home Occupation Application	Initial Fee	N	\$191.00 and, if the home occupation has commenced an additional amount of \$382.00 by way of penalty	N/A	\$199.00 and, if the home occupation has commenced an additional amount of \$398.00 by way of penalty
Home Occupation Application	Renewal fee (where required)	N	\$64.00 and, if the approval to be renewed has expired an additional amount of \$128.00 by way of penalty	N/A	\$66.00 and, if the approval to be renewed has expired an additional amount of \$132.00 by way of penalty
Application Fees – Written Planning Advice					
Written Planning Advice		Y	\$64.00 inc. GST	10%	\$66.00 inc. GST
Application Fees – Zoning Certificate					
Zoning Certificate		N	\$62.00	N/A	\$66.00
Licences – Building Licences					
Building Application Codes Variation	Per Application	N	\$127.00	N/A	\$132.00

3 in accordance with Section 6.19 of the Local Government Act 1995 GIVES local public notice of the changes in its fees and charges as detailed in (2) above after an advertising period of 20 working days;

4 AGREES that the fees and charges detailed in (2) above be effective as from 10 August 2009.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (9/0)**

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf140709.pdf](#)

CJ148-07/09 JOONDALUP LITTLE ATHLETICS CLUB AND BEAUMARIS LITTLE ATHLETICS CLUB REQUEST FOR REIMBURSEMENT OF HIRE FEES

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Community Development
FILE NUMBER:	29110
ATTACHMENTS:	Attachment 1 Policy 7-20 – Hire of Community Facilities and Venues

PURPOSE

To outline the options available to the City in responding to the request from the Joondalup Little Athletics Centre and Beaumaris Little Athletics Club for a reimbursement of fees relating to the use of sporting facilities at Arena Joondalup.

EXECUTIVE SUMMARY

The Joondalup Little Athletics Centre (JLAC) was established in 1992 as the umbrella organisation for three local little athletics clubs that operate in the City's northern suburbs. The three member clubs are;

- Beaumaris Little Athletics Club (BLAC)
- Connolly Little Athletics Club (CLAC)
- Kinross Little Athletics Club (KLAC)

In March 2009, the City received a letter from JLAC and BLAC, which was also sent to the Minister of Sport and Recreation outlining a series of issues the Club's were experiencing. The letter specifically requested assistance from the City for the reimbursement of hire fees for the use of facilities at Arena Joondalup.

Under City Policy 7.20 Hire of Community Facilities and Venues, the City provides a 100% discount to not-for-profit, incorporated junior (under 18 years) sporting clubs and community groups based in the City of Joondalup, for the hire of City owned community facilities and venues. This policy does not apply to junior sporting teams hiring facilities at Arena Joondalup.

This report discusses the options available to the City in responding to the request from JLAC and BLAC with consideration given to other junior clubs/groups that may be in a similar position. The options considered in the report include maintaining the status quo, amending City Policy 7.20 to provide all junior clubs a 100% discount in hiring facilities, seek alternative facilities for JLAC and BLAC only or provide JLAC and BLAC with a 100% percent reimbursement of hire fees from Arena Joondalup.

It is recommended that Council:

- 1 *DECLINES the request from the Joondalup Little Athletics Club and the Beaumaris Little Athletics Club for the City to reimburse their hire fees at Arena Joondalup;*
- 2 *NOTES that the City will meet with Joondalup Little Athletics Club and Beaumaris Little Athletics Club to investigate opportunities for the use of City parks for training purposes.*

BACKGROUND

Little Athletics is a sport for children from 5 to 16 years. It is based upon the sport of athletics (track and field) with a wide range of events from running, jumping, throwing and walking which are modified to suit the age and ability of the children.

JLAC is a not-for-profit sporting organisation, which has been operating in the Joondalup region for 17 years. JLAC is affiliated to the West Australian Little Athletics Association (WALAA) and currently has 330 members.

JLAC represents the sport of athletics at a district level with the key task of organising and conducting weekly competitions for athletes. JLAC has an elected Committee of Management that is responsible for developing a program of events, co-ordinating the activities of voluntary workers, the registration of members with the State Association and ensuring all details of equipment, recording, finance, promotions are arranged. Each of the three member clubs and JLAC has their own committee and make individual bookings at the Arena Joondalup. All Clubs train at the Arena Joondalup.

It should be noted that Connolly Little Athletics Club and Kinross Little Athletics Club have not requested a reimbursement of hire fees at Arena Joondalup.

Since ACSRA was established all members clubs have paid hire fees to the Arena Joondalup. In 2004, ACSRA was successful in receiving funding for the development of playing facilities and clubrooms at Arena Joondalup through the Department of Sport and Recreation's (DSR) Community Sport and Recreation Facility Fund (CSRFF). The JLAC is a founding member of the Arena Community Sport and Recreation Association (ACSRA) which was formed in response to the need to develop district level sporting facilities for clubs in the region.

The City provides a significant level of support to all community clubs represented by ACSRA. To date the City has committed a total of \$710,000 for the development of playing facilities and clubrooms at Arena Joondalup and has recently increased its obligations in relation to the ongoing maintenance of facilities at the site.

In March 2009, the City received a letter from JLAC and the same letter from BLAC requesting assistance with the following issues;

1. Equipment storage and maintenance
2. Toilet facilities
3. Floodlighting
4. Facility hire fees

Items listed one to three above are considered by the City to be the responsibility of the WASCT. Item four was raised as an issue for the City to address, as both Clubs believe they should be eligible for the discount offered under City Policy 7.20 for Junior Sporting Clubs.

The Minister for Sport and Recreation provided the following responses to JLAC.

- Arena Joondalup is managed by the WASCT and is not subject to the City's policies;
- Arena Joondalup has provided JLAC with a number of allowances that have not been extend to other users;
- Arena Joondalup is currently investigating the matter of floodlighting;
- JLAC is encouraged to continue to liaise with Arena Joondalup in regard to their operations.

In the last 12 months the City and the WASCT have shared the costs of providing portable toilets to the JLAC, to assist their operations whilst the clubroom facilities are being developed.

DETAILS

In accordance with City Policy 7.20, junior sporting clubs can apply for a 100% discount on the hire fees for City owned facilities if they meet the following eligibility criteria;

- not-for-profit organisation
- incorporated
- greater than 50% of members reside within the City of Joondalup

The number hours per week available at the discounted rate is determined by the number of members in the club (refer Attachment 1 to this Report.)

Outlined below are the junior teams/participants that regularly hire facilities at Arena Joondalup. The six (6) clubs include;

- Arena Swim Club
- Joondalup Brothers Rugby Union Club
- Joondalup Giants Rugby League Club
- Joondalup Little Athletics Centre
- Beaumaris Little Athletics Club
- Joondalup Netball Association

In addition, there are a number of other privately or State owned and operated facilities located within the City of Joondalup where sporting clubs and community groups pay hire fees for the facilities that they utilise. Some of these facilities include;

- Edith Cowan University
- Warwick Leisure Centre
- State Swim (Joondalup and Whitfords City)
- Local High Schools
- Craigie Leisure Centre*

* Craigie Leisure Centre is managed as a commercial operation, therefore free use of facilities is not offered.

Issues and options considered:

In considering the reimbursement of hire fees for the use of Arena Joondalup the following issues and options have been identified for JLAC and BLAC. If requested, these options could be applied to KLAC and CLAC, who to date have not made a claim to the City.

Option 1: Maintain Status Quo

In this option City Policy 7.20 conditions would remain, with all junior sporting clubs that hire non City of Joondalup facilities being charged hire fees.

In 2007/2008 the total value of JLAC and BLAC hire fees at Arena Joondalup was \$4,200. The hourly fee charged represents the Arena Joondalup's community rate. From JLAC and BLAC perspective this charge has placed significant financial pressure on their Clubs.

Refusing the request for the payment of JLAC and BLAC hire fees is consistent with City Policy 7.20. Payment of JLAC facility hire fees may set a precedent for other community, sport and recreation groups to make similar claims. This poses a financial risk to the City. City Policy 7.20 has proven an effective approach to supporting junior teams in the City. In addition, the City has made significant contribution to ACSRA to support the development of facilities for all member clubs including little athletics.

Advantages	Disadvantages
City Policy 7.20 has proven to be an effective approach to supporting junior clubs.	Discount does not apply to junior clubs using private or State owned facilities.
City is not exposed to increased costs.	JLAC and BLAC request can not be met.

Option 2: Amend City Policy 7.20 to allow the 100% discount to be applied to the hire of any sporting facility in the City including:

- Arena Joondalup
- Edith Cowan University
- Warwick Leisure Centre
- State Swim (Joondalup and Whitfords City)
- Local High Schools

Reimbursement of fees for junior sporting clubs that use either private or State owned facilities would improve the level of financial assistance provided by the City to all junior sporting clubs. This approach would meet the needs of the JLAC and BLAC.

The cost of extending the discount to all clubs and groups using privately owned or State facilities within Joondalup is unknown and difficult to calculate. In this option the cost to the City would be significant, with hire cost estimates being \$29,000 for the Arena Joondalup and potentially another \$20,000 for other private or State owned facilities.

Advantages	Disadvantages
Would meet the direct request of JLAC and BLAC.	Increased cost to the City.
Significant financial support for junior sporting clubs.	City has no control of the cost increases each year.
	May increase clubs wishing to use private facilities, further increasing City costs.

Option 3: Investigate alternative facilities for the JLAC and BLAC

In this option the City would seek to find alternative training and competition venues. The sport of little athletics requires specialised facilities to conduct its activities. The City does not currently have a venue, which would meet the needs and requirements of JLAC and BLAC.

The minimum facilities required for little athletics include a 400m oval running track, two sand pits, concrete pad (discuss & shot put), large grassed area for javelin throwing plus toilet facilities, large storage area and floodlighting.

In this option, the City would investigate the feasibility of relocating the JLAC and BLAC for training and competition to an alternative City owned venue. Under this arrangement the both Clubs would be eligible for 100% discount, reducing the financial burden incurred by the payment of hire fees at Arena Joondalup.

A desk top review of this option has not found any venues that could accommodate all the clubs requirements at one City site, due primarily to the specialised sports facility and storage facility requirements. However, some of the clubs training activities could be accommodated at a City active reserve, which would reduce their hire fees. This option would require further consultation between the City and the Clubs.

Advantages	Disadvantages
JLAC would receive 100% discount for use of City sporting facility.	Limited (if any) alternative COJ facilities available.
	If venue is available, City may need to develop additional facilities to meet the needs of little athletics, such as storerooms.

Option 4: Provide a 100% reimbursement to the JLAC for hire fees at the Arena Joondalup.

In this option the City recognises that the training and competition requirements for the sport of little athletics are unique and specialised. The Arena Joondalup is the only facility that can accommodate the broad range of athletic activities undertaken by JLAC and its member Clubs.

The City has previously recognised the unique needs of little athletics through its financial support of ACSRA.

When ACSRA was established in 2003 the operating model for all the Clubs included the hiring of facilities from the Arena Joondalup. As a result clubs were required to set their fees and charges to cover the hire costs of playing fields plus administration and association fees.

Offering this option to JLAC and BLAC would not be consistent with other junior sporting clubs who currently use the Arena Joondalup. This option would not recognise the junior sporting teams who have been able to successfully establish their club whilst paying hire fees. If this option was offered to the JLAC and BLAC, the City would expect similar claims from the other junior clubs located at the Arena Joondalup.

Advantages	Disadvantages
Financially supports JLAC and BLAC.	Not consistent with other junior sporting clubs located at Arena Joondalup.
Does not require an amendment to City Policy 7.20.	Increased costs to the City – approximately \$4,200 per annum.
	Does not recognise clubs that have successfully integrated the Arena Joondalup hire fees into their membership fees for junior participants.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Not Applicable.

Objective: Not Applicable.

Policy

If Option 2 was recommended an amendment of Policy 7-20 Hire of Community Facilities and Venues would be required. The change would replace the term City owned facilities to any sporting facility within the City of Joondalup.

The other options listed in the report would not require an amendment to Policy 7-20 Hire of Community Facilities and venues.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Based on the recommendation of maintaining the status quo, there are no budget implications.

Regional Significance:

The outcome of this report has regional significance as the outcomes has potential implications on the level of support the City offers to junior clubs and groups within the City of Joondalup.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The City provides support and assistance to over 155 community, sport and recreation groups through the provision of, maintenance and renewal of facilities, funding and grants plus the club development program. Policy 7-20 provides a fair and equitable method for determining fees and charges for the hire of Community Facilities and Venues by community, sport and recreation groups.

The implementation of Option 2 would require an amendment to City Policy 7.20 and would significantly increase the financial support the City provides to junior sporting teams in the City. In this option the City would be required to pay market rates for junior sporting clubs use of private or State owned facilities. These costs are likely to increase over time. In this option junior sporting clubs may also seek to increase their use of private or State owned facilities knowing that the hire costs are covered by the City.

The City's ability to implement Option 3 is significantly reduced by the limited amount of active sporting reserves with spare capacity in the City. To implement Option 3 would most likely require the relocation of existing users, which would allow the JLAC and BLAC to use the facilities. This option is unlikely to be supported by those clubs who would be required to move.

Option 4 would meet the request of JLAC and BLAC and would provide significant financial support to the Clubs. Option 4 provides JLAC and BLAC with special conditions that other junior clubs at the Arena Joondalup are not entitled. Whilst little athletics as a sport requires specialist facilities the difference in the JLAC operations is not considered significant to justify a special discount being applied.

Other clubs such as the Joondalup Netball Association, the Joondalup Brothers Rugby Union Club and the Joondalup Giants Rugby League Club who are also members of ACSRA have been able to meet the obligations of paying Arena hire fees plus their administration and association costs.

Supporting JLAC and BLAC request for the reimbursement of fees for the use of Arena Joondalup sets a precedent, for sporting clubs to request financial assistance for payment of facility hire fees at privately owned facilities. The risk is significant as the total cost to the City if other clubs make the same claim is unknown. Whilst JLAC and BLAC have made the request for a reimbursement, both KLAC and CLAC who representative Clubs of JLAC have not made a claim or approached the City about a reimbursement of their hire fees. This may indicate two of the four little athletics clubs are managing to meet the cost of hire fees as part of their clubs operations.

The City provides a significant level of support to all community clubs represented by ACSRA. To date the City has committed a total of \$710,000 to the development of playing facilities and clubrooms at Arena Joondalup and has recently increased its obligations in relation to the ongoing maintenance and renewal of facilities at the site. The design of the new clubroom facility has been specifically designed to meet the storage requirements and kiosk requirements of JLAC. The proposed kiosk will also offer the JLAC a new revenue source once completed.

Similar to other clubs who operate at Arena Joondalup the JLAC and BLAC could implement membership fees that cover the hire fees for the use of the facilities. The Arena Joondalup provide all ACSRA member clubs with a discounted community hire rate aimed to assist in providing affordable facilities to regular users at the Arena Joondalup.

In Option 1, by maintaining the status quo of City Policy 7.20 limits the City's financial obligations for paying hire fees at other private or State owned facilities, where the level of financial claim is unknown. Whilst City Policy 7.20 does not address the request by JLAC and BLAC the City has provided significant support to little athletics through its support of ACSRA. When ACSRA was established it was conditional on all member clubs being required to pay hire fees to the Arena Joondalup, which has been the practise for the last five years.

In Option 1, JLAC and BLAC could request to use any available City oval for some of their training activities and receive the 100% discount. If the JLAC and BLAC were prepared to train at City ovals then hold competitions at the Arena Joondalup the cost of hire would be reduced. JLAC and BLAC ability to use one oval that meets all their training and competition needs similar to Arena Joondalup is highly unlikely with the limited spare capacity of existing active sporting reserves within the City.

By maintaining the conditions of City Policy 7.20 and the City meeting with JLAC and BLAC to discuss alternative venues for some of their training activities provides a consistent approach to dealing with JLAC and BLAC claim.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 DECLINES the request from the Joondalup Little Athletics Club and the Beaumaris Little Athletics Club for the City to reimburse their hire fees at Arena Joondalup;
- 2 NOTES that the City will meet with Joondalup Little Athletics Club and Beaumaris Little Athletics Club to investigate opportunities for the use of City parks for training purposes.

MOVED Mayor Pickard, SECONDED Cr McLean that consideration of Item CJ148-07/09 – Joondalup Little Athletics Centre be REFERRED to the Policy Committee for further consideration and review of City Policy 7-20 – Hire of Community Facilities and Venues.

The Motion was Put and

CARRIED (9/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf140709.pdf](#)

CJ149-07/09 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS MAY 2009

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Community Development
FILE NUMBER:	07032 05961
ATTACHMENTS:	Attachment 1 May 2009 – Decisions Planning Applications (Development Applications & R-Codes Variations) Attachment 2 May 2009 – Decisions Building Applications (R-Codes Variations) Attachment 3 May 2009 - Subdivision Applications Processed

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 May 2009. (see Attachments 1, 2 and 3 respectively).

BACKGROUND

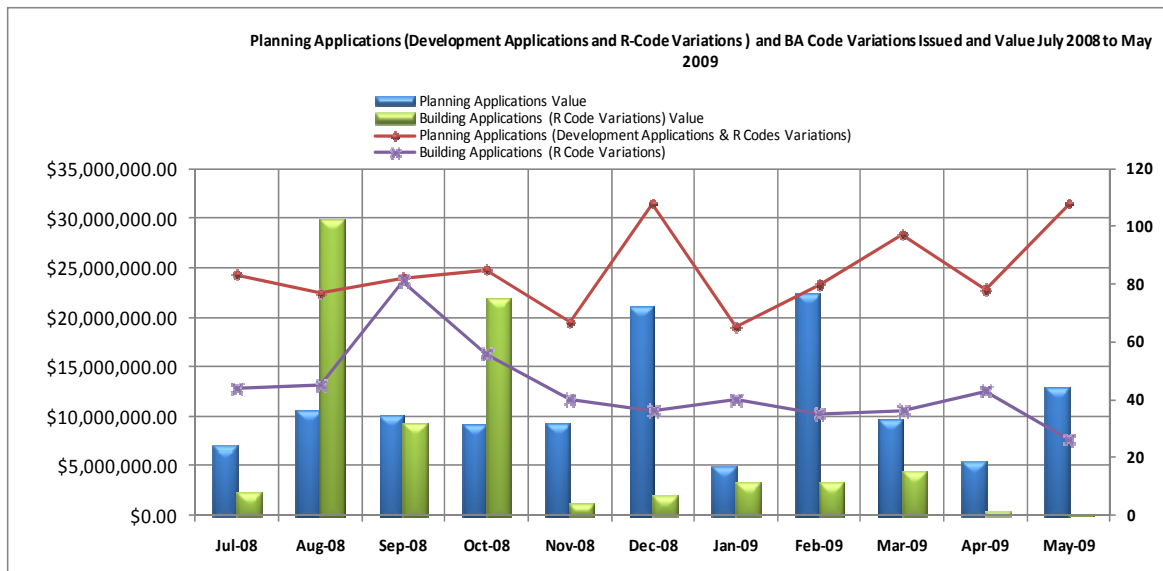
The District Planning Scheme No 2 requires that delegation be reviewed 2 yearly, unless a greater or lesser period is specified by Council. Council, at its meeting of 16 June 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

DETAILS

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

Approvals Determined Under Delegated Authority – May 2009		
Type of Approval	Number	Value (\$)
Planning Applications (Development Applications & R-Codes Variations)	108	\$ 12,813,544
Building Applications (R-Codes Variations)	26	\$ 216,163
TOTAL	134	\$ 13,029,707

The number of development applications received during the period for May 2009 was 113. (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 May to 31 May 2009		
Type of Approval	Number	Potential new Lots
Subdivision Applications	3	3
Strata Subdivision Applications	3	6

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

Legislation/Strategic Plan/Policy Implications

Legislation 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.

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.

Policy

Not Applicable.

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.

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 108 development applications determined during May 2009, consultation was undertaken for 47 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 6 subdivision applications determined during May 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.

VOTING REQUIREMENTS

Simple Majority

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

- 1 development applications and R-Codes variations forming Attachments 1 and 2 to Report CJ149-07/09 during May 2009;**
- 2 subdivision applications forming Attachment 3 to Report CJ149-07/09 during May 2009.**

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf140709.pdf](#)

Disclosure of Financial Interest

Name/Position	Cr Russ Fishwick
Item No/Subject	Item CJ150-07/09 – Proposed Additions of 32 Rooms to Existing Nursing Home at Lot 1253 (63) Kinross Drive and Lot 1254 (21) Edinburgh Avenue, Kinross
Nature of interest	Financial
Extent of Interest	Cr Fishwick's spouse is employed by Amana Living Inc.

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt, Chief Executive Officer
Item No/Subject	Item CJ150-07/09 – Proposed Additions of 32 Rooms to Existing Nursing Home at Lot 1253 (63) Kinross Drive and Lot 1254 (21) Edinburgh Avenue, Kinross
Nature of interest	Interest that may affect impartiality
Extent of Interest	A relative of Mr Hunt is in one of the facilities owned by Amana Living

Cr Fishwick left the Chamber at 1936 hrs.

CJ150-07/09 PROPOSED ADDITIONS OF 32 ROOMS TO EXISTING NURSING HOME AT LOT 1253 (63) KINROSS DRIVE AND LOT 1254 (21) EDINBURGH AVENUE, KINROSS

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

FILE NUMBER: 26622

ATTACHMENTS: Attachment 1 Locality Plans
Attachment 2 Development Plans

PURPOSE

To request Council's determination of an application for Planning Approval for proposed nursing home additions at Kinross Nursing Home at Lot 1253 (63) Kinross Drive and Lot 1254 (21) Edinburgh Avenue, Kinross.

EXECUTIVE SUMMARY

An application for Planning Approval has been received for a nursing home addition to be constructed on vacant land south of an existing nursing home development. The proposal also involves the amalgamation of Lot 1253, Lot 1254 with Lot 1, which contains the existing nursing home.

The proposed addition complies with all the requirements of the City of Joondalup District Planning Scheme No 2 (DPS2) except for the rear setback to the western boundary.

The proposed development will meet the objectives of Clause 3.4 (c) of Planning Scheme No.2 DPS2 in relation to facilitating the provision of aged person's housing in residential areas. It is therefore recommended that the application be conditionally approved.

BACKGROUND

Suburb/Location: Lot 1253 (63) Kinross Drive, Kinross and Lot 1254 (21) Edinburgh Avenue, Kinross

Applicant: Northerly Group

Owner: Amana Living Incorporated

Zoning: **DPS:** Residential
MRS: Urban

Site Area: 3,690m²

Structure Plan: N/A

The subject site is bounded by the existing nursing home development (northern boundary), Kinross Shopping Centre (southern boundary), and two (R20) single residential properties on Dalkeith Cove, Kinross (western boundary). The main entrance to the site will be via the existing main driveway located off Kinross Drive, Kinross.

The existing nursing home was granted planning approval in 1999. It includes accommodation for 48 residents consisting of 4 interconnected houses, one housing 14 people, two each housing 13 people and one housing 8 people. A central administration and day care centre are also included.

DETAILS

The proposal is for additions to the existing Kinross Nursing Home development. The additions will include the following:

- Single storey development comprising 32 beds;
- 22 car parking bays;
- Laundry facility building;
- Conversion of the existing chapel to a staff room;
- Activity/chapel room extended from the existing administration building; and
- Path network connecting to existing site and facilities

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

STANDARD	REQUIRED	PROPOSED	COMPLIES
Front setback (Kinross Drive)	9.0m	19.93m	YES
Side Setback (Southern boundary)	3.0m	4.32m – 7.30m	YES
Side Setback (Northern boundary)	3.0m	min 4.32m	YES
Rear Setback (Western boundary)	6.0 metres	min 2.5m	NO
Landscaping	8% 3m landscaping strip adjoining car parking areas adjacent to the street	>8% 3.0m	YES
Car parking	1 per 3 residents accommodated plus 1 space for each staff member on duty (recommended) Total:11	22 Car bays	YES

The applicant has provided the following justification for the proposal.

- *The purpose of the previous and present development at Kinross is in to create a homelike building for people who are aging. This is in line with contemporary philosophy that aging people should be accommodated in a residential setting, which blends into the domestic character and context of its local setting. The intention is to avoid any semblance of an institutional building and to ensure that the residents live in a “homelike” setting;*
- *This scheme is basically a continuation of the existing complex, which is essence four residential buildings. Even the Administration Building and the Day Centre on site are designed in a “domestic” manner to blend in with the community;*
- *The residents intended for this new facility will be extremely frail and classed as high care. Many will be frail and bedfast. Several will already be residents in the present building and are being relocated in order to deliver a high level of supportive care. The unit will be secure, primarily to subtly constrain potential wanderers, so that the residents will not in way any intrude on the privacy of neighbours. Only 5 of the 32 residents are located on this side of the building and there will not be any excessive noise generated, other than the normal domestic sounds emitted in any neighbourhood household;*
- *The new building is set at a lower level than the neighbouring house, so that Elderly residents will not intrude on the neighbouring privacy and cannot overlook into the neighbours rear garden. The area will be landscaped to provide a visual buffer;*
- *Any areas of group activity will be in rooms well away from this site;*
- *In view of the fact that this is a residence, with no undue activities or noise generation, we request that permission be granted to build to the set backs shown on the amended plans.*

The proposed development complies with all the relevant DPS2 requirements with the exception of the 2.367m setback in lieu of 6m to the rear western boundary.

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications

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:

Nursing Home is a ‘D’ use in the Residential Zone. A ‘D’ use means:

“ A Use Class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by clause 6.6.2.”

Clause 4.5 of the DPS2 allows for the development standards of the Scheme to be varied:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

4.7 Building Setbacks for Non Residential Buildings

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

Setback from street boundary 9.0 metres

Setback from side boundary 3.0 metres

Setback from rear boundary 6.0 metres

4.8 Car Parking Standards

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

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.*

For variations to site and development requirements, Clause 4.5 of DPS2 specifies the following:

- 4.5.1 *Except for development in respect of which the Residential Design Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding the 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:*
- (c) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
 - (d) 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:*
- (b) 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 in so far 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;*
- (k) *any other matter which in the opinion of the Council is relevant.*

6.8.2 *In addition to the matters referred to in the proceeding subclause of this clause the Council when considering whether or not to approve a “D” or “A” use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of the other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise,*

Strategic Plan

Not Applicable.

Policy

Not Applicable.

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The application was only advertised to the landowners of Lots 1261 and 1260 (No 4 and 7) Dalkeith Cove, Kinross due to the reduced rear setback to the development to the rear eastern boundary. No other adjoining neighbours were consulted as the development otherwise complies with the requirements of DPS2.

Advertising occurred by a way of a letter to the land owners for a period of 14 days from 1 May 2009 to 15 May 2009.

Letters stating no objections were received from both land owners.

COMMENT

The land use "Nursing Home" is consistent with the objectives of the Residential Zone as set out by DPS2. The land use is considered not to have an adverse impact on the amenity of the adjoining residents of the locality and is considered appropriate.

A nursing home is not subject to the Residential Design Codes (Variation1) (R Codes) but is subject to the various non residential building parameters of DPS2. As such, the proposal has a setback variation to the rear western boundary.

The proposed rear setback is located in close proximity to adjoining residential development. In order to assess the extent and impact of the variation on these properties, it is considered appropriate to use the setback provisions of the R Codes as a guide.

The R Codes specify the following objectives for boundary setbacks behind the primary street setback.

"To ensure adequate provisions of direct sun and ventilation for buildings and to ameliorate the impact of the building bulk, interference with privacy, and overshadowing on adjoining properties."

It is considered that proposal meets the above objectives in the following ways:

- The proposed buildings are located to the west of the adjoining residential buildings, and thus are considered to not compromise the direct sun and ventilation of these residents;
- The single storey height of the development, setback and orientation of the buildings avoid overshadowing; and
- There is a level difference between the subject site and the adjoining residence, which will result in no overlooking.

It is considered that the proposed setback variation will not have a detrimental impact on adjoining properties or the amenity of the area.

Car Parking

DPS2 does not describe a car parking standard for "Nursing Homes". It is considered appropriate that the car parking standard allocated for Hospitals of 1 car bay per 3 residents, plus 1 per staff member on duty should apply. This is considered appropriate given that a Hospital and Nursing Home are similar in nature.

It is considered that the proposed car parking standard is appropriate, and will be sufficient to accommodate the anticipated demand for the facility.

CONCLUSION

The proposed development is consistent with the surrounding developments. The discretion sought for the proposed development is not expected to be detrimental to neighbouring residents and the surrounding area. In this instance, it is considered that the overall interest of orderly and proper planning and the preservation of the amenity of the locality have been addressed to the satisfaction of the City. As such it is recommended that the proposed development be supported subject to conditions.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hollywood, **SECONDED** Cr McLean that Council, with regard to the application for planning approval, dated 24 October 2008, submitted by Northerly Group on behalf of the owners, Amana Living Incorporated for Nursing Home Addition at Lot 1253 (63) Kinross Drive and Lot 1254 (21) Edinburgh Avenue, Kinross:

- 1 DETERMINES** that in regard clause 4.8.2 at the City of Joondalup District Planning Scheme No2, determines that a car parking standard for a “Nursing Home” of one car bay per 3 residents, plus one car bay per staff member on duty is appropriate;
- 2 EXERCISES** discretion under clause 4.5 of the City of Joondalup District Planning Scheme No.2 and determines that a rear setback of 2.5m in lieu of 6m to the western boundary is appropriate;
- 3 APPROVES** the application subject to the following conditions:
 - (a)** The lodging of a detailed landscape plan, to the satisfaction of the City for the development site, and the adjoining road verge with the Building Licence Application. For the purpose of this condition a landscape plan shall be drawn to a scale of 1:100 and show the following:
 - (i)** The location and the type of existing and proposed trees and shrubs and any lawns to be established;
 - (ii)** Any natural landscape areas to be retained;
 - (b)** Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
 - (c)** Any bin storage areas shall be constructed in materials compatible with the overall development to the satisfaction of the City. A schedule of colours and materials being submitted to the satisfaction of the City;
 - (d)** All stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Planning, Approvals & Environmental Services;

- (e) 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;
- (f) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Planning, Approvals and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
- (g) Lots 1253, 1254 and Lot 1 are to be amalgamated onto a single lot on a Certificate of Title prior to the issue of a building licence;
- (h) The materials and finishes of the proposed building shall complement the existing buildings on site to the satisfaction of the Manager, Planning, Approvals and Environmental Services;
- (i) Driveway gradients across the site shall not exceed 1:14 and changes in the grade must be ramped rather than stepped. The detail design shall comply with the Australian Standards regarding design for Access and Mobility (AS14:28);
- (j) The security gates located to the front entrance as marked in RED on the approved plans shall be accessible during the hours of 6am – 8pm (7 days a week).

The Motion was Put and

CARRIED (8/0)

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf140709.pdf](#)

Cr Fishwick entered the Chamber at 1938 hrs.

Council adopted the above at its meeting held on 17 February 2009. In addition, in order to give effect to the above recommendation, a Scheme Amendment was also required to remove all reference to Category 3 from DPS2 (CJ007-02/09 refers).

It is noted that the proposed Scheme Amendment wording included as an Attachment for the February 2009 meeting inadvertently added a reference to Category 1 Home Business in Clause 4.4.3.4 of DPS2. This incorrect reference was removed prior to the advertising of the scheme amendment.

DETAILS

The principal purpose of the proposal is to remove all reference to Category 3 Home Businesses within the Policy and DPS2.

In addition, the following changes to the Policy were requested:

- Removing the word 'Large' from point 3(g) under Section 3 – Policy Statement (thereby making reference to 'industrial appliances or machinery' rather than 'large industrial appliances machinery').
- Amending the hours of operation on Monday to Friday from 8am – 5pm to 9am – 5pm.

The proposed amendments and additions to the Policy 7-9 Home Business are shown in Attachment 1, and the proposed amendments to DPS2 are shown in Attachment 2.

Issues and options considered:

The options available to Council in considering the proposal are:

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

Legislation/Strategic Plan/Policy Implications

Legislation

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 held on 17 February 2009. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for comment. The EPA decided that a formal review of the amendment was not required.

Part 8.11 of District Planning Scheme No. 2 enables the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area and may amend or add to or rescind a Policy so prepared.

Strategic Plan

Key Focus Area: The built environment.

Objective 4.1 To ensure high quality urban development within the City.

Policy

Modification to Policy 7-9 Home Business.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Policy 7-9 Home Business and Amendment No. 43 were advertised concurrently for a period of 42 days ending on 3 June 2009. An advertisement was placed in the local newspaper on two consecutive weeks, and a notice placed on the City's website. No submissions were received.

COMMENT

There are currently 2 approved Category 3 Home Businesses, and these are required to be renewed on an annual basis. In the event that the Category 3 class is removed from the DPS2, the approvals for these businesses will not be able to be renewed in their current form when they expire. The businesses will need to modify how they operate to be classed as a Category 2 Home Business in order to continue to operate.

The advertising of the proposed scheme amendment and changes to Policy 7-9 Home Business has not raised any issues that would warrant consideration of not proceeding with the proposals.

It is recommended that the proposed changes to Policy 7-9 Home Business and Amendment No. 43 be adopted without modification.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council:

- 1 Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No. 43 to the City of Joondalup's District Planning Scheme No. 2 forming Attachment 2 to Report CJ151-07/09, without modification;**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 FORWARDS Scheme Amendment No 43 and Council's decision to the Western Australian Planning Commission for determination;**
- 4 Finally ADOPTS the modified Policy 7-9 Home Business as shown in Attachment 1 to Report CJ151-07/09;**
- 5 AGREES that the modified Policy 7-9 Home Business will become effective from the date that the Minister for Planning approves Amendment No 43. In the event that Amendment No 43 is not approved, the modifications to Policy 7-9 Home Business will not be effective;**
- 6 ADVISES the current operators of Category 3 Home Businesses of Council's decision.**

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf140709.pdf](#)

CJ152-07/09 MINUTES OF EXTERNAL COMMITTEE**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 03149**ATTACHMENTS:** Attachment 1 Minutes of Meeting of the Mindarie Regional Council held on 28 May 2009.

(Please Note: These minutes are only available electronically on the agenda.)

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of the Mindarie Regional Council held on 28 May 2009.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, **SECONDED** Cr Amphlett that Council **NOTES** the minutes of the meeting of the Mindarie Regional Council held on 28 May 2009 forming Attachment 1 to Report CJ152-07/09.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf140709.pdf](#)

CJ153-07/09 ANNUAL PLAN 2009-2010

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	20560
ATTACHMENTS:	Attachment 1 Annual Plan 2009-2010 Attachment 2 Capital Works Program 2009-2010

PURPOSE

To present the Annual Plan 2009-2010.

EXECUTIVE SUMMARY

The Annual Plan contains the major projects and priorities which the City intends to deliver in the 2009-2010 financial year.

It is recommended that the Council RECEIVES the 2009-2010 Annual Plan which is shown as Attachment 1 to Report CJ153-07/09.

BACKGROUND

The City's Corporate Reporting Framework requires the development of an Annual Plan to achieve the objectives of the Strategic Plan 2008 – 2011 and the provision of reports against the Annual Plan to be presented to Council on a quarterly basis.

DETAILS**Issues and options considered:**

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2009-2010 financial year.

Quarterly milestones are set for each key project and program to be delivered, and a report will be presented to Council at the end of each quarter detailing progress against these milestones. Progress against the Capital Works Program 2009-2010 will also be provided with the quarterly reports. The Capital Works 2009-2010 is shown as Attachment 2 to this report. The first quarterly report will be presented to Council in October 2009 against the Annual Plan and Capital Works Program.

Legislation/Strategic Plan/Policy Implications

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

This Act is intended to result in:

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

Key Focus Area: Leadership and Governance

Objective: 1.3 To lead and manage the City effectively.

Policy Policy 8-6 Communications – the Council recognises and acknowledges the importance of consistent, clear communication, and access to information for its stakeholders.

Risk Management considerations:

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

Financial/Budget Implications:

All projects in the Annual Plan 2009-2010 have been included in the 2009-2010 budget.

Regional Significance:

Not Applicable.

Sustainability Implications:

All projects and programs in the Annual Plan contribute to community wellbeing, the natural and built environment, economic development and good governance of the City.

Consultation:

Not Applicable.

COMMENT

It is important that the City develops and communicates to the community a clear plan of the projects and activities it intends to undertake each year. Measuring performance on the timely delivery of projects and programs enables the community to assess the City's achievements against the Annual Plan and the objectives of the Strategic Plan 2008-2011.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, **SECONDED** Cr Amphlett that Council **RECEIVES** the Annual Plan 2009-2010 shown as Attachment 1 to Report CJ153-07/09.

The Motion was Put and **CARRIED (9/0)** by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendices 10 and 22 refer

To access this attachment on electronic document, click here: [Attach10agn210709.pdf](#)

[Attach22brf140709.pdf](#)

CJ154-07/09 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 18 JUNE 2009

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 00906

ATTACHMENTS: Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 18 June 2009

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Sustainability Advisory Committee was held on 18 June 2009.

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

Item 1 Energy Audits

Item 2 Resignation from the Sustainability Advisory Committee

Item 3 Household Hazardous Waste Program

BACKGROUND

The objectives of the Sustainability Advisory Committee are:

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

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

DETAILS

Issues and options considered:

The Motions carried at the Sustainability Advisory Committee meeting held on 18 June 2009 are shown below, together with officer's comments.

1 Energy Audits

"That the Sustainability Advisory Committee:

- 1 NOTES the progress report dated 18 June 2009 on the Energy Audits undertaken of the City's top five energy emitting buildings;
- 2 THANKS the administration for completing the Energy Audits;
- 3 REQUESTS Council to seek a report from the CEO on the operation of the geo thermal facility at Craigie Leisure Centre and whether similar facilities are planned and if so at which location;
- 4 REQUESTS Council to report on whether actions taken will be part of the Green Star Rating considered by the Policy Committee."

Officer's Comment

The request to Council to seek a report from the Chief Executive Officer on the operation of the geothermal facility at Craigie Leisure Centre and plans for similar facilities is not supported. The geothermal bore is fully operational and is providing a number of benefits including:

- ↳ The provision of consistent heated indoor aquatic facilities;
- ↳ Lower CO₂ emissions; and
- ↳ Financial savings.

There are no current plans for further geothermal applications.

The Green Star Rating Report will be presented to the next Policy Committee meeting. Following consideration of the Green Star Rating Report by the Policy Committee, the matter will be considered by the Council. It is outside of the terms of reference for an Advisory Committee to request reports from the Council, however, it is at the Council's discretion as to whether this report is to be the subject of any consultative effort.

2 Resignation from the Sustainability Advisory Committee

"That the Sustainability Advisory Committee:

- 1 NOTES the resignation of Mr Brett Dorney and thanks him for his contribution to the Committee;
- 2 RECOMMENDS that Council DOES NOT appoint a replacement community representative at this time."

Officer's Comment

The recommendation not to appoint a replacement community representative at this time is supported given the Committee will only meet on one more occasion prior to the local government elections in October.

3 Household Hazardous Waste Program

"That the Sustainability Advisory Committee:

- 1 NOTES and APPROVES the progress report dated 18 June 2009 on Household Hazardous Waste Program;
- 2 NOTES the considerable effort required by both the City staff and volunteers to conduct programs such as the Household Hazardous Waste Program;
- 3 ADVISES Council that:
 - (a) The issues of waste management has been the subject of many reviews and reports, among the most recent being: the Federal Department of Environment, Water, Heritage and the Arts;
 - (b) The Sustainability Advisory Committee notes the Council has no Waste Management Policy, whilst the City Waste Management Policy only is developed for administrative and operational imperatives and has an internal focus;
- 4 REQUESTS Council to consider the development of a Council Waste Management Policy;
- 5 Should Council agree to the development of a Council Waste Management Policy, the Sustainability Advisory Committee be permitted to submit a discussion paper to the administration for consideration in its preparation of the Policy.
- 6 ENCOURAGES the City to continue its involvement in various programs for household hazardous waste;
- 7 REQUESTS the City to explore the possibility of streamlining the scheduling and locations of household hazardous waste programs."

Officer's Comment

The City is currently developing a Waste Minimisation Plan as required by the Waste Avoidance and Resource Recovery Act 2007 and it will be appropriate to consider whether a review of the City's Waste Management Policy is required.

It is suggested that the Strategic Waste Minimisation Plan be referred to the Sustainability Advisory Committee for comment following consideration by the Council. The requirement for a review of the City's Waste Management Policy will be examined as a result of the development of the Plan.

The scheduling of the locations for the household hazardous waste program is an operational matter. The HHW Collection Days are scheduled across the Perth Metropolitan area every second weekend and the Collection Days are advertised extensively.

Legislation/Strategic Plan/Policy Implications

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

Strategic Plan

Key Focus Area: The Natural Environment.

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

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

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

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council NOTES:

- 1 the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 18 June 2009 forming Attachment 1 to Report CJ154-07/09;
- 2 DOES NOT SUPPORT the Sustainability Advisory Committee's request for the Council to request a report from the CEO on the operation of the geo thermal facility at Craigie Leisure Centre and whether similar facilities are planned and if so at which location given that the geothermal bore is now fully operational and delivering significant benefits in terms of reduced CO₂ emissions and cost savings and no further geothermal applications are proposed at this time;
- 3 DOES NOT SUPPORT the Sustainability Advisory Committee's request to ask the Council to report on whether actions taken will be part of the Green Star Rating considered by the Policy Committee as it is outside of the terms of reference of the Committee to request reports from the Council and the Green Star Rating Report has not yet been considered by the Policy Committee;
- 4 NOTES Mr Brett Dorney's resignation and THANKS him for his contribution to the Sustainability Advisory Committee;
- 5 SUPPORTS THE Sustainability Advisory Committee recommendation that the Council does not appoint a replacement community representative at this time given that the Committee will only meet on one more occasion prior to the local government elections in October 2009;
- 6 NOTES the advice from the Sustainability Advisory Committee that the issue of waste management has been the subject of many reviews and reports, among the most recent being the Federal Department of Environment, Water, Heritage and the Arts;
- 7 NOTES that Council is currently developing a Strategic Waste Minimisation Plan as required by the Waste Avoidance and Resource Recovery Act 2007;
- 8 SUPPORTS the Strategic Waste Minimisation Plan in Point 7 above being referred to the Sustainability Advisory Committee for comment following consideration by the Council;
- 9 DOES NOT SUPPORT the request from the Sustainability Advisory Committee for the City to explore the possibility of streamlining the scheduling and locations of household hazardous waste programs as the program is operational and aligned with the Perth Metropolitan Household Hazardous Waste Program.

MOVED Cr Corr, SECONDED Cr Norman that Council:

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 18 June 2009 forming Attachment 1 to Report CJ154-07/09;**
- 2 DOES NOT SUPPORT the Sustainability Advisory Committee's request for the Council to request a report from the CEO on the operation of the geo thermal facility at Craigie Leisure Centre and whether similar facilities are planned and if so at which location given that the geothermal bore is now fully operational and delivering significant benefits in terms of reduced CO₂ emissions and cost savings and no further geothermal applications are proposed at this time;**
- 3 DOES NOT SUPPORT the Sustainability Advisory Committee's request to ask the Council to report on whether actions taken will be part of the Green Star Rating considered by the Policy Committee as it is outside of the terms of reference of the Committee to request reports from the Council and the Green Star Rating Report has not yet been considered by the Policy Committee;**
- 4 NOTES Mr Brett Dorney's resignation and THANKS him for his contribution to the Sustainability Advisory Committee;**
- 5 SUPPORTS THE Sustainability Advisory Committee recommendation that the Council does not appoint a replacement community representative at this time given that the Committee will only meet on one more occasion prior to the local government elections in October 2009;**
- 6 NOTES the advice from the Sustainability Advisory Committee that the issue of waste management has been the subject of many reviews and reports, among the most recent being the Federal Department of Environment, Water, Heritage and the Arts;**
- 7 NOTES that Council is currently developing a Strategic Waste Minimisation Plan as required by the Waste Avoidance and Resource Recovery Act 2007;**
- 8 SUPPORTS the Strategic Waste Minimisation Plan in Point 7 above being referred to the Sustainability Advisory Committee for comment following consideration by the Council;**
- 9 DOES NOT SUPPORT the request from the Sustainability Advisory Committee for the City to explore the possibility of streamlining the scheduling and locations of household hazardous waste programs as the program is operational and aligned with the Perth Metropolitan Household Hazardous Waste Program.**

AMENDMENT MOVED Cr Norman, SECONDED Mayor Pickard that the following Point 10 be ADDED to the Motion:

- "10 REQUESTS that the City advocate for increased funding through the Municipal Waste Advisory Council for household hazardous waste programs, and that information on the City's household hazardous waste program and collection arrangements be included on the City's web site, Waste Collection Fridge Calendar and a forthcoming City News publication to raise community awareness of the household hazardous waste issue and how to dispose of this waste responsibly."***

The Amendment was Put and**CARRIED (9/0)**

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

The Original Motion, as amended, being:**That Council:**

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 18 June 2009 forming Attachment 1 to Report CJ154-07/09;**
- 2 DOES NOT SUPPORT the Sustainability Advisory Committee's request for the Council to request a report from the CEO on the operation of the geo thermal facility at Craigie Leisure Centre and whether similar facilities are planned and if so at which location given that the geothermal bore is now fully operational and delivering significant benefits in terms of reduced CO₂ emissions and cost savings and no further geothermal applications are proposed at this time;**
- 3 DOES NOT SUPPORT the Sustainability Advisory Committee's request to ask the Council to report on whether actions taken will be part of the Green Star Rating considered by the Policy Committee as it is outside of the terms of reference of the Committee to request reports from the Council and the Green Star Rating Report has not yet been considered by the Policy Committee;**
- 4 NOTES Mr Brett Dorney's resignation and THANKS him for his contribution to the Sustainability Advisory Committee;**
- 5 SUPPORTS THE Sustainability Advisory Committee recommendation that the Council does not appoint a replacement community representative at this time given that the Committee will only meet on one more occasion prior to the local government elections in October 2009;**
- 6 NOTES the advice from the Sustainability Advisory Committee that the issue of waste management has been the subject of many reviews and reports, among the most recent being the Federal Department of Environment, Water, Heritage and the Arts;**
- 7 NOTES that Council is currently developing a Strategic Waste Minimisation Plan as required by the Waste Avoidance and Resource Recovery Act 2007;**
- 8 SUPPORTS the Strategic Waste Minimisation Plan in Point 7 above being referred to the Sustainability Advisory Committee for comment following consideration by the Council;**
- 9 DOES NOT SUPPORT the request from the Sustainability Advisory Committee for the City to explore the possibility of streamlining the scheduling and locations of household hazardous waste programs as the program is operational and aligned with the Perth Metropolitan Household Hazardous Waste Program;**

- 10 REQUESTS that the City advocate for increased funding through the Municipal Waste Advisory Council for household hazardous waste programs, and that information on the City's household hazardous waste program and collection arrangements be included on the City's web site, Waste Collection Fridge Calendar and a forthcoming City News publication to raise community awareness of the household hazardous waste issue and how to dispose of this waste responsibly.**

Was Put and

CARRIED (9/0)

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf140709.pdf](#)

CJ155-07/09 ICLEI WATER CAMPAIGN MILESTONE 3

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 78616

ATTACHMENTS: Attachment 1 The City of Joondalup's Water Actions Summary

PURPOSE/EXECUTIVE SUMMARY

The purpose of this report is to seek the Council's endorsement of the Water Actions Summary (shown as Attachment 1). Following endorsement of the Water Actions Summary the City will have met ICLEI Oceania's requirements to achieve Milestone 3 of the ICLEI Water Campaign™.

BACKGROUND

The Water Campaign™ is an international program that aims to improve water quality and promote water conservation. The Water Campaign™ builds the capacity of local government participants to achieve tangible improvements in water management. The Water Campaign™ is delivered within Australia by ICLEI Oceania in collaboration with local and state governments, water authorities and the Federal Government.

The Council at its meeting held on 22 May 2007 (*CJ083-05/07 refers*) resolved to participate in the Water Campaign™ Australia Program. Participation in the Program requires the City to achieve the following milestones:

- Milestone 1: Undertake a water consumption inventory and water quality checklist.
- Milestone 2: Establish a water consumption reduction goal and water quality improvement goal.
- Milestone 3: Develop and adopt a local water action plan.

Milestone 4: Implement policies and measures to work towards integrated water resource management and quantify the benefits that result.

Milestone 5: Monitor and report on water consumption reductions and water quality improvements.

There are two modules of the Water Campaign™:

- Corporate:
 - Improving water management within the City's own operations; and
- Community:
 - Improving water management in both the residential and non-residential Community.

Both modules include the focus areas of water quality and water conservation.

The City has completed both Milestone 1 and 2 and is currently working towards Milestone 3.

DETAILS

Milestone 3 involves the development and adoption of a Local Water Action Plan. However, since the City of Joondalup currently has a number of plans in place relating to both water usage and water quality, ICLEI Oceania has agreed to waive the usual Milestone 3 requirement of creating a Local Water Action Plan. Instead, ICLEI Oceania will accept a Water Actions Summary as meeting the requirements of Milestone 3 as long as it delivers on the following requirements:

- Introduction to context of water management;
- Baseline profile;
- Statement of water management goals;
- Outline of existing actions and policies (implemented before the baseline year);
- Implementation list (actions implemented or to be implemented after the baseline year); and
- Commitment to monitoring and review.

The attached Water Actions Summary delivers these requirements and summarises actions from the following six (6) current City Plans:

- Strategic Plan;
- Environment Plan;
- Biodiversity Action Plan.
- Landscape Master Plan;
- Water Conservation Plan; and
- Greenhouse Action Plan;

Once the Water Action Summary has been endorsed by the Council ICLEI Oceania will award the City Milestone 3.

Issues and options considered:

The Council may decide to:

Option 1: Endorse the attached Water Actions Summary.

It is recommended that Option 1 is supported.

Option 2: Request that the City changes its approach to achieving Milestone 3 and writes a Local Water Action Plan.

ICLEI Oceania has stated that the City meets the requirements for Milestone 3 by writing this Water Actions Summary bringing together all the City's actions relating to water. As the City has committed to a number of actions within the six plans summarised to meet the requirements of Milestone 3 it is considered that writing a Local Water Action Plan is not required.

Link to Strategic Plan:

Undertaking the ICLEI Water Campaign™ relates to the City's key focus area of the Natural Environment; the Actions summarised within the Water Actions Summary meet the following strategies of the Strategic Plan:

- Strategy 2.1.2 The City incorporates further environmental considerations into its planning processes
- Strategy 2.1.3 The City develops and implements a water plan to reduce water consumption
- Strategy 2.1.4 The City implements improved storm water management and water quality processes
- Strategy 2.2.1 The City works closely with external organisation in establishing environmental management and monitoring processes
- Strategy 2.2.2 The City conducts campaigns to raise community awareness about environmental protection and preservation.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Funding to undertake the actions within this Water Actions Summary will be considered during annual budget deliberations. However, it is considered a reduction in water consumption, particularly Corporate water consumption, will reduce costs to the City in the long term.

Policy Implications:

The ICLEI Water Campaign™ links to the Sustainability Policy (1-3).

Regional Significance:

There are 38 local government authorities within Western Australia that are currently undertaking the ICLEI Water Campaign™ with 23 having achieved Milestone 3 or higher. The City of Stirling is working towards Milestone 2 and the City of Wanneroo is currently working towards Milestone 3. Western Australia (as with the rest of Australia) is currently experiencing reduced rainfall and experiencing drought conditions, thus it is important that the City undertakes actions to reduce its water consumption and maintain water quality.

Sustainability Implications:

Facing a drying climate means that the City will encounter challenges in maintaining amenity and conducting its operations with decreased amounts of water. Participating in the ICLEI Oceania Water Campaign™ reiterates the City's commitment to implementing water related sustainability actions. Reducing water consumption will cause the City to become more sustainable and ensure that resources, particularly groundwater resources, are maintained well into the future. Given the City's location between the Yellagonga Regional Park and the Indian Ocean it is important that the City commits to maintaining water quality. If the City does not undertake actions ensuring continuing water quality the health of these important ecosystems will be put at risk.

Consultation:

Not Applicable.

COMMENT

Following the achievement of Milestone 3, the next step is to work towards Milestone 4. This milestone involves implementing the actions summarised and quantifying the benefits that occur.

On 30 June 2009 the Western Australian State Government announced a two month Winter Sprinkler Ban trial. This trial ban will significantly impact upon all Metropolitan Local Governments and, as such, it is important that the City reduces its water consumption.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council:

- 1 ENDORSES the Water Actions Summary, detailed in Attachment 1 to Report CJ155-07/09, which summarises all water related actions from the following plans:**
 - **Strategic Plan;**
 - **Environment Plan;**
 - **Biodiversity Action Plan.**
 - **Landscape Master Plan;**
 - **Water Conservation Plan; and**
 - **Greenhouse Action Plan;**
- 2 NOTES that endorsement of the Water Actions Summary in point 1 above fulfils the requirements of Milestone 3 of the Water Campaign™ Program;**

- 3 NOTES the City's ongoing commitment to maintaining water quality and reducing its water consumption;**
- 4 NOTES that the City has achieved Milestone 2 and was recognised for this at the Australian Local Government Association's National General Assembly in Canberra in June 2009.**

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12agn210709.pdf](#)

CJ156-07/09 GREENWOOD GARDEN AND VERGE COMPETITION

WARD: South-East

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance & Strategy

FILE NUMBER: 87541

ATTACHMENTS: Nil.

PURPOSE/EXECUTIVE SUMMARY

To provide Council with the outcome of the Greenwood Garden and Verge Competition that commenced on April 1, 2009 and closed on Friday May 29, 2009. Of the 9 entrants, the winners for each of the four categories were as follows:

- ↳ **Category 1** – Established Waterwise Garden
Mrs J Meagher, Greenwood
- ↳ **Category 2** – Established Environmentally Friendly Garden
Mr Michael Powell, Greenwood
- ↳ **Category 3** – Beginners Waterwise Garden
Mr Carl Fitzgerald-Bloomer, Greenwood
- ↳ **Category 4** – Beginners Environmentally Friendly Garden
Mrs Clare Murphy, Greenwood.

Given the low level of entries for the competition, and there being no entries for a Street Award, the prizes for the winners are to be awarded at the meeting of Council held on 21 July 2009, instead of holding a celebratory street BBQ, as determined at the meeting of Council on 16 December 2009.

DETAILS

The Greenwood Garden and Verge Competition was developed with the intention of encouraging Greenwood residents to adapt their gardening practices so as to become more environmentally friendly and waterwise.

To that end, the following competition categories were developed:

- ↳ Category 1 – Established Waterwise Garden
- ↳ Category 2 – Established Environmentally Friendly Garden
- ↳ Category 3 – Beginners Waterwise Garden
- ↳ Category 4 – Beginners Environmentally Friendly Garden
- ↳ Category 5 – An overall street award

The competition was formally launched by the Mayor on Wednesday April 1, 2009 at the Penistone Oval Clubrooms, Greenwood with a presentation from the Great Gardens Team. Invitations to the launch with competition information and entry forms were sent to every household in Greenwood. Students from Greenwood Senior High School assisted with the mail out and distribution of flyers as part of the now defunct "Give 20" Program which required that all high school students perform 20 hours of service to their communities to gain the Year 12 Education Certificate on leaving school. Students also assisted at the launch with setting up and dismantling the displays for the Great Gardens Team and with serving refreshments to members of the public.

50 residents attended the launch and 37 provided the following feedback on the workshop:

- ↳ 54% responded to the invitation that they received in the post.
- ↳ 73% have a garden/verge mix of lawn and garden.
- ↳ 83.8% rated the workshop format very good to excellent.
- ↳ 89.2% rated the material/issues covered in the workshop from very good to excellent.
- ↳ 91.9% rated the knowledge/skills of the presenters very good to excellent
- ↳ 91.9% agreed/strongly agreed that they had gained a greater understanding of the 'value' of their front garden, their verge and how they could be improved.
- ↳ 78.3% agreed/strongly agreed that they understood the competition categories and how they could enter.
- ↳ 78.3% agreed/strongly agreed that they understood what they could do to their verges that would fit in with the City's guidelines.
- ↳ 45.9% seriously considered entering the competition.
- ↳ 54% disagreed/strongly disagreed that they had received insufficient information to do something about their verge/gardens.

By the May 29, 2009 closing date for the Competition, nine entries had been received. Each of the four judges, comprising a representative from the Great Gardens Team and three City of Joondalup staff with expertise in garden planning and design, and water conservation and local biodiversity were provided with files containing copies of Competition entries. For the purposes of assessing each entrant against the criteria for the four categories, the judges made independent site visits before a final meeting to decide the winning entrants.

Results of competition

Each category is described below together with commentary from the Judges on the category winner's front garden and verge.

Category 1 – Established Waterwise Garden

To enter this category, an entrant's front garden and verge must have:

- Featured an established selection of plant species with low/nil watering requirements;
- Effective watering methods in place; and,
- Demonstrated gardening practices that would conserve water.

The winner for this category was Mrs J Meagher, Greenwood. The Judges' comments were as follows:

This garden is a lovely display of native species, demonstrating the floral diversity in native species and providing a habitat for local fauna. The plants are well established indicating watering requirement for this garden would be minimal.

The native plants in this garden are waterwise and look great at the same time. The inclusion of some overstorey species, such as some flowering gums, would not only add to the aesthetics of the garden but provide shade and reduce evaporation.

The native plants are well established and aesthetically pleasing, a layer of mulch would help in water retention and developing a good ecological balance within the soil profile.

Category 2 – Established Environmentally Friendly Garden

To enter this category, an entrants' front garden and verge must have:

- Maximised the use of rainwater;
- Featured an established selection of local/native plants;
- Provided food/water for birds through garden design;
- Demonstrated a limited requirement for fertilisers or pesticides; and
- Pose no threat to the local environment.

The winner for this category was Mr Michael Powell, Greenwood. The Judges' comments were as follows:

This garden is both water wise and environmentally friendly. The native species are well established providing a protected environment for the local bird life further enhanced with bird feeding and water readily available.

A key feature of this garden is that waterwise native plants have been used, fertilizing is minimal and that water for the garden is sourced from rainwater. The density and type of vegetation in this garden provides a great residential refuge for wildlife.

A lovely space for both native wildlife and I'm sure for the owners and visitors to the property.

Category 3 – Beginners Waterwise Garden

To enter this category, an entrants' front garden and verge must have:

- Shown progress toward achieving a waterwise garden design/layout;
- Shown new plantings of species with low/nil watering requirements; and
- Demonstrated progress toward putting effective watering methods in place.

The winner for this category was Mr Carl Fitzgerald-Bloomer, Greenwood. The Judges' comments were as follows:

The works carried out at this property demonstrate how an unwanted turf area can be converted into something more visually appealing that saves water at the same time. Once this garden becomes more established it will look great and cool down the property at the same time. The inclusion of a verge tree would provide additional shade and water savings.

A good foundation has been laid in this garden for the development of a well balanced ecosystem. Some upper canopy i.e. some trees would help towards this also. This would also aid in shading the property and reduce house hold cooling costs.

The effort put in by the residents in establishing this garden is a credit to them. The entire lawn has been removed from both the verge and front garden. It will be worth revisiting in 12 months time to view progress.

Category 4 – Beginners Environmentally Friendly Garden

To enter this category, an entrants' front garden and verge must show:

- Feature plantings of local/native plants; and
- Feature plantings of bird attracting species.

The winner for this category was Mrs Clare Murphy, Greenwood. The Judges' comments were as follows:

Though the garden is newly established, the stated environmental aims [in the submission] are good e.g., protecting the house from the afternoon sun to reduce the house temperature. The use of a good mixture of natives will create good habitat for native fauna.

This garden demonstrates a good mix of native and water wise plants and is a good starting off point.

The residents have put some effort into the initial establishment of this garden. As winners of this category hopefully they are encouraged to expand the garden onto the verge which is currently grassed.

Issues and options considered:

At the meeting of Council on 16 December 2008 [C88-12/08 refers], it was decided to modify the Competition model used in the Heathridge Verge Competition as follows:

- Reduce the prize pool to \$2,500;
- Include the front garden as well as the verge in the competition; and
- Introduce a best street award category which would be awarded by a sign in the street and \$500 for a community BBQ for street residents.

Whilst approval had been given to a Street Award Category, no 'Street Award entrants' were received, nor did any of the entrants live in the same street. In these circumstances, a presentation is to be made to the winners at meeting of Council instead, as occurred with the Heathridge Verge Competition.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area:

Objective: Strategy 2.2.2 - The City conducts campaigns to raise community awareness about environmental protection and preservation.

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Encouraging residents to redesign their gardens and verges to be environmentally friendly and waterwise will contribute to local sustainability in the long term.

Consultation:

Not Applicable.

COMMENT

Whilst the previous Heathridge Verge Competition and the Greenwood Garden and Verge Competition have not proven to be cost effective vehicles for enhancing the overall appearance of either suburb, they have undoubtedly contributed to greater community awareness of the value of waterwise and environmentally friendly gardens. This can be attested to given levels of attendance at both launches and continuing interest in Great Gardens Workshops.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council NOTES Report CJ156-07/09 on the Greenwood Garden and Verge Competition and CONGRATULATES the competition winners.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

CJ157-07/09 TENDER 010/09 - SUPPLY, DELIVERY AND IMPLEMENTATION OF A RADIO FREQUENCY IDENTIFICATION AND SELF SERVE LIBRARY SOLUTION

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 88626

ATTACHMENTS: Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Emrich Industries (WA) Pty Ltd for the Supply, Delivery and Implementation of a Radio Frequency Identification (RFID) and Self Serve Library Solution (Tender 010/09).

EXECUTIVE SUMMARY

Tenders were advertised on 21 March 2009 through state wide public notice for the Supply Delivery and Implementation of a RFID and Self Serve Library Solution. Tenders closed on 16 April 2009. Six (6) Submissions were received from:

- Monitor WA Pty Ltd;
- FE Technologies;
- Bibliotheca RFID Library Systems Australia Pty Ltd;
- EnvisionWare Pty Ltd;
- Emrich Industries (WA) Pty Ltd; and
- Tech Logic Corporation.

The submission from Emrich Industries (WA) Pty Ltd represents best value to the City. They offered a simple and intuitive self serve system with a proven track record in both Australian libraries and the Spydus library management system (LMS) used by the City. They demonstrated a comprehensive understanding of the City's implementation requirements and have the capacity to complete the installation within the required timeframe.

It is recommended that Council ACCEPTS the Tender submitted by Emrich Industries (WA) Pty Ltd for the Supply, Delivery and Implementation of a Radio Frequency Identification and Self Serve Library Solution in accordance with the statement of requirements as specified in Tender 010/09 for the fixed lump sum of \$529,695 (GST Exclusive) for completion of a staged installation at the City's four libraries within thirty (30) months from issue of the letter of acceptance.

BACKGROUND

The City installed a new Spydus LMS in its libraries in 2008. The second stage of this improvement in service delivery to the community is the installation of RFID and self serve facilities. This facility enables library patrons to check out their own items, reducing the manual workload on staff and increasing the efficiency of the work-rate at the returns work station and stock taking.

The implementation of the RFID and self serve library solution is proposed to be undertaken one library location at a time in accordance with the following timeline:

Joondalup Library	September 2009 – March 2010
Woodvale Library	July 2010 – December 2010
Whitford Library	January 2011 – June 2011
Duncraig Library	July 2011 – December 2011

DETAILS

Tenders were advertised on 21 March 2009 through state wide public notice for the Supply Delivery and Implementation of a RFID and Self Serve Library Solution. Tenders closed on 16 April 2009. Six (6) Submissions were received from:

- Monitor WA Pty Ltd;
- FE Technologies;
- Bibliotheca RFID Library Systems Australia Pty Ltd;
- EnvisionWare Pty Ltd;
- Emrich Industries (WA) Pty Ltd; and
- Tech Logic Corporation.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Functionality	30%
2	Support Services	25%
3	Degree of Technical Fit	20%
4	Implementation Services	15%
5	Vendor and Product Track Record	10%

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 including the location of each Tenderer is provided in Attachment 1.

This Contract is for a fixed lump sum with completion of the staged installation within thirty (30) months from issue of the letter of acceptance.

Evaluation Summary

Tenderer	Evaluation Score	Price	Qualitative Rank
Emrich Industries (WA) Pty Ltd	80.67%	\$529,695	1
Bibliotheca RFID Library Systems Australia Pty Ltd	73.67%	\$528,626	2
EnvisionWare Pty Ltd	63.33%	\$667,602.79	3
FE Technologies	60%	\$618,840	4
Monitor WA Pty Ltd	58.33%	\$590,500.90	5
Tech Logic Corporation	Late Tender, not considered further		

Emrich Industries (WA) Pty Ltd achieved the highest qualitative score (80.67%) and provided the best fit with the City's technical requirements. The solution offered provides a simple and intuitive self serve system with a proven track record in both Australian libraries and with the City's Spydus LMS. They demonstrated a comprehensive understanding of the City's staged implementation requirements and have the capacity to complete the installation within the required timeframe.

The submission from Bibliotheca RFID Library Systems Australia Pty Ltd was ranked second in the qualitative assessment and first in price. While they offered the lowest price, the system lacks CD/DVD unlocking devices which are an integral component of security. In addition, the system has not been installed with a Spydus LMS and their own testing of the two systems has revealed flaws in functionality. They are accordingly not recommended.

The submissions from all the other Tenderers achieved scores in the range of 58.33% to 63.33%. They offered a reduced level of functionality in comparison to top two ranked submissions and all exceeded the City's project budget.

Issues and options considered:

The installation of a RFID and self serve library solution is required for the second stage of improvement to service delivery to library patrons. The City does not have the internal resources to supply the required goods and services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation

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.

Strategic Plan

Key Focus Area: *Community Wellbeing*

Objective: To facilitate culture, the arts and knowledge within the community.

Policy Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be low as existing library operations will be unaffected, however there is an existing occupational health and safety concern on the volume of transactions being dealt with by library officers. This would continue until a new RFID system is implemented.

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 in RFID system installations in conjunction with the Spydus library management system in Australia.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract 2009/2010	Projected Expenditure on these Services to 30 June 2010	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
\$327,000	\$265,319	\$265,319	\$529,695

The projected expenditure in the first 12 months is for the installation at the Joondalup library and all RFID tagging. The balance of \$264,376 will be budgeted for in the 2010/2011 and 2011/2012 budgets for the remaining three library locations. The Contract sum of \$529,695 is inclusive of the first year maintenance cost for all four (4) libraries. Thereafter the maintenance costs will be part of the ongoing operational budget requirements for each library.

Regional Significance:

Not Applicable.

Sustainability Implications:

The introduction of a RFID and self serve solution to the City's libraries will facilitate improvements in service delivery to library patrons. Patrons will be able to check out their own items, reducing the workload on library staff, who in turn will be able to provide a greater level of customer service to the community.

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 Emrich Industries (WA) Pty Ltd.

While the Offer from Emrich Industries (WA) Pty Ltd was \$1,069 (0.2%) more expensive than that of Bibliotheca RFID Library Systems Australia Pty Ltd, it provides the City with a superior system that is a proven performer in the Australian library environment and the Spydus library management system.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, **SECONDED** Cr Amphlett that Council **ACCEPTS** the Tender submitted by Emrich Industries (WA) Pty Ltd for the Supply, Delivery and Implementation of a Radio Frequency Identification and Self Serve Library Solution in accordance with the statement of requirements as specified in Tender 010/09 for the fixed lump sum of \$529,695 (GST Exclusive) for completion of a staged installation at the City's four libraries within thirty (30) months from issue of the letter of acceptance.

The Motion was Put and **CARRIED (9/0)** by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf140709.pdf](#)

CJ158-07/09 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD 31 MAY 2009

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882

ATTACHMENTS: Attachment A Financial Activity Statement for the period ended 31 May 2009

PURPOSE

The May 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 May 2009 year to date report shows an overall increase in surplus from operations and capital of \$8,814K when compared to the 2008-2009 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$1,890K above budget made up of higher Revenue of \$425K and lower operating expenditure of \$1,465K.

Revenue was primarily above budget in additional Investment Earnings of \$520K arising from a higher level of funds invested and recent returns being above budget estimates.

The operating expenditure was below budget for Materials and Contracts by \$1,703K, mainly in disbursements for Contributions and Donations \$598K and Waste Management Services charges \$311K due to estimated charges being lower than expected. Variances also occurred in Materials Purchases \$294K and Public Relations, Advertising and Promotions \$239K, which are due partly to savings and timing differences. This was partly offset by Employee Costs which were \$(338K) above budget

- The **Capital Revenue and Expenditure** deficit is \$7,027K below budget made up of additional Revenue of \$185K and expenditure being \$6,842K below budget.

Capital Expenditure variances were generally due to delays in works schedules, offset by phasing differences on Vehicle and Plant replacements \$(206K).

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 31 May 2009 forming Attachment A to Report CJ-07/09.

BACKGROUND

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

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 31 May 2009 is appended as Attachment A.

Legislation/Strategic Plan/Policy Implications

Legislation

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.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: Objective 1.3 – To lead and manage the City effectively.

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

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.

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.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council NOTES the Financial Activity Statement for the period ended 31 May 2009 forming Attachment A to Report CJ158-07/09.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf140709.pdf](#)

CJ159-07/09 TENDER 023/09 - SUPPLY AND DELIVERY OF CLAY BRICK PAVERS

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 70628

ATTACHMENTS: Attachment 1 Summary of Tender Submission

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Midland Brick Company Pty Ltd for the Supply and Delivery of Clay Brick Pavers (Tender 023/09).

EXECUTIVE SUMMARY

Tenders were advertised on 16 May 2009 through state wide public notice for the Supply and Delivery of Clay Brick Pavers. Tenders closed on 3 June 2009. One (1) Submission was received from:

- Midland Brick Company Pty Ltd.

Midland Brick is well established and has extensive experience working closely with local and regional councils. The company has been supplying pavers on local government contracts for many decades. Its offer includes after sales service with regular on site representation during construction period, regular follow up visits to monitor the continuing performance of its products and provide appropriate feedback.

It is recommended that Council ACCEPTS the Tender submitted by Midland Brick Company Pty Ltd for the Supply and Delivery of Clay Brick Pavers for a three (3) year period with a further two twelve-month optional extensions in accordance with the statement of requirements as specified in Tender 023/09 at the submitted schedule of rates.

BACKGROUND

The City has a requirement for the supply and delivery of assorted clay brick types to nominated destinations within the City of Joondalup. The bricks shall be ordered on an 'as and when required' basis at the direction of the Superintendent.

To assist the City to meet its operational requirements, the Contractor shall be required to hold in stock at its premises at any time a minimum quantity of each type of brick pavers for emergency purposes.

The City previously had a contract for the supply and delivery of clay brick pavers with Austral Brick Company Pty Ltd and Midland Brick Company Pty Ltd, which expired on 16 June 2009.

DETAILS

Tenders were advertised on 16 May 2009 through state wide public notice for the Supply and Delivery of Clay Brick Pavers. Tenders closed on 3 June 2009. One (1) Submission was received from:

- Midland Brick Company Pty Ltd.

Evaluation Criteria

Qualitative Criteria	Weighting
Capacity	50%
Demonstrated experience in completing similar projects	25%
Demonstrated understanding of the required tasks	20%
Social and economic effects on the local community	5%

Evaluation Panel

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

Tender Submission

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

To provide an indication of estimated expenditure throughout the Contract period (including the option for two additional twelve-month extensions), the total quantity of pavers required per annum, based on historical data, and the rates offered per sq m have been used and incorporating a price escalation based on an average CPI increase of 3.5% compounded, the table below provides the estimated total expenditure over the Contract period.

Respondent	Three (3) years plus two (2) twelve-month extensions Total Five (5) years		
	Evaluation Score	Price	Rank
Midland Brick Company Pty Ltd	86%	\$306,277	1

Issues and options considered:

The City has a requirement for the supply and delivery of assorted clay brick types to nominated destinations within the City of Joondalup. The City does not have the internal resources to supply the required goods and services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation

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.

Strategic Plan:

- 4. The Built Environment
- Objective 4.2 To progress a range of innovative and high quality urban development projects within the City
- Strategy 4.2.6 The City implements, and if necessary, refines its Capital Works Program

Policy

Not Applicable.

Risk Management considerations:

Should the Contract not proceed the risk to the City will high as the City will be unable to complete scheduled works within Operations.

It is considered that the Contract will represent a low risk to the City based on the company's past satisfactory performance and supply.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services from 1 July 2009 to 30 June 2010	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
\$60,000 (Estimate only as no specific budget allocated. This requirement covered by the Capital Works Budget)	\$57,265 (Estimated expenditure 1-Jul-09 to 30-Jun-10)	\$57,265	\$306,277

The projected expenditure on these Goods is subject to change and dependent on the quantity and type of requirements throughout the Contract period. The expenditure over the previous 12 month period (from May 2008 to May 2009) was \$54,000. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$306,277.

Funding for these Goods will be covered by the Capital Works Budget.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Midland Brick scored highly at 86% for its qualitative assessment and was the only Offer received. The company is well established and is located in Middle Swan, WA and has typical stock levels of approximately 50 million bricks and pavers, of which a proportion of these pavers are allocated towards meeting on-going requirements of State and Local Government Supply Contracts. The company has also been supplying pavers for the Town of Vincent since 1997 and recent on-going projects include supply of pavers for the Cities of Wanneroo and Joondalup. The proposed rates when compared with its previous contract rates have increased in the range of 5% to 15%.

Midland Brick operates with an accredited Quality Management System to ISO9001 and has a Health and Safety Policy in place. The company is also registered by NATA.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, **SECONDED** Cr Amphlett that Council **ACCEPTS** the Tender submitted by Midland Brick Company Pty Ltd for the Supply and Delivery of Clay Brick Pavers for a three (3) year period from 1 August 2009 with a further two twelve-month optional extensions in accordance with the statement of requirements as specified in Tender 023/09 at the submitted schedule of rates.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf140709.pdf](#)

CJ160-07/09 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	09882
ATTACHMENTS:	Attachment A CEO's Delegated Municipal Payment List for the month of May 2009 Attachment B CEO's Delegated Trust Payment List for the month of May 2009 Attachment C Municipal and Trust Fund Vouchers for the month of May 2009

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of May 2009 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of May 2009 totalling \$9,596,031.00.

It is recommended that Council NOTES the CEO's list of accounts for May 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 CJ160-07/09, totalling \$9,596,031.00.

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 May 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 84050 -84280 and EF 6211 - 6704 Net of cancelled payments	\$6,659,104.11
	Vouchers 538A – 539A & 542A -546A	\$2,900,681.13
Trust Account	Cheques 202772 - 202834 Net of cancelled payments	\$36,245.76
Total		\$9,596,031.00

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation

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.

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy

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

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.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

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.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council NOTES the CEO's list of accounts for May 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 CJ160-07/09, totalling \$9,596,031.00.

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf140709.pdf](#)

CJ161-07/09 TENDER 001/09 - PROVISION OF IRRIGATION ELECTRICAL SERVICES

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	72622
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Triton Electrical Contractors for the Provision of Irrigation Electrical Services (Tender 001/09).

EXECUTIVE SUMMARY

Tenders were advertised on 16 May 2009 through state wide public notice for the Provision of Irrigation Electrical Services. Tenders closed on 3 June 2009. Four (4) Submissions were received from:

- Fluid Electrical Pty Ltd;
- Triton Electrical Contractors;
- Northlake Electrical Pty Ltd; and
- SMB Electrical Services Pty Ltd.

The submission from Triton Electrical Contractors represents best value to the City. They demonstrated a thorough understanding of the requirements, have personnel with extensive experience in irrigation electrical services and have the capacity to meet the City's required timeframes.

It is recommended that Council ACCEPTS the Tender submitted by Triton Electrical Contractors for the Provision of Irrigation Electrical Services for a three (3) year period in accordance with the statement of requirements as specified in Tender 001/09 at the submitted schedule of rates.

BACKGROUND

This requirement is for the supply, installation, inspection, maintenance, repair and modification of irrigation electrical cubicles, control switchboards and cabling servicing.

The location of the works will be to all parks and streetscapes within the City. There are approximately 300 irrigated parks with irrigation cubicles which may require repair work or modification over the Contract period. The City constructs, on average, three to five irrigation systems per year which require the installation of new pumps, cubicles, cabling and electrical equipment.

The City has not previously called a Tender for this requirement, as expenditure was less than the Tender threshold of \$100,000. With the increased number of irrigation electrical systems being installed and maintained, the City has now been required to call a Tender.

DETAILS

Tenders were advertised on 16 May 2009 through state wide public notice for the Provision of Irrigation Electrical Services. Tenders closed on 3 June 2009. Four (4) Submissions were received from:

- Fluid Electrical Pty Ltd;
- Triton Electrical Contractors;
- Northlake Electrical Pty Ltd; and
- SMB Electrical Services Pty Ltd.

Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Demonstrated experience in completing similar services	40%
2	Capacity	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Evaluation Panel

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

Tender Submissions

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

To provide an estimated expenditure over a twelve (12) month period the most commonly used items and their typical usage based on historical data have been used and the table below provides a comparison of the estimated expenditure. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The costs for years' two and three were calculated on a CPI increase of 3.5% compounded over the two year period.

The estimated cost for each Tenderer based on historical data and commonly used items is as follows:

Tenderer	Estimated Contract Cost (Exclusive of GST)			
	Year 1	Year 2	Year 3	Total
Fluid Electrical Pty Ltd	\$168,720	\$150,635	\$132,618	\$451,973
Triton Electrical Contractors	\$138,000	\$118,840	\$99,709	\$356,549
Northlake Electrical Pty Ltd	\$147,600	\$128,776	\$109,990	\$386,366
SMB Electrical Services	\$200,400	\$183,424	\$166,556	\$550,380

During the last financial year 2008/09, the City incurred \$79,904 for the provision of irrigation electrical services and is expected to incur in the order of \$357,000 over the three (3) year Contract period.

Evaluation Summary

Tenderer	Evaluation Score	Estimated Contract Price	Qualitative Rank
Fluid Electrical Pty Ltd	83%	\$451,973	1
Triton Electrical Contractors	82.3%	\$356,549	2
Northlake Electrical Pty Ltd	65%	\$386,366	3
SMB Electrical Services	63.5%	\$550,380	4

Triton Electrical Contractors was ranked second in the qualitative assessment and first in price. They demonstrated a thorough understanding of the City's requirements and have highly experienced personnel specialising in electrical irrigation and pump systems. While they were ranked second in qualitative scoring, their rates were lower than all other Tenderers and represented best value to the City. The panel has confidence in their ability to complete the services to the required standards.

Fluid Electrical Pty Ltd achieved the highest qualitative score of 83%, but ranked third in price. They are a highly experienced company specialising in electrical irrigation and pump systems and demonstrated a thorough understanding of the requirements. However, they were 26.8% more expensive than Triton Electrical Contractors and their offer exceeded the City budget for this requirement.

The submissions from Northlake Electrical Pty Ltd and SMB Electrical Services achieved scores of 65% and 63.5% respectively. Both have the capacity to meet the City's requirements, however Northlake Electrical Pty Ltd did not adequately address their understanding of the requirements and SMB Electrical Services did not demonstrate sufficient experience in providing similar services to other organisations. Both were more expensive than Triton Electrical Contractors and the additional cost could not be justified.

Issues and options considered:

Irrigation electrical services are required for the installation, maintenance and repair of irrigation systems within the City's parks and streetscapes. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of 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.

Strategic Plan

Key Focus Area: *The natural environment*

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

Policy 6.1 Reserves, Parks and Recreation Grounds.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be moderate. The City requires the services for the electrical maintenance of irrigation systems within the City's parks and streetscapes. If systems break down, the parks and streetscapes will be without irrigation which may reduce the quality of playing surfaces and aesthetic quality of streetscapes.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a company with highly experienced personnel specialising in irrigation electrical services with the capacity to provide the services in the required timeframes.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract 2009/2010	Projected Expenditure on these Services to 30 June 2010	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
\$160,000	\$138,000	\$138,000	\$356,549

The budget for this requirement is split between operational maintenance and the park development plan (PDP) of the City's five (5) year Capital Works Programme. The operational maintenance allocation is \$80,000 for 2009/2010 with the remaining \$80,000 comprising of capital works from projects PDP2002, PDP2003 and PDP2004.

Regional Significance:

Not Applicable.

Sustainability Implications:

The maintenance of reticulation systems is essential in the efficient management of the City's water resources. The City has more than 300 irrigated parks and public open spaces. The provision of efficient maintenance and repair services to irrigation systems will maintain and enhance the quality of these areas used by the community.

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 Triton Electrical Contractors.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman, SECONDED Cr Young that Council ACCEPTS the Tender submitted by Triton Electrical Contractors for the Provision of Irrigation Electrical Services for a period of three (3) years from 1 August 2009 in accordance with the statement of requirements as specified in Tender 001/09 at the submitted schedule of rates.

The Motion was Put and

CARRIED (9/0)

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

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf140709.pdf](#)

CJ162-07/09 TENDER 013/09 - PROVISION OF LANDSCAPE SERVICES - HARBOUR RISE ESTATE, HILLARYS

WARD:	South-West
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	68628
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by Palmgate Nominees Pty Ltd T/as Newscape Contractors for the Provision of landscape Services – Harbour Rise Estate, Hillarys (Tender 013/09).

EXECUTIVE SUMMARY

Tenders were advertised on 16 May 2009 through state wide public notice for the Provision of Landscape Services – Harbour Rise Estate, Hillarys for a period of three (3) years for a fixed lump sum. Tenders closed on 3 June 2009. Six (6) Submissions were received from:

- Palmgate Nominees Pty Ltd T/as Newscape Contractors;
- Sanpoint Pty Ltd T/as Landscape Development;
- Tim Davies Landscaping;
- Environmental Industries Pty Ltd;
- DME Contractors; and
- Landscape Elements.

The submission from Palmgate Nominees Pty Ltd T/as Newscape Contractors represents best value to the City. They demonstrated a thorough understanding of the requirements, experience in undertaking similar services and the capacity to meet the service levels required by the City.

It is recommended that Council ACCEPTS the Tender submitted by Palmgate Nominees Pty Ltd T/as Newscape Contractors for the Provision of Landscape Services – Harbour Rise Estate, Hillarys for a three (3) year period in accordance with the statement of requirements as specified in Tender 013/09 for the fixed lump sum of \$315,029 (GST Exclusive).

BACKGROUND

This requirement is for the provision of landscaping services for the public open space and landscaped areas within the Harbour Rise Estate in Hillarys. The scope of work includes but is not limited to the following activities:

- Mowing and edging of turf;
- Upkeep of established garden beds and pruning of plants;
- Restoration of established garden beds; and
- Removal of rubbish and litter.

The City had a previous single Contract for the provision of landscape services within the Harbour Rise Estate in Hillarys which was terminated In February 2009. This requirement is part of a special area rates agreement with the Harbour Rise Home Owners Association.

DETAILS

Tenders were advertised on 16 May 2009 through state wide public notice for the Provision of Landscape Services – Harbour Rise Estate, Hillarys for a period of three (3) years for a fixed lump sum. Tenders closed on 3 June 2009. Six (6) Submissions were received from:

- Palmgate Nominees Pty Ltd T/as Newscape Contractors;
- Sanpoint Pty Ltd T/as Landscape Development;
- Tim Davies Landscaping;
- Environmental Industries Pty Ltd;
- DME Contractors; and
- Landscape Elements.

Evaluation Criteria

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

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

Evaluation Panel

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

Tender Submissions

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

Evaluation Summary

Tenderer	Evaluation Score	Contract Price	Qualitative Rank
Palmgate Nominees Pty Ltd T/as Newscape Contractors	81.5%	\$315,029	1
Sanpoint Pty Ltd T/as Landscape Development	72.4%	\$397,692	2
Tim Davies Landscaping	69.1%	\$577,032	3
Environmental Industries Pty Ltd	60.1%	\$157,824	4
DME Contractors	48.5%	\$262,162	5
Landscape Elements	36.2%	\$771,361	6

Palmgate Nominees Pty Ltd T/as Newscape Contractors was ranked first in the qualitative assessment and third in price. They demonstrated experience in undertaking similar services for the Cities of Wanneroo and Rockingham and other organisations, a thorough understanding of the requirements and have the capacity to meet the service standards required. The man hours they allocated to the contract are of an appropriate level.

The submissions from Sanpoint Pty Ltd T/as Landscape Development and Tim Davies Landscaping achieved scores of 72.4% and 69.1% respectively. Both demonstrated a good understanding of the requirements and have the capacity and experience to complete the services to the standards required, however both exceeded the budget for the requirement.

Environmental Industries were ranked fourth in qualitative score and first in price. While they demonstrated an adequate level of experience and sufficient capacity to undertake the services, they allocated less than half the man hours of Palmgate Nominees Pty Ltd T/as Newscape Contractors. The evaluation panel considers this allocation of man hours representative of a lack of understanding of the requirements and has strong reservations regarding the ability of the Tenderer to meet the required service standards.

DME Contractors was ranked fifth in qualitative assessment and second in price. They did not provide a response demonstrating an understanding of the requirements and provided insufficient information to assess their experience. While they were 16.8% less expensive than Newscape Contractors, they allocated double the man hours considered necessary to meet the service standards required. The evaluation panel does not have confidence in their understanding of the requirements and considers that they may represent a higher risk to the City if awarded the Contract.

Landscape Elements was ranked last in both qualitative score and price. They did not demonstrate an understanding of the requirements, provided insufficient information supporting their experience and capacity and did not allocate adequate man hours to meet the service standard required. Their price was 145% more expensive than Newscape Contractors and exceeded the allocated budget,

Issues and options considered:

Landscape services for the Harbour Rise Estate in Hillarys are the subject of a special area rates agreement between the City and the Harbour Rise Home Owners Association. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of 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.

Strategic Plan

Key Focus Area: *The built environment*

Objective: To ensure high quality urban development within the City.

Policy Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be moderate. The City does not have the internal resources to maintain the area to the standards set out in the agreement between the City and the Harbour Rise Home Owners Association.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with experience supplying similar services to other local governments and organisations and has the resources to meet the City's requirements.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract 2009/2010	Projected Expenditure on these Services to 30 June 2010	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
\$116,988	\$91,628	\$99,958	\$315,029

Harbour Rise is a special area rate estate, which contributes 40% to the cost of the landscape service in the area.

Regional Significance:

Not Applicable.

Sustainability Implications:

The provision of landscape services to the Harbour Rise estate will enhance the amenity of the public open space for its residents and the community.

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 Palmgate Nominees Pty Ltd T/as Newscape Contractors.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council ACCEPTS the Tender submitted by Palmgate Nominees Pty Ltd T/as Newscape Contractors for the provision of landscape Services – Harbour Rise Estate, Hillarys for a period of three (3) years in accordance with the statement of requirements as specified in Tender 013/09 for the fixed lump sum of \$315,029 (GST Exclusive).

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf140709.pdf](#)

CJ163-07/09 DRAFT COMMUNITY SAFETY AND CRIME PREVENTION PLAN

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 66581

ATTACHMENTS: Nil.

PURPOSE

To seek Council authority to submit the Draft Community Safety and Crime Prevention Plan (the Plan) to the Community Safety and Crime Prevention Advisory Committee for its comment.

EXECUTIVE SUMMARY

The draft Plan has been prepared to meet both the City's objectives, as identified in the Strategic Plan 2008-2011, and to address the City's obligations under its partnership agreement with the Office of Crime Prevention (OCP). The Plan draws together the programs and services being provided by the City of Joondalup or its participating

stakeholders that mitigate or deter antisocial and criminal behaviour and provides a holistic view of the approaches and intentions of these programs.

The draft Plan has been developed with input from two workshops. The next step is to submit the draft Plan to the Community Safety and Crime Prevention Advisory Committee for comment.

It is recommended that Council ENDORSES submission of the draft Community Safety and Crime Prevention Plan to the Community Safety and Crime Prevention Advisory Committee for comment.

BACKGROUND

The City's current Strategic Plan 2008-2011 mandates the development of a "Community Safety Plan" under Strategy 5.4.1. Since adopting the Strategic Plan, the City has entered into a partnership agreement with the Office of Crime Prevention (OCP), which took place in March 2008.

The partnership provides the City with access to resources from the OCP to assist in the development of a Community Safety and Crime Prevention Plan (CSCPP), including:

- the provision of crime statistics specific to the City; a framework for outlining the structure and content of the Plan;
- access to an OCP Officer to assist in developing the Plan in accordance with the principles of the partnership agreement; and
- the provision of templates to assist in undertaking effective community consultation as part of the drafting process.

Most importantly, the partnership allows for access to funding from the OCP to deliver community safety and crime prevention programs at a local level. However, access to funding is dependent upon the development and adoption of a Plan by the City and having it approved by the OCP. Approval is based on the Plan's appropriateness and congruence with the partnership agreement principles.

DETAILS

Issues and options considered:

The City has now developed a draft Plan with input from partner stakeholders and relevant internal Business Units. Two workshops were held to gather information for populating the content of the draft Plan, which included:

- 1 A workshop to determine projects and programs currently coordinated by the City which relate to community safety and crime prevention.
- 2 An external workshop held with organisations and agencies that the City will be partnering with to deliver programs and projects relating to community safety and crime prevention. Many stakeholders were invited to attend the workshop, and the following were present on the day:
 - WA Police
 - Public Transport Authority
 - Lakeside Shopping Centre
 - Department of Justice
 - Department of Community Development
 - Department of Education; and

- Office of Crime Prevention

Legislation/Strategic Plan/Policy Implications

Legislation

The City has obligations under a number of pieces of legislation that cover the broad ambit of community safety and crime prevention such as the Health Act, Bush Fires Act etc. The draft Plan and the partnership agreement with the OCP however, are principally covered by the Local Government Act 1995. The role of the local government is to either, provide, facilitate or tacitly support services or programs which encourage or promote a safer community. This plan identifies those areas where services or programs are being provided or supported.

Strategic Plan

Key Focus Area: Community Wellbeing

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

Policy

Not Applicable.

Risk Management considerations:

The management of risk in community safety and crime prevention is potentially very large and complex. In the context of the Plan, each program or service has been individually risk assessed and suitable treatment plans are in place. The benefit of putting the existing programs and services into an over arching strategic document is that parallel or divergent risks can be identified and suitable amendments made to treatment plans which enhance the effectiveness of these programs and services.

If the Plan is not adopted there is the potential that individual programs will continue to be treated in isolation without understanding the potential for overlapping benefits. One considerable benefit that could be lost is the ability to bid for state or federal funding arising from the capacity to demonstrate a whole of community approach to community safety and crime prevention.

Financial/Budget Implications:

Each program or service is independently subject to the normal budget process of the Council. The OCP as part of its partnership with the City from which this Plan derives has provided once off development funding of \$10,000 and agreed to provide \$1200 in annual funding as an administration grant to support the adoption and continued development of the plan.

Regional Significance:

The Plan has elements that have influence outside of the district. The two most notable elements are the WA Police whose regional representation encompasses both cities of Joondalup and Wanneroo. The second element is the Neighbourhood Watch program which is a state wide group operated by the WA Police. Over time, there is the potential for individual programs to be aligned with programs being run in neighbouring local governments.

Sustainability Implications:

Not Applicable.

Consultation:

Work shops have taken place with city staff and external stakeholders. The draft Plan was presented to the Elected Members at a Strategy session on 7 July 2009. The next step in the development of the Plan is for the Community Safety and Crime Prevention Advisory Committee to have the opportunity to comment prior to Council inviting public comment on the draft Plan.

COMMENT

The Plan draws together the programs and services being provided by the City of Joondalup or its participating stakeholders that mitigate or deter antisocial and criminal behaviour and provides a holistic view of the approaches and intentions of these programs. Following the Community Safety and Crime Prevention Advisory Committee consideration of the Plan it is proposed to advertise and invite public comment on the draft Plan.

Following input from the public submissions and feedback, the draft Plan will be submitted to Council for adoption.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Young that Council ENDORSES submission of the draft Community Safety and Crime Prevention Plan to the Community Safety and Crime Prevention Advisory Committee for comment.

Discussion ensued.

The Motion was Put and

CARRIED (8/1)

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

CJ164-07/09 DECLARATION FOR THE EXTENSION OF THE MITCHELL FREEWAY

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	02804 04013 05763 06763 09131 37219 42015 42421 43932 44356 44431 59093 72619 81001 85471 02416
ATTACHMENTS:	Attachment 1 Main Roads Western Australia Drawings No. 0921-378-01 Attachment 2 Photograph of earth mound at Shenton Avenue Interchange

PURPOSE

To seek Council's agreement to the proclamation of a section of the Mitchell Freeway and its associated ramps and paths as 'Highways'. As well as Council's endorsement on amended Main Roads WA drawings previously endorsed by Council, now including path details.

EXECUTIVE SUMMARY

The City has received a letter from Main Roads WA advising that it intends to formalise responsibility for the section of Mitchell Freeway and its' associated ramps from Hodges Drive to Burns Beach Road. The Commissioner of Main Roads intends making a recommendation to the Hon Minister for Transport to proclaim the Road and ramps as 'Highways' in accordance with Section 13 of the Main Roads Act 1930 and thus formalise their responsibility. The new paths associated with the Mitchell Freeway will be included in this proclamation.

The section of Mitchell Freeway proposed for proclamation as a Highway is shown on Main Roads Western Australia Drawings No. 0921-378-01 (identified in Proclamation Plan at Attachment 1). Copies of the individual drawings have been placed in the Councillors' Reading Room.

Main Roads Western Australia also request that their modified Drawings No. 0921-0379-00, 0921-0380-00, 0921-0381-00 0921-0382-00, 0921-0383-00 and 0921-0386-00 (identified in Proclamation Plan at Attachment 1) detailing the two previous proclamations for Freeway extensions but now incorporating path details are also to be endorsed by Council. Main Roads Western Australia acknowledges that it does not intend to re-gazette these drawings for the Freeway south of Hodges Drive.

Main Roads WA has provided drawings which it requests be endorsed with the Chief Executive Officer's Signature and Date.

It is recommended that Council, subject to the removal of the large earth mound of material between the northbound offramp and the Mitchell Freeway at the Shenton Avenue interchange:

- 1 *AGREES with the proposal submitted by Main Roads WA to proclaim the section of Mitchell Freeway from Hodges Drive to Burns Beach Road as a Highway as detailed on Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00;*
- 2 *AUTHORISES the Chief Executive Officer to endorse Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00 for this present proclamation and to endorse Drawing Numbers 0921-0379-00, 0921-0380-00, 0921-0381-00 0921-0382-00, 0921-0383-00 and 0921-0386-00 for previous proclamations.*

BACKGROUND

Although this section of Freeway was opened to traffic in November 2008, it had not been proclaimed as a Highway. The purpose of the proclamation is to formalise Main Roads WA's responsibility for the care, control and management of the road associated ramps and paths. Prior to recommending to the Minister for Planning and Infrastructure that the declaration proceed, the Commissioner of Main Roads WA has requested Council's formal endorsement of the proposal as part of the proclamation process.

The previous two Proclamations for the Mitchell Freeway, the first in 1986 Beach Road to Ocean Reef Road, the second in 2002 Ocean Reef Road to Hodges Drive, did not include the paths as the relevant digital location data was not available at the time. Main Roads Western Australia has now included the path network details on their drawings and wish Council to endorse the modified drawings.

DETAILS

Main Roads WA is the State Government authority responsible for the management of State Roads in Western Australia. Main Roads WA manages and maintains these "declared Main Roads" which are the primary transport routes on the road network, such as Wanneroo Road, Marmion Avenue south of Ocean Reef Road and the Mitchell Freeway. The purpose of this declaration is to enable Main Roads WA to incorporate the section of the Mitchell Freeway between Hodges Drive and Burns Beach Road into the remainder of the Freeway and Highway network.

Main Roads Western Australia has supplied two copies of each drawing. If Council agrees with this proclamation both copies will be signed by the Chief Executive Officer with one set kept for Council records the other returned to the Main Roads Western Australia with a copy of the Council's resolution of the proclamation. Following proclamation, a copy of the final drawings showing gazettal details will be sent to Council for final recording.

Issues and options considered:

The following issue is worthy of note:

As a consequence of the proclamation, Main Roads Western Australia becomes the sole provider for these roads and is therefore responsible for all maintenance, refurbishment and construction works on the Freeway. This then relieves the City of any potential responsibility.

Legislation/Strategic Plan/Policy Implications

Legislation The proclamation of the Highway is in accordance with Section 13 of the Main Roads Act 1930.

Strategic Plan

Key Focus Area: Not Applicable.

Objective: Not Applicable.

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

There are no financial or budget implications for Council as Main Roads Western Australia becomes the sole provider of the road and is therefore responsible for all maintenance, refurbishment and construction works on the Freeway.

Regional Significance:

The Mitchell Freeway is the major north-south arterial road to the north of the Perth CBD.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Main Roads WA has provided two sets of plans showing the Mitchell Freeway carriageway, ramps and path details from Hodges Drive to Burns Beach Road. These plans Drawings No. 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-0 are to be endorsed with the Chief Executive Officer's signature and dated. One set is to be returned with a copy of the Council resolution to Main Roads Western Australia. The other drawing set is to be kept by the City as a temporary record until completion of the proclamation when a final drawing set with gazettal details will be sent to the City for its records.

Main Roads WA has also provided two sets of plans showing the Mitchell Freeway carriageway, ramps and path details from Beach Road to Hodges Drive. These plans Drawings No. 0921-0379-00, 0921-0380-00, 0921-0381-00 0921-0382-00, 0921-0383-00 and 0921-0386 -00 are to be endorsed with the Chief Executive Officer's Signature and dated. One set is to be returned to Main Roads Western Australia, the other drawing set is to be kept by the City for its records. These are the modified drawings of previous proclamations that now show path details and so require Council Endorsement.

The City has also been monitoring the completion of works associated with the Freeway since the section north of Hodges Drive was opened. In particular there is a mound of earth material between the northbound off ramp and the Freeway at the Shenton Avenue interchange (see attached photograph). The size and height of the mound appears out of context with the rest of the works and is possibly spoil left by the contractors to avoid transporting away.

It is the City's opinion that this should not have been left and it is recommended that the Council's support of the proclamation of the Freeway be dependant on the removal of the mound.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council, subject to the removal of the large earth mound between the northbound offramp and the Mitchell Freeway at the Shenton Avenue interchange:

- 1 AGREES with the proposal submitted by Main Roads WA to proclaim the section of Mitchell Freeway from Hodges Drive to Burns Beach Road as a Highway as detailed on Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00;**
- 2 AUTHORISES the Chief Executive Officer to endorse Main Roads Drawing Numbers 0921-378-01, 0921-083-00, 0921-0384-00 and 0921-0385-00 for this present proclamation and to endorse Drawing Numbers 0921-0379-00, 0921-0380-00, 0921-0381-00 0921-0382-00, 0921-0383-00 and 0921-0386-00 for previous proclamations.**

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendices 19 and 23 refer

To access this attachment on electronic document, click here: [Attach19brf140709.pdf](#)

[Attach23agn210709.pdf](#)

CJ165-07/09 TAMALA PARK COASTAL RESERVE TENURE AND MANAGEMENT

WARD:	North	
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services	
FILE NUMBER:	67625	
ATTACHMENTS:	Attachment 1	Burns Beach Reserve Numbers 38526 and 47831
	Attachment 2	Extract of Revised Burns Beach Foreshore Management Plan
	Attachment 3	Letter from Western Australian Planning Commission

PURPOSE

To seek Council's confirmation that the City of Joondalup will maintain responsibility for the coastal strip reserves bordering the proposed Regional Park.

EXECUTIVE SUMMARY

In August 2005, the Council considered a revised Burns Beach Foreshore Management Plan and resolved that it not accept the vesting for the narrow strip of coastal land between the proposed residential development and the existing Coastal Reserve No 47831.

In November 2008 the Council supported a report from the City of Wanneroo for a proposed regional park north of Burns Beach and south of Mindarie.

The Western Australian Planning Commission is now progressing an establishment plan for the park and through the Tamala Park Community Advisory Committee has sought Council's in principle agreement to maintain the management of the coastal strip reserves.

BACKGROUND

Suburb/Location:	Burns Beach Reserve Numbers 38526 and 47831 refer Attachment 1 to this Report	
Applicant:		
Owner:	Crown, City of Joondalup Management Order (2000 and 2004 respectively, originally gazetted 1984 and 1930 respectively).	
Zoning:	DPS:	Parks and Recreation
	MRS:	Parks and Recreation (Bush Forever)
Site Area:	17 hectares, note the 124 hectares referred to in the letter includes the whole of Reserve 47831 which extends from Burns Beach to Marmion.	

It was resolved at the Ordinary Meeting of Council held on 15 March 2005, when considering the draft Burns Beach Foreshore Management Plan, that Council:

- "6 *ADVISES the Western Australian Planning Commission that the Council will not accept the vesting for the foreshore adjacent to the southern part of the Burns Beach Structure Plan area;*"

It was further resolved at the Ordinary Meeting of Council held on 9 August 2005 that Council:

- “4 REAFFIRMS its decision of 15 March 2005 (CJ037-03/05 refers) to the Western Australian Planning Commission that Council does not accept vesting of the foreshore reserve abutting the developable portion of the Burns Beach Structure Plan No 10 area;”

The land referred to in the reports was the narrow strip of coastal land between the residential development and the existing Coastal Reserve No 47831. This is marked in red on Attachment 2.

The Burns Beach Foreshore Management Plan requires the path to follow the road alignment within the residential development rather than the foreshore.

Council at its Ordinary Meeting of 25 November 2008 resolved that:

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

The City has since met with the Western Australian Planning Commission to discuss the potential routes for the proposed path. The preferred route at the meeting was not to follow the coast mainly due to engineering difficulties however the final route is yet to be detailed.

The City is now in receipt of a letter from the Western Australian Planning Commission seeking Council's in principle agreement to the management of the coastal reserves being retained by the City, refer Attachment 3 to this Report.

DETAILS

The major issue related to the request is the City's retention of the Management Orders for the coastal reserves north of Burns Beach and within the City's boundaries.

Issues and options considered:

There are two options as follows:

Option 1:

Provide in principle support – the Department of Environment and Conservation has advised the City that maintenance of coastal reserves as part of regional parks is not their core business and their preference is that these reserves remain with the City. Typically, coastal reserves may have beaches, cafes, parking facilities and public toilets for use by the public which are not typical in regional parks, especially those created for conservation purposes with minimal budgets as will be the case with this regional park proposal. Furthermore Reserve No 47831 includes the power to lease, consequently if Council chooses to support commercial development of this Reserve, it can.

Option 2:

Do not provide in principle support – the Council has resolved that it supports the construction of the shared path connecting Burns Beach to Mindarie provided all costs (maintenance and construction) are borne by the Department of Environment and Conservation. The Council has resolved that it does not accept vesting of the land between the Burns Beach residential development and the existing Foreshore Reserve No 47831.

It could be perceived that the retention of the Maintenance Orders for the coastal reserves is to pass the responsibility for the path to the local authorities consequently it is recommended that any in principle support includes conditions that the costs for the path are retained by the Department of Environment and Conservation or State Government. There is also the opportunity to revoke all or part responsibility of coastal reserves north of Burns Beach Park (Reserve No 42219). The Coastal Reserve No 47831 is coloured olive and green on Attachment 2.

Finally, the City has recently encountered difficulties with the State Government accepting responsibility for the removal of a dead whale carcass. If the Council does not accept vesting of the coastal reserves, then this responsibility will become the Government's for these areas.

Legislation/Strategic Plan/Policy Implications

Legislation The creation of Management Orders for crown land is in accordance with the Land Administration Act 1997 and Transfer of Land Act 1893.

Strategic Plan Objective 2.2 To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.
Strategy 2.2.3 The City undertakes actions to protect and rehabilitate its natural bushland and coastal environment and works closely with Friends and local environmental groups to achieve these outcomes.

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The maintenance and development of the City's coastal reserves is considered in the Annual Budget process.

Account No:	1 633 P3025 0000, 1 633 N3025 0000
Budget Item:	Parks and Natural Areas Maintenance
Budget Amount:	\$64,380
YTD Amount:	\$0
Actual Cost:	\$0

Regional Significance:

The proposed outcome is a regional park between Burns Beach and Mindarie for the purposes of conservation.

Sustainability Implications:Environmental

The proposal supports the protection of natural assets and retains local biodiversity.

Social

The proposal maintains community access and amenity to the coastal strip.

Economic

The inclusion of the 144 hectares of Lot 3000 into the regional park will reduce the budget by the potential maintenance costs of this land into the future. The maintenance cost will be transferred to the State Government.

Consultation:

The consultation of this project is being conducted by the Tamala Park Community Advisory Committee which is part of the Western Australian Planning Commission.

COMMENT

It is the City's view that the Management Orders for the coastal reserves north of Burns Beach were originally accepted by the Council of the day for good reason, consequently they should be retained to ensure that public access and amenity are also retained. In consideration of the Council's previous requirement to defray the costs associated with the proposed path connecting Burns Beach, it is also recommended that this position is reiterated in the advice to the Western Australian Planning Commission along with a preference that the path does not follow the coast.

However, there is also the question of what value the land may add to the City of Joondalup and will that value ever be realised or will it become a financial millstone. Finally, there is consideration of the benefits of the two coastal reserves in isolation. Reserve No 47831 follows the coast and is a narrow strip. It also has power to lease. Reserve No 38526 seem to have been created to simply widen the coastal reserve. It does not have power to lease. It is therefore recommended that the Western Australian Planning Commission and the Tamala Park Community Advisory Committee be advised that Council wishes to retain the Management Order on Reserve No 47831 and not Reserve No 38526 and this land should be included within the proposed Regional Reserve currently known as Lot 3000.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That:

- 1 the Western Australian Planning Commission and the Tamala Park Community Advisory Committee be ADVISED that Council provides in principle agreement to maintain the Coastal Crown Reserve No 47831 in accordance with the current Management Order;
- 2 the support for retention of the Management Order is conditional on the State Government confirming that the costs for the construction and maintenance of the proposed path will be borne by the Department of Environment and Conservation or the State Government and the path route will not be on the Coastal Reserve No 47831;
- 3 the Western Australian Planning Commission and the Tamala Park Community Advisory Committee be ADVISED that Council DOES NOT provide in principle agreement to maintain the Coastal Crown Reserve, No 38526;
- 4 Council REQUESTS that the Management Order for Reserve No 38526 be divested from the City of Joondalup;
- 5 details of this decision be CONVEYED to the City of Wanneroo and Tamala Park Regional Council.

MOVED Cr Hollywood, SECONDED Cr McLean that:

- 1 the Western Australian Planning Commission and the Tamala Park Community Advisory Committee be ADVISED that Council provides in principle agreement to maintain the Coastal Crown Reserve No 47831 in accordance with the current Management Order;
- 2 the support for retention of the Management Order is conditional on the State Government confirming that the costs for the construction and maintenance of the proposed path will be borne by the Department of Environment and Conservation or the State Government, the path route will not be on the Coastal Reserve No. 47831 and that the path route will be a direct connection between the existing path network along the coastline;
- 3 the Western Australian Planning Commission and the Tamala Park Community Advisory Committee be ADVISED that Council DOES NOT provide in principle agreement to maintain the Coastal Crown Reserve, No 38526;
- 4 Council REQUESTS that the Management Order for Reserve No 38526 be divested from the City of Joondalup;
- 5 details of this decision be CONVEYED to the City of Wanneroo and Tamala Park Regional Council.

The Motion was Put and**CARRIED (9/0)****In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Macdonald, McLean, Norman and Young*Appendix 20 refers**To access this attachment on electronic document, click here: [Attach20agn210709.pdf](#)*

**CJ166-07/09 TRAFFIC MANAGEMENT - CONNOLLY DRIVE,
KINROSS**

WARD:	North
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	09189
ATTACHMENTS:	Attachment 1 Proposed intersection treatments Connolly Drive Duplication project

PURPOSE

To inform Council of the traffic management requirements for the duplication of Connolly Drive, Kinross.

EXECUTIVE SUMMARY

Connolly Drive between Burns Beach Road and MacNaughton Crescent is currently being upgraded from a single carriageway two lane road to a dual carriageway four lane road. The 1.5 km project will connect Burns Beach Road to the existing Connolly Drive dual carriageway north of MacNaughton Crescent.

The traffic management design elements for the project as shown on Attachment 1 include traffic signals at Selkirk Drive and dual lane roundabouts at the remaining intersections. The road alignment consists of a median separated four lane road with sealed shoulders. The traffic treatments, road signage and pavement line marking have been designed by consultant engineers in accordance with Austroads guidelines and Main Roads WA standards.

The Traffic Management Plan for the construction of dual carriageway project details the traffic management requirements including a risk assessment analysis for the project. The construction work will be undertaken over a sixteen week period. It is anticipated that the road works will be completed during September 2009.

A post construction traffic analysis including a seven day traffic count survey and an independent Road Safety Audit (RSA) will be undertaken once the dual carriageway is operational and traffic movements have settled. As part of the traffic analysis, the performance of Burns Beach Road/Connolly Drive intersection will also be reviewed to confirm the operation of the roundabout.

A review of the student pedestrian activity in the vicinity of Geoff Russell Avenue/Connolly Drive intersection will also be included as part of the RSA. Subject to the outcome of the audit findings, a pedestrian crossing facility may be considered at this location.

It is recommended that Council:

- 1 *NOTES the proposed intersection treatments and ROAD WORKS TRAFFIC MANAGEMENT PLAN for Connolly Drive, Kinross Duplication project;*
- 2 *NOTES that a traffic analysis and Road Safety Audit will be undertaken once construction is complete to confirm the road safety and pedestrian crossing situation on Connolly Drive, Kinross;*
- 3 *REQUESTS the WA State Government to extend the Mitchell Freeway north of Burns Beach Road as a high priority.*

BACKGROUND

At the Ordinary Meeting of Council held on 16 December 2008, Council resolved the following:

- "1 SUPPORTS the final design for the Carriageway Duplication for Connolly Drive Kinross between Burns Beach Road and MacNaughton Crescent and as detailed in Report CJ275-12/08;*
- 2 AGREES to proceed to the public tender stage for the Carriageway Duplication for the Connolly Drive Kinross Project;*
- 3 REQUESTS the CEO submit a report to the Council in relation to the Traffic Management options that may be introduced, as an interim measure to alleviate the traffic congestion in Connolly Drive Kinross, that has occurred as a result of the opening of the Mitchell Freeway to Burns Beach Road;*
- 4 NOTES the construction of a second dual carriageway in Connolly Drive from Burns Beach Road Northwards to MacNaughton Crescent is scheduled to be constructed between the period April 2009 and anticipated to be completed by September 2009."*

The City of Joondalup has progressively upgraded its major road network to dual carriageway standard to cater for increased traffic volumes in keeping with the northern extension of the Mitchell Freeway. For this purpose, Burns Beach Road from Marmion Avenue to Joondalup Drive has recently been upgraded to dual carriageway standard. Similarly Connolly Drive duplication project currently under construction will connect Burns Beach Road to the existing Connolly Drive dual carriageway north of MacNaughton Crescent.

Council at the meeting of 21 April 2009 endorsed Ertech Pty Ltd as the primary contractor for the project. Construction works commenced in May 2009 and is programmed to run over a sixteen week period with completion scheduled for September 2009.

DETAILS

The request for the report required traffic management options as interim measures prior to the dual carriageway construction. The major concern for the public was access to Connolly Drive from Selkirk Drive. The City explored options for this intersection and temporary traffic signals was identified as the only measure that would make a difference. However the Main Roads WA approval process unfortunately could not accommodate implementation before award of the contract in May 2009.

The City also considered the potential for temporary road closure, however this would have needed to be within the City of Wanneroo where the City has no jurisdiction. The report is

therefore limited to traffic management within the final design and during the construction period.

Connolly Drive between Burns Beach Road and MacNaughton Crescent is currently being upgraded from a single carriageway two lane road to a dual carriageway four lane road. The 1.5 km project will connect Burns Beach Road to the existing Connolly Drive dual carriageway north of MacNaughton Crescent.

The traffic management design elements for the project include traffic signals at Selkirk Drive and dual lane roundabouts at the remaining intersections. The road alignment consists of a median separated four lane road with sealed shoulders. The traffic treatments, road signage and pavement line marking have been designed in accordance with Austroads guidelines and Main Roads WA standards.

Intersection Treatments

The proposed intersection treatments as shown on attachment 1 have been determined on the basis of performance requirements including Level of Service (LOS). The intersection analysis was undertaken using the industry recognised software SIDRA. SIDRA determines performance outcomes based on intersection type either roundabout or traffic signals, vehicle turning movements and forecast traffic volumes. Intersection performance outcomes include intersection capacity, delay times, vehicle queue lengths and overall LOS.

On the basis of the analysis, the proposed intersection treatments are considered to provide the highest level of performance for the overall operation of the dual carriageway road in addition to the high LOS at each location.

The proposed intersection treatments include:

- Connolly Drive / MacNaughton Crescent – Proposed dual lane roundabout.
- Connolly Drive / Geoff Russell Avenue – Proposed dual lane roundabout.
- Connolly Drive / Selkirk Drive – Proposed traffic signals with pedestrian facility.
- Connolly Drive / Kinross Drive - Existing single lane roundabout modified to dual lane.
- Connolly Drive / Burns Beach Road - Existing roundabout to be retained.

Pedestrian Crossings

The road design provides for pedestrian crossings at all intersections including a signalised pedestrian crossing as part of the traffic signal phasing at Selkirk Drive. There is also an existing underpass on Connolly Drive approximately 90m north of Selkirk Drive.

Construction Traffic Management Plan

The Traffic Management Plan for the construction of dual carriageway project details the traffic management requirements including a risk assessment analysis for the project. The construction work will be undertaken over a sixteen week period and incorporates a number of stages.

The first stage involves road construction in the vicinity of existing road carriageway which will serve as a sidetrack for further construction activity. The second stage involves reconstruction of the existing intersection traffic islands. The third stage of construction involves profiling and resurfacing of the existing Connolly Drive carriageway. The last stage of construction will be converting both Geoff Russell/Connolly Drive and MacNaughton Crescent/Connolly Drive intersections into roundabouts.

The Traffic Management Plan provides detailed information in relation to temporary road signage, road delineation and intersection controls in accordance with Main Roads WA's "Traffic Management for Works on Roads Code of Practice" and AS1742.3-2002.

Issues and options considered:

It is anticipated that the road works will be completed during September 2009. A post construction traffic analysis including a seven day traffic count survey and an independent Road Safety Audit (RSA) will be undertaken once the dual carriageway is operational and traffic movements have settled. As part of the traffic analysis, the performance of Burns Beach Road/Connolly Drive intersection will also be reviewed to confirm the operation of the roundabout.

A review of the student pedestrian activity in the vicinity of Geoff Russell Avenue/Connolly Drive intersection will also be included as part of the RSA. Subject to the outcome of the audit findings, a pedestrian crossing facility may be considered at this location.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan 4. The Built Environment

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

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

Policy Not Applicable.

Risk Management considerations:

Under the Metropolitan Region Scheme, Connolly Drive is defined as "Other Regional Road". Regional roads form part of the overall road network and generally carry through traffic as well as provide access points to local traffic.

Land development underway in the areas north of Kinross has resulted in a significant increase in traffic volumes on Connolly Drive and Marmion Avenue in recent times. Due to the increase in regional traffic, the timely extension of the Mitchell Freeway north of Burns Beach Road is critical to alleviate traffic congestion. The WA State Government is responsible for the construction of the Mitchell Freeway, a delay in the freeway extension north of Burns Beach Road is considered a major risk.

Financial/Budget Implications:

The cost of the traffic count survey and Road Safety Audit is approximately \$10,000, and will need to be funded as part of the project costs.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Austrroads and Main Roads WA have set guidelines that for the duplication of carriageways, at approximately 15,000 to 18,000 vehicles per day (vpd), a road should have the second carriageway constructed. Currently traffic volumes on Connolly Drive are approximately 29,000 vpd (April 2009) at the southern end. The typical capacity for dual carriageway urban arterial roads under Austrroads guidelines is approximately 38,000 vehicles per day.

The new dual carriageway and intersection treatments on Connolly Drive will provide improved vehicle access for Kinross residents once complete. It is important to note that pedestrian crossing points have been provided at key locations on Connolly Drive. Options to further improve pedestrian access will need to be considered once the dual carriageway is complete and pedestrian movements determined.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Amphlett that Council:

- 1 NOTES the proposed intersection treatments and Road Works Traffic Management Plan for Connolly Drive, Kinross Duplication project forming Attachment 1 to Report CJ166-07/09;**
- 2 NOTES that a traffic analysis and Road Safety Audit will be undertaken once construction is complete to confirm the road safety and pedestrian crossing situation on Connolly Drive, Kinross;**
- 3 REQUESTS the WA State Government to extend the Mitchell Freeway north of Burns Beach Road as a high priority.**

The Motion was Put and CARRIED (9/0) by En Bloc Resolution prior to Motions of Which Previous Notice has been Given, Page 121 refers.

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

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf140709.pdf](#)

C62-07/09 COUNCIL DECISION – EN BLOC RESOLUTION

MOVED Cr Fishwick, **SECONDED** Cr Amphlett that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption Of Recommendations En Bloc, Council **ADOPTS** Items CJ144-07/09, CJ145-07/09, CJ146-07/09, CJ149-07/09, CJ151-07/09, CJ152-07/09, CJ153-07/09, CJ155-07/09, CJ156-07/09, CJ157-07/09, CJ158-07/09, CJ159-07/09, CJ160-07/09, CJ162-07/09, CJ164-07/09 and CJ166-07/09.

The Motion was Put and

CARRIED (9/0)

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C63-07/09 NOTICE OF MOTION NO 1 - CR BRIAN CORR - REDUCTION OF WATER USAGE IN ILUKA, WOODVALE WATERS AND HARBOUR RISE AND DEVELOPMENT OF POLICY IN RELATION TO SPECIFIED AREA RATES - [78624] [23587] [21189] [12840] [15974]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Brian 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.”***

REASON FOR MOTION

Cr Corr submitted the following comments in support of his Notice of Motion:

“I understand that the Specified Area Rate is for enhanced verges and medians, with 33% or more being spent on water. In Iluka, with just over 1,500 houses, this is estimated at \$20,000+ on additional water in the 2009/10 year. My guess is that we could use native water-wise plants/shrubs to reduce the water usage without affecting the amenity. Certainly, we could investigate options in consultation with the residents.

The Specified Area Rate is an excellent idea and allows residents of an area to pay for additional landscaping services. But why should it be confined to just three areas? Why not allow other areas the option to do the same, if they so wish? If you think ‘yes’, then a policy is the obvious first step.”

Officer’s comment

A report can be prepared.

MOVED Cr Corr, SECONDED Cr Norman 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.**

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

MOVED Cr Corr, SECONDED Cr Norman 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.**

The Motion was Put and

CARRIED (9/0)

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

MOVED Cr Corr, SECONDED Cr Norman that Council REQUESTS a report on the advantages and disadvantages of:

- 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.**

The Motion was Put and

CARRIED (6/3)

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

C64-07/09 **NOTICE OF MOTION NO 2 – CR MARIE MACDONALD – CALL FOR A REPORT ON PROTOCOL OR CRITERIA USED WHEN RESPONDING TO AN ELECTED MEMBER’S REQUEST FOR DOCUMENTS FROM THE CITY - [78624] [21587]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Marie Macdonald gave notice of her intention to move the following Motion at the Council meeting to be held on Tuesday, 21 July 2009.

“That Council REQUESTS a report from the Chief Executive Officer on the protocol or criteria used by the City in determining whether or not a request for documents from an Elected Member will be met.”

Reason for Motion

Cr Macdonald submitted the following comments in support of her Notice of Motion:

“Since becoming a Councillor I have asked for copies of many documents, some of which have not been provided.

I made enquiry of the Minister of Local Government and was told that I could expect to get documents on issues that were before Council.

However, the extracts from the Act (Below) indicate that I should be able to get documents to assist in the performance of my duty.

It would be useful for Elected Members to be able to sight the protocol or criteria used by the City in fulfilling Elected Members requests so that they may have understanding why certain documents or information are unavailable to them.

Extracts from the Local Government Act 1995

5.92 Access to information by Council, Committee members

- (1) A person who is a Council member or a Committee member can have access to any information held by the local government that is relevant to the performance by the person of any of his or her functions under this Act or under any other written law.*
- (2) Without limiting subsection (1), a Council member can have access to*
 - (a) all written contracts entered into by the local government; and*
 - (b) all documents relating to written contracts proposed to be entered into by the local government.*

2.10 The Role of Councillors

A Councillor –

- (a) represents the interests of electors, ratepayers and residents of the district;*
- (b) provides leadership and guidance to the community in the district;*
- (c) facilitates communication between the community and the Council;*

- (d) *participates in the local government's decision-making processes at Council and Committee meetings; and*
- (e) *performs such other functions as are given to a Councillor by this Act or any other written law."*

Officer's Comment

Section 5.92 of the Act provides that an Elected Member can have access to any information held by the local government that is relevant to the performance of their functions. Section 5.95 of the Act provides for those circumstances where the right to inspect information is limited.

In response to the requirements of the Act, the Council adopted Policy 8-3 Elected Members – General, which provides the following:

"Elected Members who wish to view records outside those records detailed within S 5.92 of the Local Government Act 1995 and the City's Information Statement must demonstrate to the Chief Executive Officer the relevance of the information to their performance as an Elected Member. Should approval be granted, the Chief Executive Officer will determine the manner in which the access is permitted."

The Council has resolved that requests for information are to be determined by the CEO. The CEO does not withhold information if it is pertinent to the Elected Member's role and is in accordance with the provisions of the Act.

It is therefore suggested that in accordance with the current legislation, policies of the Council and general practice of the Chief Executive Officer, a report is not required in this circumstance.

MOVED Cr Macdonald, SECONDED Cr Norman that Council REQUESTS a report from the Chief Executive Officer on the protocol or criteria used by the City in determining whether or not a request for documents from an Elected Member will be met.

The Motion was Put and

LOST (2/7)

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

Name/Position	Cr Marie Macdonald
Item No/Subject	Item C65-07/09 – Notice of Motion No 3 – Cr Marie Macdonald – Call for a Report on the Proposed City of Joondalup Beach Management Plan - [78624] [04048]
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Macdonald lives in Mullaloo

C65-07/09 NOTICE OF MOTION NO 3 – CR MARIE MACDONALD – CALL FOR A REPORT ON THE PROPOSED CITY OF JOONDALUP BEACH MANAGEMENT PLAN - [78624] [04048]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Marie Macdonald gave notice of her intention to move the following Motion at the Council meeting to be held on Tuesday, 21 July 2009.

“That Council REQUESTS a report from the Chief Executive Officer on the proposed Beach Management Plan containing the following:

- ***The terms of reference for the plan.***
- ***The Manager responsible for preparation of the document.***
- ***The costs of the preparation of the Plan document and the cost area of the budget providing the funds.***
- ***The method of which the petitioners who lodged a petition on Hillarys dog beach and request to ban kite-surfing a Mullaloo Beach will be informed that their concerns will be covered by the Plan.”***

Reasons for Motion

Cr Macdonald submitted the following comments in support of her Notice of Motion:

“Councillors were first informed about this plan in the Desk of the CEO and by email. Plans of this nature generally require a preparation of a formal document and can be costly. Council should have received a report on the issue before the plan was commenced.

The two petitions named above were lodged by ratepayers in the clear expectation that the matter would be discussed by Council by way of a formal report. The petitioners would expect to be informed that their issues were being referred to a taskforce for review and that this would take time. (Page 93 of the attachment to the Briefing agenda for the next meeting indicates the report may not be ready until December). At the date of writing this motion, petitioners of the kite surfing issue had not been informed.

Elected members were informed that the Taskforce will be meeting on a regular basis, with updates continuing to be provided through the Desk of the CEO. Reports of this nature should come to Council so that ratepayers are informed.”

Officer’s Comment

The City of Joondalup has a wide range of existing regional and Council plans, strategies and policy statements relating to its beach lands, however, there have been a number of recent issues (for example, petitions relating to kite surfing at North Mullaloo Beach and proposed extension of the dog beach at Hillarys) that have become divisive community topics. As such, it was proposed to look at establishing a *City of Joondalup Beach*

Management Plan that would assist in ensuring a consistent approach is taken in relation to the Council's (and City's) management of its beach lands.

The intended purpose of the Plan is as follows:

"The purpose of the City of Joondalup Beach Management Plan is to provide a management framework for the use, enjoyment, maintenance, protection, preservation and appropriate development of the lands that are covered by the Plan within the available resources.

It is acknowledged that there are a wide range of existing regional and Council plans, strategies and policy statements, and the development of this Plan is intended to create an umbrella management framework that will provide the community with certainty about the City's beach lands and enable the Council to manage and develop it effectively.

The land in this draft Plan stretch northwards from the City of Joondalup's southern boundary at Marmion and to its northern boundary at Burns Beach, comprising the beach reserve zoned Parks and Recreation."

The following points are made in relation to the development of the plan:

- One of the Chief Executive Officer's roles as defined by the Local Government Act 1995 is to advise the Council in relation to the functions of the local government and ensure that advice and information is available to the Council so that informed decisions can be made. The purpose of the plan is to bring together all relevant plans related to beach lands to allow the Council to have the necessary information to make informed and consistent decisions. It is considered that the decision to develop the plan is integral to the CEO's role.
- The *City of Joondalup Beach Management Plan* is not a new strategic document, but an integrated document of existing plans and strategies that will assist the Council in its decision making.
- The initial draft Plan will comprise of existing regional and Council plans, strategies and policy statements relating to its beach lands, and identified gaps for review/direction. It is considered that the development of one cohesive plan will assist in the development and review of plans for beach management and therefore save the City resources in the future.
- It is intended that updates on progress of the plan occur through Desk of the CEO and that the plan be progressed to the Council for its comment and adoption, however, it is not anticipated that this will occur prior to October.

With regard to advice to petitioners, written advice was provided in June 2009 to the main signatory of the petitions related to kite surfing at North Mullaloo Beach and proposed extension of the dog beach at Hillarys.

It is therefore suggested that as the Beach Management Plan is scheduled to be submitted to Council, an additional report is not required in this circumstance.

MOVED Cr Macdonald, SECONDED Cr Norman that Council REQUESTS a report from the Chief Executive Officer on the proposed Beach Management Plan containing the following:

- The terms of reference for the plan.
- The Manager responsible for preparation of the document.
- The costs of the preparation of the Plan document and the cost area of the budget providing the funds.
- The method of which the petitioners who lodged a petition on Hillarys dog beach and request to ban kite-surfing a Mullaloo Beach will be informed that their concerns will be covered by the Plan.

RULING OF THE MAYOR

In accordance with Clause 38 of the City's Standing Orders Local Law 2005, Mayor Pickard directed Cr Macdonald to unreservedly withdraw a comment she had made and make an unconditional apology. Cr Macdonald declined to withdraw her comment, therefore Mayor Pickard ruled that Cr Macdonald no longer be heard on this matter.

The Motion was Put and

LOST (1/8)

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

C66-07/09

NOTICE OF MOTION NO 4 – CR BRIAN CORR – IMPLICATIONS FOR THE FUTURE DEVELOPMENT OF THE JOONDALUP HEALTH CAMPUS - [78624] [00109]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Brian Corr gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 21 July 2009.

“That Council REQUESTS a report on:

- 1 the implications for the future development of the Joondalup Health Campus if Royal Perth Hospital continues as a tertiary hospital;***
- 2 the options for ensuring that the Joondalup Health Campus becomes a fully-fledged teaching hospital by 2015/16;***
- 3 whether, or not, the City of Wanneroo would provide its support for the Joondalup Health Campus becoming a fully-fledged teaching hospital by 2015/16.”***

Reason for Motion

Cr Corr submitted the following comments in support of his Notice of Motion.

“In 2004 the Reid Review, *A Healthy Future for Western Australians*, proposed that Perth would require a third adult teaching hospital to be located in the northern corridor within the next 20 years.

Due to significant population growth in the northern corridor, above predictions in the Reid Review, the WA Health Clinical Services Framework 2005-2015 planned for the Joondalup health Campus to be operating as a fully-fledged tertiary facility by 2015/16.

These documents also proposed closing Royal Perth Hospital as a tertiary facility and relocating these activities to Sir Charles Gairdner (central) and Fiona Stanley Hospitals (southern corridor).

In the 2005 State Election both major political parties supported the development of Joondalup Health Campus into a teaching hospital along this timeframe.

In the recent 2008 Election, the major debates were around keeping Royal Perth Hospital as an on-going tertiary facility and an expansion of facilities at the Joondalup health Campus. The expansion at Joondalup Health Campus is proceeding but the hospital will still only be a general hospital and not a fully-fledged teaching facility.

The population growth in the northern corridor has continued to exceed the growth that was predicted at the time of the Reid Review. It would appear that the upgrade of Joondalup to a full teaching facility is still required by 2015/16.

The continuation of Royal Perth Hospital as a tertiary hospital can only lead to a delay in the development of the Joondalup Health Campus as a tertiary hospital. A fully-fledged tertiary hospital in Joondalup is crucial, not only to providing local high-quality medical facilities in the northern corridor, but also to increasing local employment, and the development of the Joondalup City Centre as the second CBD of Perth.”

Officer's Comment

A report can be prepared. If a report of significance is to be prepared, then external consulting advice would need to be engaged by the CEO, as aspects of the proposed motion are outside the level of expertise of the City staff.

MOVED Cr Corr, SECONDED Cr Norman that Council REQUESTS a report on:

- 1 the implications for the future development of the Joondalup Health Campus if Royal Perth Hospital continues as a tertiary hospital;
- 2 the options for ensuring that the Joondalup Health Campus becomes a fully-fledged teaching hospital by 2015/16;
- 3 whether, or not, the City of Wanneroo would provide its support for the Joondalup Health Campus becoming a fully-fledged teaching hospital by 2015/16.

The Motion was Put and

LOST (2/7)

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

C67-07/09

CONSIDERATION OF NOTICE OF MOTION AS A MATTER OF URGENCY - [08122] [02154]

MOVED Cr Corr SECONDED Cr Macdonald that in accordance with Clause 26.4 the City's Standing Orders Local Law 2005, Council AGREES, BY AN ABSOLUTE MAJORITY to give consideration to the following Motion:

"That Council REQUESTS a report on any alternative possibilities to move the Community Sporting Facility from Seacrest park to another location in a way that will enable the Federal Government's \$2.6m grant to be retained while also meeting the requirements of the sporting clubs involved and that any such possibilities be included in the officer's report when this matter is considered by Council."

Discussion ensued.

The Motion was Put and

LOST (3/6)

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

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2056 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 NORMAN
Cr R FISHWICK