

minutes

MEETING HELD ON **TUESDAY, 19 JULY 2011**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 19 JULY 2011

DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00 pm.

ANNOUNCEMENT OF VISITORS

Nil.

Mayor:

TROY PICKARD

Councillors:

Cr KERRY HOLLYWOOD	North Ward
Cr TOM McLEAN	North Ward
Cr PHILIPPA TAYLOR	North-Central Ward
Cr LIAM GOBBERT	Central Ward
Cr GEOFF AMPHLETT, JP	Central Ward – <i>Deputy Mayor</i>
Cr CHRISTINE HAMILTON-PRIME	South-West Ward
Cr MIKE NORMAN	South-West Ward
Cr JOHN CHESTER	South-East Ward
Cr BRIAN CORR	South-East Ward
Cr RUSS FISHWICK	South Ward

Officers:

MR GARRY HUNT	Chief Executive Officer	
MS DALE PAGE	Director Planning and Development	
MR JAMIE PARRY	Director Governance and Strategy	
MR MIKE TIDY	Director Corporate Services	
MR MARTYN GLOVER	Director Infrastructure Services	
MS MICHELLE NOBLE	Manager Governance and Marketing	
MR JOHN HUMPHREYS	Manager Planning Services	<i>to 8.11 pm</i>
MR MARK McCRORY	Media Advisor	<i>to 8.11 pm</i>
MRS LESLEY TAYLOR	Governance Officer	

There were six members of the public and one member of the press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 28 June 2011:

Mr R Repke, Kallaroo:

Re: *Building Approvals*

Q1 *The Chief Executive Officer stated that applications for building approvals are discussed on planning grounds. Reading the District Planning Scheme No 2, 6.8, (h), (i) and (j), it appears to me that also “all other matters which in the opinion of the Council are relevant” should be given due regard. Which of the two options is correct and what are the arguments?*

A1 As stated in clause 6.8 of DPS2, Council must have due regard to all factors listed in this clause when determining an application for planning approval. However, Council must also take into account all other relevant clauses of the scheme, in particular, compliance with relevant standards and requirements. Ultimately the decision must be based on the town planning merits of the application. For example, the commercial viability of an individual business or the fact that there is competition between similar businesses is not considered to be a relevant town planning consideration. The State Administrative Tribunal has, in a number of cases, made the statement that planning applications can only be determined on planning grounds.

Mr D Carpenter, Hillarys:

Re: *CJ108-0611 - Beach Management Plan - review of 2010/11 summer implementation measures for kitesurfing and animal beach exercising*

Q 1 *How many cautions and fines were handed out on the Whitfords Nodes Beach Car Park during the months of December 2010 and January 2011?*

A 1 The City did not begin to collect detailed infringement location information until January 2011. During January 2011, one caution and four infringements were issued to dog owners entering the beach from Whitfords Nodes Car Park.

Q 2 *Is it possible to find out where the Rangers spent their 42 hours a week? Were they allocated certain areas to patrol at different times?*

A 2 The City believes it is inappropriate to outline the details of beach patrol services, however, it is noted that problematic areas are subject to targeted patrols.

The following questions were submitted prior to the Council meeting:**Mr R Repke, Kallaroo:**

Re: CJ121-07/11 – Draft Prostitution Bill 2011 – Invitation to Comment

Q1 Can the City add to the item paper that also locations at the CBD and Lakeside Shopping Centre are potentially considerable for this business and if not why not?

A1 Under the current Structure Plan for the City Centre, a single dwelling is permissible in the City Centre without the need for development approval and therefore complies with the definition of a Residential Area for the purposes of the draft Bill. This means that a prostitution business cannot be located in the City Centre under the current structure plan/zoning.

However, under the draft Joondalup City Centre Structure Plan, the City Centre will no longer fit into the definition of a Residential Area for the purposes of the draft Bill and prostitution business could apply for planning approval in the City Centre, if the draft Structure Plan and associated Scheme amendment were to receive final approval from the Western Australian Planning Commission and the Minister for Planning respectively.

Notwithstanding the above, the Officer's report recommends that Council request the Department of the Attorney General to review the proposed definition of 'Residential Area'.

Q2 Can the City supply a detailed map where brothels might be located or at least give the maximum number of potential locations?

A2 Based on the proposed provisions noted in the Bill and the current zonings under the City's District Planning Scheme No 2, prostitution businesses could potentially be located in:

- Winton Road Service Industrial area.
- Joondalup Gate (Joondalup Drive part).
- Canham Way Service Industrial area (North East part).
- Larger commercial areas such as Whitfords, Warwick and Currambine.

Q3 Can there be more than one brothel (two, three, four) in close proximity of each other or is there a minimum distance between each brothel of let's say one kilometre?

A3 The legislation does not require there to be a certain distance between businesses of this nature. There is the potential for prostitution businesses to be located in the same area provided they meet the location criteria proposed in the bill.

Q4 Is there a maximum size/number of sex workers per brothel and can they be open 24 hours a day, plus weekends and holidays?

A4 Section 58 of the draft Bill sets out the following requirements:

It is proposed that a prostitution business, other than a business run by a self employed prostitute, is limited to conducting their business from a place:

- *with no more than six rooms;*
- *with no more than nine individuals to act as a prostitute; and*
- *with no more than 13 staff, comprising of the operator/s, manager and each person previously mentioned and any auxiliary staff at the business place at the same time.*

Additionally, Section 23 states:

A self-employed prostitute cannot conduct their prostitution business from a place:

- *where another prostitution business is being conducted from that place; or*
- *where more than one other self-employed prostitute conducts a prostitution business from that place.*

The draft Bill does not specify hours of operation for prostitution businesses.

Q5 *Would it not be an idea to do a public consultation on this matter prior to answering to the Attorney General?*

A5 The time frames provided by the State Government in which comment can be made on the draft Bill do not provide adequate time for the City to consult on the matter. Additionally, it is noted that the City's feedback relates primarily to operational issues. Any member of the public is able to provide feedback separately directly to the Department of the Attorney General.

In the event the City was to develop a policy or provide new scheme provisions in relation to the proposed changes then public consultation would be undertaken.

Mrs M Fullelove, Mindarie:

Re: *CJ121-07/11 – Draft Prostitution Bill 2011 – Invitation to Comment*

Q1 *The draft Bill identifies hospitals, schools, places of worship and childcare centres as protected places. Shouldn't businesses that are regularly visited by children also be included in the protection requirements? For example, "Toys r Us, AMF Bowling, Grand Cinemas, Joondalup Basketball Stadium, The Arena".*

A1 The draft Bill defines protected place as follows:

protected place means a hospital or other prescribed place or a place used for education, worship, the care or recreation of children, or for a prescribed purpose.

It would be appropriate to interpret this to mean that prostitution businesses would be unable to locate near recreation centres (for example AMF Bowling, Arena Joondalup).

- Q2 *What about Aged Care Facilities, surely they should be protected places?*
- A2 Aged Care Facilities may be considered a 'prescribed place', however, clarification would need to be sought as there is no definition for a 'prescribed place' under the Act.
- Q3 *What level of educational facilities are classified as schools?*
- A3 The definition of a public place includes:
- “(b) a school, university or other place of education, other than a part of it to which neither students nor the public usually have access.”*
- Q4 *What about West Coast Institute of Training, Edith Cowan University and the Motor Industry Training Association?*
- A4 Refer Answer 3 (above).
- Q5 *Will institutions that are currently operating brothels within these zones will be required to close down or move?*
- A5 Yes. Section 166 of the draft Bill sets out that existing (unapproved) prostitution businesses may be able to apply to continue to use the land for a period of up to 18 months, provided that the land had been used for such a purpose on a continual basis since 6 September 2008. The City would be required to comment on such applications.

The City is of the opinion that an 18 month period is not consistent with Local Government practices relating to unapproved land uses, and the Officer's recommendation in the report on this matter suggests that this feedback should be provided to the Department of the Attorney General.

PUBLIC STATEMENT TIME

Mr R Repke, Kallaroo:

Re: CJ121-07/11 – Draft Prostitution Bill 2011 – Invitation to Comment

Mr Repke spoke in relation to the draft Prostitution Bill 2011.

Mr G Doust, Woodvale:

Re: CJ121-07/11 – Draft Prostitution Bill 2011 – Invitation to Comment

Mr Doust spoke in relation to the draft Prostitution Bill 2011.

APOLOGIES AND LEAVE OF ABSENCE

Apologies Cr Fiona Diaz
Cr Trona Young

Leave of Absence previously approved

Cr John Chester 21 - 30 July 2011 inclusive.
Cr Brian Corr 14 - 21 August 2011 inclusive.

C26-07/11 REQUESTS FOR LEAVE OF ABSENCE – CRS CHRISTINE HAMILTON-PRIME AND MIKE NORMAN

Cr Christine Hamilton-Prime requested Leave of Absence from Council duties covering the period 8 to 12 August 2011 inclusive.

Cr Mike Norman requested Leave of Absence from Council duties covering the period 27 July 2011 to 5 August 2011 inclusive.

MOVED Cr Amphlett, SECONDED Cr Hamilton-Prime that Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:

Cr Christine Hamilton-Prime 8 to 12 August 2011 inclusive.
Cr Mike Norman 27 July 2011 to 5 August 2011 inclusive.

The Motion was Put and CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

CONFIRMATION OF MINUTES**C27-07/11 MINUTES OF COUNCIL MEETING, 28 JUNE 2011**

MOVED Cr McLean, SECONDED Cr Hamilton-Prime that the Minutes of the Council Meeting held on 28 June 2011 be confirmed as a true and correct record.

The Motion was Put and CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**COASTAL BIODIVERSITY INTERPRETIVE SIGNAGE PROJECT**

Mayor Pickard advised that visitors to the City's popular dual-use coastal path, which stretches the length of the coastline from Burns Beach to Marmion, will soon be able to learn more about the biodiversity of the coastal foreshore.

He said as part of the City's new Coastal Biodiversity Interpretive Signage, educational signage will be installed along the pathway this week providing information, illustrations and an environmental interpretive experience for path users.

Mayor Pickard believed the coastal foreshore is one of the City's most valuable environmental assets and it has been recognised for its conservation significance as well as being greatly valued by the local community, visitors and international tourists.

Mayor Pickard acknowledged Lotterywest for contributing \$44,275 to this innovative and important Coastal Biodiversity Interpretive Signage project.

He said this project is one of the City's many environmental initiatives linked to our involvement in ICLEI – Local Governments for Sustainability Local Action for Biodiversity (LAB) program.

ICLEI WATER CAMPAIGN MILESTONE FOUR

Mayor Pickard stated that the City has excelled in another ICLEI initiative called the Water Campaign, which is an international program that aims to improve water quality and promote water conservation.

He advised this achievement is detailed in one of the reports on tonight's agenda, but took the opportunity to highlight the City's good work in this area in recent years.

Mayor Pickard advised the City has been a member of the Water Campaign since 2007 and recently completed Milestone 4 as a result of improved water management practices. The City will be recognised for its water conservation efforts and water quality improvement plans at a ceremony in early August.

He said some of the City's achievements include achieving a reduction of over 100,087 kilolitres of corporate water consumption and 211,020 kilolitres of community water consumption since the 2007-08 financial year.

Mayor Pickard believed these impressive reductions were achieved through various projects including the installation of water saving devices at the Craigie Leisure Centre, the monitoring and review of ground water irrigation practices, the implementation of hydrozoning and ecozoning techniques and the implementation of programs such as Living Smart, Great Gardens, Switch Your Thinking and the Environmental Education Program.

Mayor Pickard stated the City made significant improvements to water quality in its Natural Areas through several projects including the Yellagonga Wetlands Water Monitoring Study, Midge Management Program, the trialling of weed control methods and Great Gardens Workshops to name just a few.

Mayor Pickard advised the City will aim to achieve Milestone 5, the final target of the ICLEI Water Campaign, in the next 12 months, which involves tracking and reporting on further water saving and water management practices.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

Nil.

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	Cr Tom McLean
Item No/Subject	CJ123-07/11 – Proposed Currambine Community Centre and Delamere Park, Currambine
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr McLean is building a house on the Estate adjacent to the site

Name/Position	Cr Philippa Taylor
Item No/Subject	CJ123-07/11 – Proposed Currambine Community Centre and Delamere Park, Currambine
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Taylor lives in close proximity to the proposed Community Centre and Delamere Park

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

CJ134-07/11 Confidential Item – Inside Workforce Collective Agreement - 2010

C28-07/11 PETITIONS

- 1 PETITION REQUESTING COUNCIL NOT TO SELL LOT 745 (103) CARIDEAN STREET, HEATHRIDGE AND TO DEVELOP THE SITE TO BENEFIT THE RESIDENTS OF HEATHRIDGE- [101421, 37562]

An 8 signature petition has been received from Residents of the City of Joondalup requesting Council not to sell Lot 745 (103) Caridean Street, Heathridge and to develop the site to benefit the residents of Heathridge.

OFFICER COMMENT

Lot 745 (103) Caridean Street, Heathridge was identified by Council at its 21 September 2010 meeting (CJ163-09/10 refers) as being a City owned site that has not been developed and is not intended to be used by the City for any purpose permitted under the current zoning. Given there is currently no intention to develop the site, the site was identified as having the potential to be used for residential purposes, with a restriction placed in the District Planning Scheme to limit the development of the site for the purpose of aged persons' dwellings. The proposed amendment is considered to be acceptable as this will

present the opportunity for the site to be developed for a different type of housing stock within an established area, to meet the needs of the community.

Council, at its meeting held on 15 February 2011 (CJ003-02/11 refers) resolved inter alia that pursuant to Part 5 of the Planning and Development Act 2005, Council consents to initiate amendment to the City of Joondalup District Planning Scheme No 2 to:

- 1 Rezone Lot 745 (103) Caridean Street, Heathridge from 'Civic and Cultural' to 'Residential' and recode from R20 to R40;
- 2 Include Lot 745 (103) Caridean Street, Heathridge in Schedule 2 – Section 2 – Restricted Uses – Aged Persons' Dwelling;

The proposed amendment would enable further residential development on the sites which will contribute to the environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure within established suburbs.

The development of medium density housing is considered appropriate given the existing character of the areas. The type of dwellings will also provide alternative housing choice within established areas.

In accordance with the resolution of the Council in February 2011 the proposed amendment to the City of Joondalup District Planning Scheme No 2 was advertised for public comment for 42 days from 18 May 2011 to 29 June 2011.

Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC) which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

The petition for Lot 745 Caridean Street, Heathridge was received on 8 July 2011 after the conclusion of the advertising period. The petition will be addressed in the Report scheduled for Council for its meeting on 18 August 2011.

- 2 PETITION REQUESTING COUNCIL NOT TO SELL LOT 613 PACIFIC WAY, BELDON AND TO DEVELOP THE SITE TO BENEFIT THE RESIDENTS OF BELDON - [101421, 37562]

A 98 signature petition has been received from Residents of the City of Joondalup requesting Council not to sell Lot 613 Pacific Way, Beldon and to develop the site to benefit the residents of Beldon.

MOVED Cr McLean, SECONDED Cr Taylor that the following petitions be RECEIVED, referred to the Chief Executive Officer and a subsequent report presented to Council for information:

- 1 **Petition requesting Council not to sell Lot 745 (103) Caridean Street, Heathridge and to develop the site to benefit the residents of Heathridge;**
- 2 **Petition requesting Council not to sell Lot 613 Pacific Way, Beldon and to develop the site to benefit the residents of Beldon.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

CJ118-07/11 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - MAY 2011

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page, Director Planning and Development

FILE NUMBER: 07032, 05961

ATTACHMENTS:

Attachment 1	Monthly Development Applications Determined May 2011
Attachment 2	Monthly Building Application Code Variations Decision - May 2011
Attachment 3	Monthly Subdivision Applications Processed - May 2011

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 (DPS2), allow 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 on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the Delegation Notice, are reported to Council on a monthly basis.

This Report identifies the following applications determined by the administration with delegated authority powers during May 2011 (Attachments 1, 2 and 3 refer):

- 1 Planning applications (development applications and Residential Design Codes variations);
- 2 Building applications (Residential Design Code variations);
- 3 Subdivision applications.

BACKGROUND

The DPS2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 28 June 2011 (CJ107-06/11 refers), Council considered and adopted the most recent Town Planning Delegation.

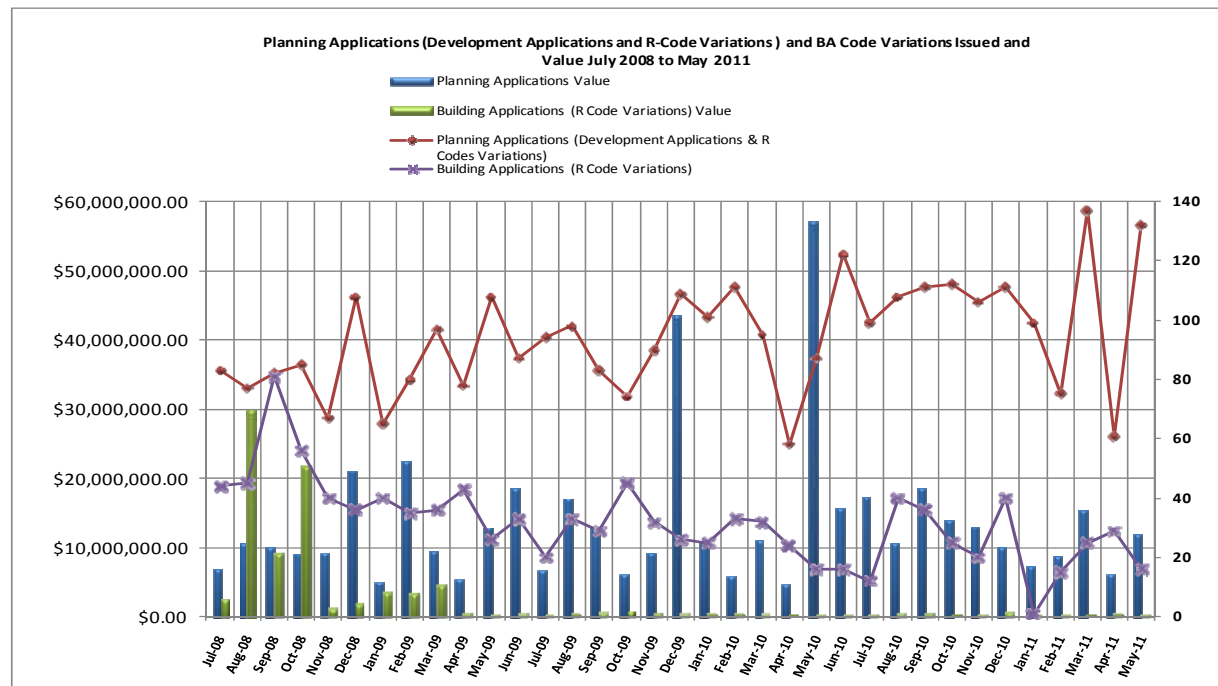
DETAILS

The number of applications determined under delegated authority during May 2011, is shown below:

Approvals determined under delegated authority – May 2011		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	131	\$ 11, 795,186
Building applications (R-Codes variations)	16	\$ 175,605
TOTAL	147	\$ 11,970,791

The number of development applications received during the period for May was 107. (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).

The number of development applications current at the end of May was 179. Of these, 48 were pending additional information from applicants, and 66 were being advertised for public comment.



Subdivision approvals processed under delegated authority From 1 May to 31 May 2011		
Type of approval	Number	Potential additional new lots
Subdivision applications	3	81 Residential lots 1 Commercial lot 1 POS lot
Strata subdivision applications	1	1
Total	4	84

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 consideration to applications for statutory approval.

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 As above.

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:

A total of 147 applications were determined for the month of May with a total amount of \$44,370 received as application fees.

All figures quoted in this report are exclusive of GST.

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 DPS2.

Of the 131 development applications determined during May 2011, consultation was undertaken for 51 of those applications. Applications for Residential Design Codes variations 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). The four subdivision applications processed during May 2011 were not 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 for timeliness and consistency in decision-making for 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 on and cross checked in accordance with relevant standards and codes.

VOTING REQUIREMENTS

Simple Majority

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

- 1 Development applications and R-Codes variations described in Attachments 1 and 2 to Report CJ118-07/11 during May 2011;**
- 2 Subdivision applications described in Attachment 3 to Report CJ118-07/11 during May 2011.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf120711.pdf](#)

CJ119-07/11 PROPOSED AMENDMENT NO 63 TO DISTRICT PLANNING SCHEME NO 2 - LOT 28 (67) WOODVALE DRIVE, WOODVALE

WARD:	Central
RESPONSIBLE DIRECTOR:	Ms Dale Page, Director Planning and Development
FILE NUMBER:	101850, 101515, 43252
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Approved Buildings Attachment 3 Advertising Plan Attachment 4 Scheme Amendment Process Flowchart

PURPOSE

The purpose of this report is for Council to consider initiating proposed Scheme Amendment No 63 to District Planning Scheme 2 (DPS2) to include additional permitted land uses at Lot 28 (67) Woodvale Drive, Woodvale, for the purpose of public advertising.

EXECUTIVE SUMMARY

A proposal has been received to amend DPS2 to include Place of Worship, Place of Assembly and Caretaker's Dwelling as additional permitted land uses on Lot 28 Woodvale Drive, Woodvale. This would be achieved by amending DPS2 to include the subject lot and land uses in Schedule 2 – Section 1 – Additional Uses.

Currently, non-conforming use rights exist in accordance with Part 7 of DPS2 for the existing land uses of Place of Worship and Caretaker's dwelling as these uses were granted approval under former Town Planning Scheme No 1 (TPS1). The amendment would formalise those uses already established on site. Place of Assembly, currently a use that is not permitted in the 'Rural' zone, would permit the auditorium to be used for functions and events such as school graduations.

The proposed amendment is considered to have merit, and it is recommended that Council initiates the proposed scheme amendment for the purpose of public advertising.

BACKGROUND

Suburb/Location:	Lot 28 (67) Woodvale Drive, Woodvale
Applicant:	Statewest Surveying and Planning
Owner:	Woodvale Baptist Church Inc.
Zoning:	DPS: Rural
	MRS: Rural
Site Area:	1.0717hectares
Structure Plan:	Not Applicable.

The subject site is zoned 'Rural' under the City's DPS2 and under the Metropolitan Region Scheme (MRS).

The site is triangular in shape with its northwest boundary abutting Woodvale Drive (Attachment 1 refers). To the south of the subject site is a rural lot with an area of 4.4192 hectares and to the east is Yellagonga Regional Park.

In 1988, the Council of the former City of Wanneroo approved a development consisting of the church building, Sunday school rooms and related amenities on the subject site. A Caretaker's Dwelling (Pearsall House) and associated shed also exist on site. The development was approved as a Place of Worship, which was an 'AA' use in the 'Rural' zone under previous TPS1. An 'AA' use is a use that is not permitted unless Council grants its approval.

In November 2000, DPS2 was gazetted, replacing TPS1. Under DPS2, a Place of Worship was identified as an 'X' or prohibited land use within the 'Rural' zone. The reason for the change of permissibility of Place of Worship from 'AA' to 'X' is unknown.

DPS2 defines a Place of Worship as:

'premises used for religious activities such as church, chapel, mosque, synagogue or temple.'

As the uses on site were lawfully operating when DPS2 was gazetted, the site then became subject to Part 7 – Non-Conforming Uses provisions of DPS2. These provisions, amongst other matters, permit a non-conforming use to continue to operate even though the land use is no longer permitted in that zone.

At its meeting held on 13 May 2008 (CJ082-05/08 refers), Council approved an auditorium addition to the existing church building. A condition of the approval limits the maximum number of persons using the auditorium and church to 650 persons at any given time. The new auditorium is currently under construction.

During the assessment of that development application, it was noted the Caretaker's Dwelling was being used to facilitate services for youth and children, and that it was also intended that the auditorium additions and the church be used for community conferences, weddings, concerts and performances. These uses were considered to fall under the land use Place of Assembly which is a prohibited use within the 'Rural' zone. As such the applicant was informed that approval for a Place of Assembly could not be granted.

DETAILS

A proposal has been received to amend DPS2 to include Place of Worship, Place of Assembly and Caretaker's Dwelling as additional permitted land uses on Lot 28 Woodvale Drive, Woodvale. This would be achieved by amending DPS2 to include the subject lot and land uses in Schedule 2 – Section 1 – Additional uses.

The Place of Worship and the Caretaker's Dwelling uses already exist on the site, and are non-conforming uses as approval for the uses on the site was granted under TPS1. The applicant proposes that these uses be formally recognised as permitted uses on the site.

Additionally, the applicant is seeking to include the use Place of Assembly as a permitted use. Under DPS2, a Place of Assembly is an 'X' or prohibited within the 'Rural' zone.

The applicant indicates that the uses are to be carried out within the buildings previously approved on site, and the applicant indicates that no additional buildings are proposed (Attachment 2 refers). The Place of Worship and Place of Assembly will operate from the church and auditorium.

The applicant indicates that Pearsall House (currently used as a Caretaker's Dwelling) may additionally accommodate a proposed Restaurant (café). The Restaurant use is an 'A' use in the 'Rural' zone, and would be subject to a development application.

The applicant has indicated the operation of the uses is proposed as follows:

Place of Worship:

- Sundays at 7.30 am - 12.30 pm and 6.00 pm – 9.00 pm.
- Special church events at 6.00 pm - 9.30 pm approximately six times a year.
- Church programs at 6.00 pm – 9.00 pm on week nights.

Place of Assembly:

- School assembly at 8.30 am - 3.30 pm on school days (this includes school music programs and classes in either the Place of Worship or the Place of Assembly).
- School classes such as Irish dancing lessons at 4.30 pm - 6.30 pm once or twice per school week.
- Other assemblies such as graduations which may occur about six times a year, to be held from 6.30 pm - 9.30 pm.

Restaurant (café):

- To operate between and after services on Sundays initially from 9.00 am – 4.00 pm. The operating times may increase depending on demand.
- It is anticipated the Restaurant will cater for 60 people.

It is noted that the site currently has approval for the auditorium and church hall to accommodate a maximum of 650 people at any one time. Any increase in this number would require a new development application. Development approval would also be required for the Place of Assembly and the Restaurant which are not currently operating on site.

Issues and options considered:

The issues associated with the proposed amendment include the suitability of the proposed additional uses on the site.

The options available to Council in considering the scheme amendment proposal are as follows:

- Support the initiation of the proposed amendment for the purpose of public advertising.
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

Legislation/Strategic Plan/Policy Implications

Legislation

Planning and Development Act 2005

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their local planning schemes and sets out the process to be followed (Attachment 4 refers).

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

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

If Council resolves not to initiate the amendment, there is no right of review to the State Administrative Tribunal by the applicant, however, in exceptional circumstances, the Minister for Planning can direct the Council to initiate the scheme amendment.

District Planning Scheme No 2 (DPS2)

The following clauses of the DPS2 relate to the "Rural Zone", additional uses and non-conforming and as such require consideration:

3.14 The Rural Zone

The Rural Zone is intended to accommodate land that is included in the Rural Zone under the MRS.

If Council is required to consider an application in respect of a development, or use for land in the Rural Zone, then the Council shall, in addition to any other matters required by this Scheme to be considered, have regard to the following considerations:

- (a) As an overriding consideration, the intent of the applications.*
- (b) Any comments the Commission may make in response to notice of the applications.*
- (c) The interests of orderly and proper planning, and concern for the amenity of the relevant locality in the short, intermediate and long term.*

3.15 Additional Uses (Schedule 2 –Section 1)

Notwithstanding anything contained in the Zoning Table, the land specified in Section 1 of Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

7.1 Non-conforming uses

Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or*
- (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or*
- (c) subject to clause 5.1.6, the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.*

Draft Local Planning Strategy

The City's draft Local Planning Strategy was adopted by Council in February 2010 and is pending endorsement by the Western Australian Planning Commission. The draft strategy includes the following recommendation:

“As part of a future omnibus amendment to the Metropolitan Region Scheme, consider rezoning the 3 rural lots within the City to ‘Urban’ and ‘Urban Development’ under the District Planning Scheme No. 2 to reflect the surrounding existing residential land uses.”

In the event that the current scheme amendment proposal is approved, the future zoning of the site will be further considered during the preparation of the new Town Planning Scheme.

Strategic Plan

Key Focus Area: The built environment.

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

Policy Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The applicant has paid fees of \$3,272.50 (including GST) to cover all costs associated with assessing the request, public consultation and document production. Advertising costs are estimated to be \$3,125.00 (excluding GST).

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. Advertising will be conducted as follows:

- Thirty seven surrounding landowners will be notified in writing (Attachment 3 refers);
- A notice will be placed in the Joondalup Community newspaper and West Australian newspaper;
- A sign will be placed on the site; and
- A notice and documents will be placed on City's website.

COMMENTSite Context and Land uses

Analysis of the groundwater level contours and historical data from the Gngangara Mound Monitor GD2, which is located in close proximity to the subject site, leads the City to believe that the site potentially falls within the 1:100 year flood catchment area and may have been subject to inundation in the past.

At this stage, the proposed Scheme Amendment is seeking only to formalise the existing non-conforming uses on the site (Place of Worship and Caretakers Dwelling) and to enable the auditorium to be used for a Place of Assembly for functions and events like school graduations. The auditorium already has development approval and is under construction.

The applicant will be advised that, in the event the amendment is adopted, these concerns should be taken into consideration in any future development.

The existing land uses of Place of Worship and Caretaker's dwelling are well established on the site, and are not considered to be inappropriate uses for the site. The proposed additional use of Place of Assembly is considered to be complementary to the Place of Worship. The additional use would allow approval to be sought by the owner for uses that would be of benefit to the wider community, without a negative impact on the adjoining area.

As mentioned previously, as a Restaurant is an 'A' use, development approval can be sought for the use without requiring an amendment to DPS2. Should a development application be received for this use it will be considered on its merits.

Car parking

The approved plans for the auditorium additions indicated a total of 211 parking bays would be provided on site. The bays consist of 181 constructed hard stand bays and 30 informal bays on an overflow parking area located in the south-west corner of the site.

The approved uses on site require a minimum of 163 car parking bays to accommodate a maximum of 650 persons within the auditorium and church.

Should an application be received by the City for the Restaurant or Place of Assembly uses, the car parking will be assessed to determine whether there is sufficient parking on site to cater for the proposed land uses. If necessary, a traffic impact report may also be requested during the assessment of the development applications.

Conclusion

The proposed formalisation of Place of Worship and Caretaker's Dwelling as permitted uses on the site, and the inclusion of Place of Assembly as a permitted use, is considered to have merit. It is therefore recommended that the proposed scheme amendment be initiated for the purpose of public advertising.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr McLean that Council pursuant to Part 5 of the Planning and Development Act 2005, **CONSENTS** to initiate Amendment No 63 to the City of Joondalup District Planning Scheme No 2 to include Lot 28 (67) Woodvale Drive, Woodvale in Schedule 2 – Section 1 – Additional Uses – Place of Worship, Place of Assembly and Caretakers dwelling, as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-23	67 Woodvale Drive, Woodvale	Lot 28	Place of Worship Place of Assembly Caretaker's Dwelling

for the purposes of public advertising for a period of 42 days.

The Motion was Put and **CARRIED (11/0)** by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf120711.pdf](#)

CJ120-07/11 DEVELOPMENT ASSESSMENT PANELS – PROCESS FOR DEALING WITH APPLICATIONS

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page, Director Planning and Development

FILE NUMBER: 09886, 101515

ATTACHMENTS: Nil.

PURPOSE

For Council to consider and endorse the protocol that will be followed where the City receives an application that is required to be determined by a Development Assessment Panel (DAP).

EXECUTIVE SUMMARY

From 1 July 2011, DAPs became operational throughout Western Australia and are now the responsible body for determining development applications with an estimated value of more than \$7 million. DAPs are also the decision making body for applications with a value of between \$3 million and \$7 million, if the applicant elects that the proposal is to be determined by a DAP.

The City's obligations in relation to receiving and assessing an application remain unchanged as a result of the introduction of DAPs. However, the City is now required to provide the DAP application to the DAP secretariat, and to prepare a report on the application for consideration by the DAP. The report must be provided to the DAP secretariat within 50 days of receipt of the application where public consultation is not required, and 80 days where consultation is necessary.

As such, a protocol has been drafted that will ensure Elected Members are informed when DAP applications are received, when the applications are to be considered by the DAP and when the applications have been determined by the DAP.

It is recommended that Council endorses the protocol to be followed in relation to DAP applications, noting that the reporting timeframes to the DAP secretariat do not provide sufficient time for a report to also be provided to Council on the development proposal.

BACKGROUND

From 1 July 2011, 15 DAPs commenced operation throughout Western Australia.

The introduction of DAPs effectively removes the role of the Local Government as the decision making body for development applications of a specific type and value.

DAPs are responsible for determining development applications of a specific type or where the estimated cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$7 million in value will be determined by the DAP. An applicant may also elect for a development with a value of between \$3 million and \$7 million to be determined by the DAP.

Council previously nominated Councillors Gobbert and Norman to represent the City of Joondalup as members on the DAP and Councillors Chester and Hamilton-Prime as alternate members (CJ060 – 04/11 refers).

DETAILS

It is recommended that the following protocol be followed for DAP applications:

- 1 Elected members are notified of any DAP applications that are received and are to be advertised;
- 2 Elected Members are notified when the DAP report has been finalised and when the agenda for the DAP meeting is made available on the DAP website and the City's website;
- 3 Elected Members are informed of the decision of the DAP.

Under the DAP Code of Conduct 2011, Councillors who are DAP members or alternate members are not to have any involvement with a development application that is either before the DAP or which the member is aware may come before the DAP during the assessment of the application. Councillors who are DAP members or alternate members must also not attempt to direct the action or influence the conduct of the City employee(s) responsible for compiling the DAP report.

Councillors who are not DAP members or alternate members are able to make a written submission on any DAP application during the advertising period. These submissions would be assessed by the City staff and reported by the City as one of the submissions on the application.

Issues and options considered:

Option 1:

An option was considered whereby the Council still formally considers the development applications that must now be referred to the DAP for determination but, instead of making a decision on these applications, it makes a recommendation on the applications to the DAP.

The City is required to provide a planning report to the DAP secretariat within 50 days of the receipt of a DAP application, or 80 days where public consultation is required. These timeframes do not allow for applications to be considered via the normal Council meeting process.

This option is therefore not the recommended option.

Option 2:

An option was considered whereby special Council meetings are scheduled to consider DAP applications.

The purpose of the DAP is to replace Council decision making processes for development applications of a certain type and value, to create greater efficiency and expediency. It was never intended that the DAP process would duplicate the Council decision making process.

Furthermore, such a process would be unduly disruptive to normal Council processes as it would require separate Briefing Sessions and separate Council meetings. Even though the number of DAP applications may not be significant, the resources that may be required to deal with this separate Council process would be significant.

This option is therefore not the recommended option.

Option 3:

An option was considered whereby the Council does not make a recommendation, through its formal decision making processes on DAP applications, thereby permitting the DAP decision making process to operate as intended in the *Planning and Development (Development Assessment Panels) Regulations 2011*.

This would ensure that DAP timeframes are met, thereby removing the risk of an application for review to the State Administrative Tribunal by the applicant against a deemed refusal.

This option is described in the Details section of this report and ensures that the City obligations such as public consultation are satisfied, and that Elected Members are kept informed of major developments within the City.

This is the recommended option.

Legislation/Strategic Plan/Policy Implications

Legislation Planning and Development Act 2005
 Planning and Development (Development Assessment Panels)
 Regulations 2011

On 24 March 2011, Part 11A of the *Planning and Development Act 2005* commenced operation. This part contains the Heads of Powers required to introduce DAPs in Western Australia, through the making of regulations by the Governor.

The *Planning and Development (Development Assessment Panels) Regulations 2011* also became effective on this date, which set out provisions including the operation of DAPs and membership of DAPs.

Strategic Plan

Key Focus Area: The Built Environment

Objective: To ensure high quality urban development within the City

Policy Not Applicable

Risk Management considerations:

Similar to applications determined by Council, the proponent will hold a right of review against the DAPs decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. The DAP, as the decision maker, will defend the decision at the State Administrative Tribunal (SAT).

If the City does not provide a report (inclusive of a recommendation) in the set timeframe (50 days from the date of receipt of the application for applications that do not require consultation, and 80 days for those that do) then an applicant may seek a review of the application by the SAT as the application can be considered 'deemed refused'.

Financial/Budget Implications:

The City will be responsible for receiving the DAP application fees from the applicant and forwarding these to the DAP secretariat. The City may also incur other minor costs where it is required to host a meeting of the DAP, and these will be reimbursed by the DAP secretariat. The City will still receive normal planning application fees in accordance with the schedule of fees and charges, to assess and report on applications.

Regional Significance:

As a result of the DAP application thresholds, it is likely that all proposals of regional significance will be determined by this body.

Sustainability Implications:

Sustainability implications of each development will be addressed in reports to the DAP.

Consultation:

Consultation will be undertaken on applications to be presented to the DAPs where applicable as per current protocols.

Elected Members will be advised if and when a proposal is to be advertised. This will include details on where the proposal is to be advertised, where plans can be viewed, and the closing date for submissions.

COMMENT

The protocol has been developed to ensure that the City meets its reporting timeframes to the DAP secretariat, other obligations in relation to public consultation and the like, and also to ensure that Elected Members are kept informed of major developments throughout the City.

The strict deadlines for the provision of a report to the DAP secretariat do not allow sufficient time for a report to be presented to Council to seek its views. Additionally the City's obligation in providing a report is to the DAP only.

Under the recommended option, a review of the Terms of Reference of the Joondalup Design Reference Panel (JDRP) will also be necessary as a result of the implementation of DAPs. The tight timeframes provided will not readily allow for consideration of a proposal by the JDRP. In addition to this, it is noted that the intent of the JDRP is to provide professional advice to the City to enable a decision to be made. As the membership of the JDRP and the DAP consist of persons with similar qualifications feedback from the JDRP may be unnecessary.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 NOTES that the statutory reporting timeframes to the Development Assessment Panel do not provide sufficient time for Council to separately provide a recommendation to the Development Assessment Panel before the application is determined by the panel;**
- 2 ENDORSES the following protocol for Development Assessment Panel applications:**
 - 2.1 Elected members are notified of any Development Assessment Panel applications that are received and are to be advertised;**
 - 2.2 Elected Members are notified that the Development Assessment Panel report has been finalised and that the agenda for the Development Assessment Panel meeting is now available on the Development Assessment Panel website and the City's website;**
 - 2.3 Elected Members are informed of the decision of the Development Assessment Panel;**
- 3 NOTES that a review of the Terms of Reference of the Joondalup Design Reference Panel will also be necessary as a result of the implementation of Development Assessment Panels and that this will be the subject of a separate report presented to Council .**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

CJ121-07/11 DRAFT PROSTITUTION BILL 2011 - INVITATION TO COMMENT

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page, Director Planning and Development

FILE NUMBER: 55618, 101515

ATTACHMENTS: Attachment 1 Summary of Draft Legislation

PURPOSE

To provide information to Council on the State Government's draft Prostitution Bill 2011, and to seek Council's endorsement of the feedback that is proposed to be given to the Department of the Attorney General by the City of Joondalup.

EXECUTIVE SUMMARY

The State Cabinet has approved the release of a draft Prostitution Bill 2011 for public comment. The final bill will be prepared following the completion of a six week public consultation period.

The draft bill addresses matters including licensing, planning and development controls, enforcement, protecting vulnerable people, and health matters.

The planning and development controls proposed will require the local government to consider planning applications for prostitution businesses in areas where permitted by the legislation. Prostitution businesses will not be permitted in any circumstances in Residential areas as defined by the legislation. Local governments will not be required to enforce the provisions of the legislation.

While the draft legislation appears to provide a clear position on where prostitution businesses can and cannot be located, it is considered further clarity is needed on a number of proposed clauses.

BACKGROUND

The current proposed bill is substantially different to the *Prostitution Amendment Act 2007* introduced by the previous State Government. A report on that legislation was presented to Council at its meeting held on 18 December 2007 (CJ269-12/07 refers).

DETAILS

The draft bill includes matters relating to licensing, planning and development controls, enforcement, protecting vulnerable people, and health. A summary of the key matters to be addressed, as advised by the Attorney General, are detailed in Attachment 1. In relation to planning and development controls, the Department of the Attorney General advises:

- Licences will not be granted to prostitution businesses unless they can show that they have been granted planning approval by the relevant local government authority. [clause 47, 48].
- Land in a residential or special use area will not be permitted to be used for a prostitution business under any circumstances [clause 74].
- Land in places other than residential areas or special use areas may be used for a prostitution business where planning approval is granted by the responsible planning authority [clause 75].
- Outside of the City of Perth area, land which is not in a residential area but is nevertheless within 100m of a residence, or 200m of a protected place, will not be permitted to be used for any prostitution business under any circumstances [clause 76].
- Planning schemes may not be amended to override these rules, for example, to make prostitution businesses a prohibited use in areas other than residential or special use areas, or permit applications in residential areas [clauses 74 and 75].

- Existing inappropriately situated businesses may be permitted to continue to operate for up to 18 months, but only if the Department of Racing Gaming and Liquor is satisfied that the business has not been causing disturbance or interfering with the amenity of the area [clause 166].

Clause 121 sets out that a 'closure notice' may be issued by police upon a complaint from a local government.

The following definitions will apply:

"Residential Area" means an area, zone or precinct, however described, in which the use of land for residential purposes is permitted by the applicable planning scheme without the need for development approval, as long as any development standards in the scheme that apply to the use are complied with.

"Special Use" area means an area, zone or precinct, however described, in which land may be used only for purposes specified in the applicable planning scheme as "special use".

"Protected Place" means a hospital or other prescribed place or a place used for education, worship, the care or recreation of six children, or for a prescribed purpose.

A full copy of the draft bill has been placed in the Councillors' reading room, or can be accessed from www.department.dotag.wa.gov.au.

Given the above information, the following locations within the City have the potential to be considered for prostitution businesses, subject to the location of any 'protected place' within the area:

- Winton Road Service Industrial area.
- Joondalup Gate (Joondalup Drive part).
- Canham Way Service Industrial area (Northeast part).
- Larger commercial areas such as Whitfords, Warwick and Currambine.

Issues and options considered:

The options available to Council in considering the request to provide comments on the draft legislation are:

- Provide a comment in support of the draft legislation.
- Provide suggestions to refine the draft legislation.
- Provide a comment of objection to the draft legislation; or
- Do not comment on the draft legislation.

Legislation/Strategic Plan/Policy Implications

Legislation This report refers to the draft State Government Bill on prostitution.

Strategic Plan

Key Focus Area: Not Applicable.

Objective: Not Applicable.

Policy Not Applicable.

Risk Management considerations:

Being required to determine applications for prostitution businesses potentially generates a risk of negative public feedback from the community to the local government. However, as outlined above, the locations where prostitution businesses could potentially establish within the City are relatively few, and therefore the risk to the City is considered to be low.

Financial/Budget Implications:

No financial implications have been identified.

Regional Significance:

The draft bill, if passed, will relate to the State of Western Australia.

Sustainability Implications:

Not Applicable.

Consultation:

The State Government is advertising the draft Prostitution Bill 2011 for public comment for a period of six weeks.

COMMENT

In areas where a prostitution business can be considered, the City will be responsible for receiving and determining a development application. If approved, a licence must still be issued by the Department of Racing Gaming and Liquor. All enforcement issues (for example illegal businesses) will be the responsibility of police.

Notwithstanding the above, it is suggested that the following issues be raised in the response to the draft legislation:

Definition of a Residential area

The draft bill defines a Residential area as an area, zone or precinct, however described, in which the use of land for residential purposes is permitted by the applicable planning scheme without the need for development approval, as long as any development standards in the scheme that apply to the use are complied with.

In regard to the City of Joondalup, a Single House is the only residential land use under DPS2 that is exempt from requiring development approval. A Single House is a 'P' (permitted) use in the 'Residential', 'Mixed Use', 'Special Residential', and 'Rural' zones. Prostitution would not be permitted in these zones.

As a Single House is not permitted in the other zones ('Business', 'Commercial', 'Civic and Cultural', 'Private Clubs/Recreation', and 'Service Industrial') without the approval of the City, a prostitution business could be considered in these areas, subject to development approval, and subject to the business not being within 100m of a residence, or within 200m of a protected place.

As it currently stands, a Single House in the City Centre that complies with all requirements would not need to obtain a development approval. However, under the draft Joondalup City Centre Structure Plan, Single Houses will not be permitted unless located within the 'Inner City Residential' zone. Therefore, the majority of the City Centre would not be classed as a Residential area for the purpose of the prostitution legislation.

In addition, if a Town Planning Scheme, for whatever reason, does not exempt a Single Dwelling (or other form of dwelling) from requiring planning approval in a 'Residential' zone, this area would not be classed as a Residential area for the purpose of the prostitution legislation.

It is therefore suggested that the definition of a Residential area be reassessed and tightened to ensure that a Residential zone or similar will be classed as a Residential area under the legislation, despite residential uses requiring an approval under the applicable Town Planning Scheme.

Proposed dwellings and protected places near existing prostitution businesses

While the draft legislation makes it clear that a prostitution business is not permitted within 100m of a residence or within 200m of a protected place, it is not clear on the implications if a dwelling is proposed within 100m, or a protected place is proposed within 200m, of an existing and appropriately licensed prostitution business. It is considered appropriate that the draft legislation address this issue.

Existing inappropriately located businesses

The draft bill proposes that existing inappropriately situated businesses may be permitted to continue to operate for up to 18 months, but only if the Department of Racing Gaming and Liquor is satisfied that the business has not been causing disturbance or interfering with the amenity of the area. The Department is specifically required to liaise with local government in making such a decision.

It is noted that, in regard to identified illegal land uses, the City will generally require those uses to cease in a matter of weeks. It is considered appropriate that the City adopts a similar position in regard to illegal prostitution businesses. Although the Department of Racing Gaming and Liquor would be the ultimate decision maker, it is unlikely the City would support an 18 month timeframe for a business to cease, and would request compliance in line with current practices.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council, in regard to the draft Prostitution Bill 2011:

- 1 RECOMMENDS that the definition of Residential area be amended to ensure that a prostitution business is not permitted in a zone or precinct where the predominant use is Residential, notwithstanding that residential uses may require planning approval under the applicable Town Planning Scheme;
- 2 RECOMMENDS that draft legislation clarify the position if a residence is proposed within 100m, or a protected place is proposed within 200m, of an established and appropriately licensed prostitution business;

- 3 NOTES that it is proposed to permit an inappropriately situated prostitution business to continue for up to 18 months, however, considers this to be excessive and not in accordance with current local government practices in dealing with unauthorised land uses;
- 4 ADVISES the Department of the Attorney General of Council's recommendations in parts 1 to 3 above.

MOVED Mayor Pickard, SECONDED Cr Fishwick that Council, in regard to the draft Prostitution Bill 2011:

- 1 **RECOMMENDS** that the definition of Residential area be amended to ensure that a prostitution business is not permitted in a zone or precinct where the predominant use is Residential, notwithstanding that residential uses may require planning approval under the applicable Town Planning Scheme;
- 2 **RECOMMENDS** that draft legislation clarify the position if a residence is proposed within 100m, or a protected place is proposed within 200m, of an established and appropriately licensed prostitution business;
- 3 **NOTES** that it is proposed to permit an inappropriately situated prostitution business to continue for up to 18 months, however, considers this to be excessive and not in accordance with current local government practices in dealing with unauthorised land uses;
- 4 **NOTES** that Clauses 74 and 75 of the draft Prostitution Bill will prevent the City of Joondalup from being able to amend the District Planning Scheme to designate prostitution businesses as 'X' uses (uses not permitted) in the Business, Commercial, Civic and Cultural, Private Clubs/Recreation and Service Industrial zones of the city and in the majority of the city centre, once the draft Joondalup City Centre Structure Plan and associated Scheme Amendment 42 are finally approved by the Western Australian Planning Commission and the Minister for Planning respectively;
- 5 **RECOMMENDS** that Clauses 74 and 75 of the draft Prostitution Bill be amended to enable local governments to amend their Planning Schemes to designate prostitution businesses as 'X' uses (uses not permitted) in designated zones;
- 6 **ADVISES** the Department of the Attorney General of Council's recommendations in parts 1 to 5 above; and
- 7 **AGREES** that, as part of the City's review of District Planning Scheme No. 2 and the compilation of District Planning Scheme No. 3, consideration be given to designating prostitution businesses as 'X' uses (uses not permitted) in the Joondalup city centre, including the Winton Road and Joondalup Gate areas, subject to the amendment of Clauses 74 and 75 of the draft Prostitution Bill.

AMENDMENT MOVED Cr Corr, SECONDED Cr Chester that an additional Part 8 be added to the Motion as follows:

“8 *NOTES that there is no potential for any of the Canham Way, Greenwood properties to be used for a prostitution business, as the distance between each of the Canham Way lots and the closest houses, including the houses across Wanneroo Road, is less than 100 metres.*”

The Amendment was Put and

LOST (2/9)

In favour of the Amendment: Crs Corr and Taylor **Against the Amendment:** Mayor Pickard, Crs Amphlett, Chester, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Norman

AMENDMENT MOVED Cr Norman, SECONDED Cr Corr that an additional Part 8 be added to the Motion as follows:

“8 *RECOMMENDS the draft legislation increase the proposed separation from residences from 100 metres to 200 metres and from protected places from 200 metres to 300 metres.*”

The Amendment was Put and

LOST (4/7)

In favour of the Amendment: Crs Amphlett, Chester, Corr, and Norman **Against the Amendment:** Mayor Pickard, Crs Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Taylor

It was requested that Part 3 of the Motion be voted upon separately.

Mayor Pickard advised that he would put Parts 1, 2, 4, 5, 6 and 7 separately, followed by Part 3.

The Original Motion as amended, being:

That Council, in regard to the draft Prostitution Bill 2011:

- 1 RECOMMENDS that the definition of Residential area be amended to ensure that a prostitution business is not permitted in a zone or precinct where the predominant use is Residential, notwithstanding that residential uses may require planning approval under the applicable Town Planning Scheme;**
- 2 RECOMMENDS that draft legislation clarify the position if a residence is proposed within 100m, or a protected place is proposed within 200m, of an established and appropriately licensed prostitution business;**
- 4 NOTES that Clauses 74 and 75 of the draft Prostitution Bill will prevent the City of Joondalup from being able to amend the District Planning Scheme to designate prostitution businesses as ‘X’ uses (uses not permitted) in the Business, Commercial, Civic and Cultural, Private Clubs/Recreation and Service Industrial zones of the city and in the majority of the city centre, once the draft Joondalup City Centre Structure Plan and associated Scheme Amendment 42 are finally approved by the Western Australian Planning Commission and the Minister for Planning respectively;**

- 5 **RECOMMENDS** that **Clauses 74 and 75 of the draft Prostitution Bill be amended to enable local governments to amend their Planning Schemes to designate prostitution businesses as 'X' uses (uses not permitted) in designated zones;**
- 6 **ADVISES** the **Department of the Attorney General of Council's recommendations in parts 1 to 5 above; and**
- 7 **AGREES** that, as part of the City's review of District Planning Scheme No. 2 and the compilation of District Planning Scheme No. 3, consideration be given to designating prostitution businesses as 'X' uses (uses not permitted) in the Joondalup city centre, including the Winton Road and Joondalup Gate areas, subject to the amendment of Clauses 74 and 75 of the draft Prostitution Bill.

was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

The Original Motion as amended, being:

That Council, in regard to the draft Prostitution Bill 2011:

- 3 **NOTES** that it is proposed to permit an inappropriately situated prostitution business to continue for up to 18 months, however, considers this to be excessive and not in accordance with current local government practices in dealing with unauthorised land uses.

was Put and

CARRIED (10/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young **Against the Motion:** Cr Corr

Appendices 3 and 13 refer

To access this attachment on electronic document, click here: [Attach3brf120711.pdf](#)
[Attach13min190711.pdf](#)

CJ122-07/11 MULTICULTURAL FESTIVAL

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt, Chief Executive Officer

FILE NUMBER: 41968, 23629

ATTACHMENTS: Attachment 1 Multicultural Festivals Reviewed
Attachment 2 Other LGA Cultural Multicultural Programming

PURPOSE

For Council to consider the proposal to host an annual Multicultural Festival within the City of Joondalup City Centre, as raised in a Notice of Motion.

EXECUTIVE SUMMARY

At its meeting held on 16 November 2010 (C64-11/10 refers), Council requested the Chief Executive Officer prepare a report for consideration at a future Council meeting on the City hosting an annual Multicultural Festival in the City Centre.

This report reviews the demographic profile of the City and state, best practice for multicultural festivals, multicultural festivals delivered by other local governments and critical success factors for the delivery of a Multicultural Festival.

State-wide research suggests a Multicultural Festival is warranted and may act as an attractor to the region as well as servicing neighbouring local governments' Culturally and Linguistically Diverse (CaLD) communities. However, research suggests a Multicultural Festival may not be viable at a local level and may have limited success in Joondalup.

As a first step it is considered appropriate for the City to consider the inclusion of enhanced multicultural programming within existing events as the investment required by the City may be significant.

A range of options for the City to host a Multicultural Festival have been identified as outlined below:

- 1 Do not host a Multicultural Festival, but consider the inclusion of enhanced multicultural programming and themes within existing City programs.
- 2 Deliver a Multicultural Festival in one of the following formats:
 - Option 2.1 External Operator to fully deliver (\$128,000);
 - Option 2.2 City partners with an External Operator (\$115,000);
 - Option 2.3 City fully delivers (\$150,000).
- 3 Do not host a specific Multicultural Festival at this time, due to the significant resourcing and costs, estimated to be at least \$115,000.

It is recommended that Council:

- 1 *NOTES the City's existing extensive and diverse cultural event portfolio including:*
 - *Festivals;*
 - *Concerts;*
 - *Markets;*
 - *Art Awards; and*
 - *Cultural celebrations;*
- 2 *AGREES to explore options to include multicultural themes and concepts that encourage a multicultural focus as part of the City's existing event program;*
- 3 *AGREES not to host a specific Multicultural Festival within the City of Joondalup at this time, due to the significant resourcing and costs, estimated to be at least \$115,000.*

BACKGROUND

At its meeting held on 16 November 2010 (C64-11/10 refers), Council resolved as follows:

“That the Council requests the Chief Executive Officer to prepare a report for consideration at a future Council meeting on:

- *The City hosting an annual Multicultural Festival in the City Centre.”*

The resolution was as a result of a Notice of Motion. In support of the Notice of Motion, the following commentary was provided:

“More than forty percent of the City of Joondalup’s population were born overseas, reflecting the cultural diversity of our residents. The City currently holds the Joondalup Festival in March each year, bringing over fifty thousand residents and visitors to the City Centre in celebration of what the City has to offer. With such a diverse and extensive multicultural community, a Multicultural Festival held at the beginning of summer would complement the Joondalup Festival and provide an opportunity for residents and visitors to celebrate multiculturalism within our City and more broadly in our State. The Multicultural Festival could celebrate food, fashion, music, dance and design as well as our Sister City relationship with the City of Jinan in China.”

The City of Joondalup has a diverse portfolio of cultural projects, including festivals, concerts, markets, art awards, cultural celebrations and funding programs. The majority of the City’s cultural programs run from October to March of each year, with each month having one significant event during that period.

This suite of cultural events:

- Allows residents to engage with cultural activity and experiences within their local area;
- Celebrates and showcases the Joondalup region;
- Attracts visitors to the Joondalup area;
- Enhances social cohesion and community wellbeing within the region; and
- Is assessable and engaging for diverse groups.

An indicative calendar of the City’s events based on the 2010/11 calendar is as follows:

Event	Dates
NAIDOC Week	4 – 11 July 2010
Joondalup Eisteddfod	Saturday – Sunday 13 August – 4 September 2010
Invitation Art Award	Thursday 14 – Saturday 30 October 2010
Little Feet Festival (Feel the Rhythm)	Sunday 14 November 2010, 1.00 pm - 5.00 pm
Sunset Markets (Upmarket)	Five week season (Fridays) 19 November – 17 December 2010, 6.00 pm 9.00 pm

Summer Concerts (Music in the Park)	Saturday 6 November 2010, 7.00 pm - 9.00 pm
	Saturday 4 December 2010, 7.00 pm - 9.00 pm
	Saturday 15 January 2011, 7.00 pm - 9.00 pm
Valentine's Concert	Thursday, 10 February 2011, 6.30 pm - 9.30 pm
Joondalup Festival	Saturday and Sunday 26 – 27 March 2011
Sunday Serenades	Third Sunday of each Month, April – December 2011
Community Art Award	Thursday 9 June – Saturday 25 June 2011

DETAILS

Multicultural Festivals: Objectives and Initiatives

Multicultural festivals are generally delivered to fulfil the following objectives:

- Celebrate cultural diversity;
- Assist migrants from Culturally and Linguistically Diverse (CaLD) backgrounds to overcome social isolation issues;
- Increase cross-cultural awareness;
- Promote particular local communities as diverse, vibrant and inclusive places to live, work and visit; and
- Support economic development initiatives.

The majority of multicultural programs in Western Australia coincide with Harmony Week, which typically runs in the middle week of March to coincide with national Harmony Day (21 March each year). Harmony Week is a State Government initiative and provides communities with the opportunity to participate in numerous events across the state and to experience, share, understand and appreciate a diverse range of cultures, traditions, languages and faiths.

Multicultural Festival: Approach

A distinction between delivery models for multicultural festivals can be considered as either a *Community Cultural Development* (CCD) approach or a *Receptive Participative* approach, though these are not mutually exclusive.

The Australian Community Cultural Development network defines Community Cultural Development (CCD) as having three basic elements:

- A community or communities;
- Artists or arts workers working in collaboration with a community or communities; and
- A number of outcomes, from artistic and creative through to educational, economic, social or community development outcomes.

As it relates to a multicultural festival, a CCD approach may include local CaLD groups being consulted as to how they may participate and these groups then being included in the programming and event delivery.

The Australian Bureau of Statistics defines a *Receptive Participative* approach as participation that involves receiving (watching, purchasing, and the like) a culture or leisure event or product. In the instance of a multicultural festival this could be considered as the opportunity to attend a festival as opposed to having active participation in the performances or activities themselves.

A CCD approach is the preferred model or best practice approach for engaging local CaLD communities in the context of a Multicultural Festival due to its promotion of inclusion, participation and collaboration.

In Joondalup, a CCD approach may be difficult in the short term due to the relatively low number of CaLD residents. In addition to this the City does not currently have a dedicated database or forum for communicating with CaLD groups. This could make it difficult to engage these groups in a Multicultural Festival. A review of other multicultural festivals suggests that considerable consultation with CaLD residents is critical to success. The lack of information on CaLD groups in the City may impact on the viability of a CCD-modelled event.

A *Receptive Participative* approach is more likely to be successful in the short term and have broader appeal at a regional level, but the benefit for local CaLD communities is reduced. This model would have professional performers and peak CaLD bodies deliver the program for a Multicultural Festival as opposed to local CaLD groups. This approach has merit in the context of a Multicultural Festival delivered to reflect cultural diversity at a regional level.

Cultural Diversity: City of Joondalup

The level of cultural diversity within a community is typically determined by the percentage of CaLD residents in a population. An indicator for determining this is the percentage of overseas born residents from Non-Main English Speaking Countries (NMESC).

Of the City's population, 35% of residents are born overseas, compared to 27% of the total population for the state. The majority of City residents born overseas are predominantly from English speaking countries, with English born residents representing 43% of this total.

Approximately 10% of City of Joondalup residents come from NMESC's compared to 12% of the total population for the state. Refer Figure 1 below for a summary of these percentages and totals.

Figure 1: Percentages and Totals of Overseas Born Residents and Overseas Born Residents from Non-Main English Speaking Countries - City of Joondalup Residents vs. Total Population of Western Australia.

Resident Categories	COJ		WA	
	%	Total	%	Total
Overseas Born	35	52,140	27	531,765
Overseas Born from Non-Main English Speaking Countries (NMESC)	10	14,931	12	234,050

Source: Office of Multicultural Interests: 2006 census

Note: NMESC countries exclude Canada, Ireland, New Zealand, South Africa, the United Kingdom (England, Scotland, Wales and Northern Ireland), and the United States of America. All other countries of birth are included.

The high number of Western Australian residents born overseas in NMESCs (234,050) suggests significant levels of cultural diversity at a state level. A Multicultural Festival targeting patrons and CaLD groups across the whole state may be warranted. The lower number of Joondalup residents born overseas from NMESCs (14,931) may indicate less cultural diversity at a local level and lower demand for a Multicultural Festival when considered at a local level.

Other Local Governments

A number of Perth Local Government Authorities (LGA's) deliver multicultural festivals or multicultural programming within existing events. Three examples from the City of Fremantle, Town of Vincent and Town of Bassendean have been researched and reviewed. A detailed analysis is set out in Attachment 1.

Key findings from this review indicate critical success factors as being:

- Delivery in a district demonstrating a history of cultural diversity with established CaLD communities and networks;
- Delivery in a district with local businesses demonstrating distinctive cultural characteristics, for example, a 'Chinatown' or 'Little Italy';
- Multicultural programming only an element of wider artistic program; and
- Resourcing and budget to reflect high levels of community consultation and participation.

In considering the critical success factors identified above it may be difficult for a stand-alone Multicultural Festival delivered in Joondalup to achieve sustained success.

Multicultural programming of a smaller scale is also delivered by other LGAs in the Perth metropolitan area and a summary of this is provided in Attachment 2.

Issues and options

The following options are available to the Council when considering a Multicultural Festival within the Joondalup City Centre.

Option 1 - Consider the inclusion of multicultural programming and themes within existing City programs.

It is suggested that multicultural elements be implemented into one or more of the current City programs. This could include the Summer Concert Series having a world music theme with each concert featuring a different musical genre such as African, Latin, Reggae or Indian. The Joondalup Festival could also include multicultural elements in the program such as multicultural themes within the Festival parade and staged multicultural performances. This would allow the elements and objectives of multiculturalism to be achieved without adding to the City's current cultural event program.

This is the recommended option.

Advantages	Disadvantages
<ul style="list-style-type: none"> • No additional cost to the City. • No additional resources required. • Further information can be gathered to ascertain demand for a Multicultural Festival. • Trials the inclusion of multicultural programming in existing events. 	<ul style="list-style-type: none"> • Stand-alone Multicultural Festival not delivered.

Option 2 - Deliver a Multicultural Festival within the City Centre in one of the following formats:

- 2.1 External Operator to fully deliver.
- 2.2 City partners with an External Operator.
- 2.3 City fully delivers.

All Option 2 models would:

- Include a program accenting multicultural food, fashion, music, dance and design; and
- Be largely based on a *Receptive Participative* approach as opposed to a *CCD* approach.
- Where appropriate, consideration would be given to include elements that acknowledge and promote the City's Sister City relationship with the City of Jinan, China.

Option 2.1 - Delivered by an External Operator

This Option would see an external operator delivering the Multicultural Festival within the City Centre.

KULCHA, the peak arts organisation dedicated to presenting, promoting and developing multicultural arts and artists in Western Australia, has submitted a detailed proposal to deliver a Multicultural Festival in Joondalup.

A summary of the scope of the proposal is as follows:

Date: Saturday in October/November
 Time: 3.00pm – 8.00pm (five hour event)
 Location: Central Park, Joondalup
 Target Attendance: 1,500 – 4,000 patrons
 Program: Staged performances, food stalls, market stalls, workshops, children's activities, roving performances, liaison with Joondalup CaLD groups.

Inclusive of full event management the proposed fee is \$120,000. As the amount exceeds the purchasing protocol for quotes, a tender would need to be invited.

In addition to the proposed fee, the City would need to consider the resource costs for contract management. Given the complexity of event delivery it is anticipated a significant amount of time would be required to manage the contract. This is an additional resource that would require recruitment. It is envisaged an approximate resource allocation would be on a part-time (0.2) basis, with an estimated cost of \$8,000.

Partner	Service	Cost
KULCHA	Artistic program, production, marketing and event management (infrastructure, traffic management support services and 'at event' staff)	\$120,000
City of Joondalup	Contract management: <ul style="list-style-type: none"> o Staff member on a 0.2 basis for 6 months 	\$ 8,000
Total		\$128,000

Advantages and disadvantages of this option are set out below:

Advantages	Disadvantages
<ul style="list-style-type: none"> • Outsourcing would lessen the impact of the project on existing staff and resources. • Engagement of specialist supplier (KULCHA) with significant experience working with multicultural groups would increase the likelihood of success. • Event may act as an attractor to the region. 	<ul style="list-style-type: none"> • May not be delivered according to the City's expectations (for example. – risk management, quality of program, marketing and promotion). • City would need to invest resources to manage the contract requiring recruitment. • City may be required to tender this service. • Reduced benefit for Joondalup CaLD communities as performers and participants are professionals from outside the region.

KULCHA has indicated it may be possible to deliver this program in 2011, subject to timing of final contracting. However, given recruitment timelines for the required staff member to manage the contract it is considered this option would not be able to be delivered in 2011.

This is not the recommended option.

Option 2.2 - City Partners with an External Operator

This Option would see the City partner with an External Operator to deliver the Multicultural Festival in the City Centre.

The KULCHA proposal has a partnership delivery model option for a Festival, with a scope as listed in Option 2.1. Partnership duties would include KULCHA delivering the artistic program and the City delivering event management and logistical services (including infrastructure).

The cost for this proposal would be \$115,000 as outlined below:

Partner	Service	Cost
KULCHA	Artistic program, production and marketing	\$ 60,000
City of Joondalup	Event management (infrastructure, traffic management, support services and 'at event' staff)	\$ 37,000
	Staff member on a 0.6 basis for 6 months	\$ 18,000
Total		\$115,000

Advantages and disadvantages of this option are set out below:

Advantages	Disadvantages
<ul style="list-style-type: none"> Engagement of specialist supplier (KULCHA) with significant experience working with multicultural groups. City maintains control of event management services allowing a consistent project management approach. Event may act as an attractor to the region. 	<ul style="list-style-type: none"> Challenging model to integrate artistic program with event management across two partners.

KULCHA has indicated it may be possible to deliver this program in 2011, subject to timing of final contracting. It would not be possible for the City to deliver this option until 2012, as the City would need to recruit an officer to deliver this event.

This is not the recommended option.

Option 2.3 - City Fully Delivers

This Option would see a Multicultural Festival held within the City Centre, utilising City resources.

The cost for this proposal would be \$150,000 as outlined below:

Item	Cost
Artistic program, production and marketing	\$ 68,000
Event management (Event infrastructure, support services and 'at event' staff)	\$ 37,000
Staff member at 0.75 time for 12 months	\$ 45,000
Total \$150,000	

Note: It is anticipated that the artistic program and marketing costs would be higher for the City than indicated in the KULCHA proposal as KULCHA would be achieving efficiencies through booking and promoting performers for multiple performances utilising its own venue.

Advantages and disadvantages of this option are set out below:

Advantages	Disadvantages
<ul style="list-style-type: none"> • City controls content and quality of the event. • Experienced event team familiar with City processes and procedures. • Opportunity to leverage existing City resources (Community Development expertise). • Event may act as an attractor to the region. 	<ul style="list-style-type: none"> • City may not have requisite skills in development of multicultural program • Most expensive option for the City.

It would not be possible for the City to deliver this option until 2012 as the City would need to recruit an officer to deliver this event.

This is not the recommended option.

Option 3 - Do not host a specific Multicultural Festival at this time

Given the demographic profile of the City of Joondalup and the identification of critical success factors as engaged with local CaLD groups and delivery in a distinct culturally diverse district, it is considered community demand and local involvement in a Multicultural Festival is low and it would be difficult to achieve the objectives set for such events.

A specific Multicultural Festival would require significant resourcing and costs, estimated to be at least \$115,000.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Community well being

Objective: 5.3 To facilitate culture, arts and knowledge within the community.
 5.3.1 The City continues to host festivals, concerts and events and enhances these in response to community demand.

Policy City Policy – Access and Equity

Objective – To ensure that there is equitable access to the City's information, services and facilities for all residents.

Risk Management considerations:

- **Risk Management Plan**

Comprehensive Risk Management Plans are prepared for all major cultural events presented by the City and are distributed to the Local Emergency Management Committee for approval. Should a Multicultural Festival proceed, a Risk Management Plan would be prepared in line with this process.

- **Critical Success Factors**

The critical success factors identified in the review of other multicultural festivals are largely considered to be absent in the Joondalup area. This may impact on the capacity of the event to achieve reasonable attendance and customer satisfaction.

- **External Contractor**

KULCHA has demonstrated experience in delivering high quality multicultural programs and services but minimal experience in large scale outdoor event logistics. In Option 2.1, the fully outsourced model, KULCHA deliver this aspect, increasing the risk that event logistics and services outside of artistic programming are not managed smoothly.

Financial/Budget Implications:

There has been no allocation within the 2011/12 Budget to deliver a Multicultural Festival within the City of Joondalup City Centre.

Costing of options presented is as follows:

		Cost
Option 1	Consider the inclusion of Multicultural Programming and themes within existing City programs.	\$ 0
Option 2.1	Multicultural Festival delivered by an external operator.	\$120,000
Option 2.2	Multicultural Festival delivered in partnership between the City and an external operator.	\$115,000
Option 2.3	Multicultural Festival fully delivered by the City.	\$150,000
Option 3	Do not host a specific Multicultural Festival at this time.	\$ 0

Regional Significance:

Either enhanced Multicultural Programming and themes or a stand-alone Multicultural Festival hosted by the City of Joondalup may have regional significance and attract patrons from outside the district.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Best practice for the delivery of a Multicultural Festival indicates program managers should implement a CCD approach inclusive of:

- Mapping local CaLD groups;
- Consultation with CaLD groups;
- Engagement with CaLD groups;
- Collaboration with CaLD groups;
- Development of CaLD groups; and
- Event delivery in a culturally diverse locality.

It is unlikely the City can implement this approach in the short term.

Opportunities for multicultural groups to participate and engage with the community currently exist through the City's extensive event program.

With the City's demographic profile and absence of some critical success factors for multicultural festivals, it appears that a stand-alone Multicultural Festival in Joondalup may have limited success.

To enable the City to further advance its strategic objective and to alter the events and festivals as community demand changes, it is suggested that multicultural themes and concepts be enhanced as part of the City's existing event program.

The Summer Concert Series and annual Joondalup Festival would ideally lend themselves to showcase multicultural arts and multicultural elements of the City of Joondalup community. This could include world music being programmed as part of the Summer Concert Series, an enhanced allocation of time on the main stage for Joondalup CaLD groups within the Festival, and/or incorporating multicultural themes for the parade.

However, if Council was to determine to proceed with a Multicultural Festival and resource it appropriately a *Receptive Participative* approach in an outsourced model (Option 2A – KULCHA deliver) would be recommended. Due to the processes required to be completed prior to staging an outsourced Multicultural Festival it is further suggested that the inaugural City of Joondalup Multicultural Festival be held as part of the 2012-2013 Summer Event Series. It is noted that as a first step this model could be utilised to achieve some of the objectives of a CCD approach including mapping, consultation and engagement with local CaLD groups. Future festivals could use this knowledge base to work towards a comprehensive CCD approach.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 **NOTES** the City's existing extensive and diverse cultural event portfolio including:
 - Festivals;**
 - Concerts;**
 - Markets;**
 - Art Awards; and**
 - Cultural celebrations.**
- 2 **AGREES** to explore options to include multicultural themes and concepts that encourage a multicultural focus as part of the City's existing event program;
- 3 **AGREES** not to host a specific Multicultural Festival within the City of Joondalup at this time, due to the significant resourcing and costs, estimated to be at least \$115,000.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf120711.pdf](#)

Disclosures of interest affecting impartiality

Name/Position	Cr Tom McLean
Item No/Subject	CJ123-07/11 – Proposed Currambine Community Centre and Delamere Park, Currambine
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr McLean is building a house on the Estate adjacent to the site

Name/Position	Cr Philippa Taylor
Item No/Subject	CJ123-07/11 – Proposed Currambine Community Centre and Delamere Park, Currambine
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Taylor lives in close proximity to the proposed Community Centre and Delamere Park

CJ123-07/11 PROPOSED CURRAMBINE COMMUNITY CENTRE AND DELAMERE PARK, CURRAMBINE

WARD: North

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt, Chief Executive Officer

FILE NUMBER: 59011, 75521

ATTACHMENTS: Attachment 1 Community Consultation Brochure
Attachment 2 Tables 1 to 11 - Community Responses
Attachment 3 Delamere Park Concept Plan
Attachment 4 Generic Consultation and Communication Plan for
Landscape Master Planning projects

PURPOSE

Provide the outcomes from the community consultation conducted on the proposed Currambine Community Centre, seek approval to proceed to final design and construction stage, and seek approval to proceed to community consultation on the draft Concept Plan for Delamere Park.

EXECUTIVE SUMMARY

In line with Council resolution CJ214-12/10, community consultation was undertaken to gain community feedback on the preliminary Concept Design for the internal building spaces and car parking for the proposed Currambine Community Centre. The community consultation was undertaken during the period 11 April to 6 May 2011.

There were 571 responses (or 18%) received as part of the community consultation for the proposed Community Centre.

Overall the outcomes from the community consultation are positive in terms of support for the internal building spaces for the proposed Currambine Community Centre. Based on community comment, the car parking will require further consideration in terms of number of bays and location.

Given the positive support from the community and the need for a Community Centre identified in the 2009 Feasibility Study, it is recommended that the proposed Currambine Community Centre proceed to final design and the development of a tender specification for the construction.

The Feasibility Study prepared for the Currambine Community Centre included stakeholder consultation for the development of the public open space known as Delamere Park (that is adjacent to the proposed Community Centre).

The City has prepared a Concept Plan (Attachment 3 refers) that responds to the consultation and also incorporates the adopted Landscape Master Plan principles.

BACKGROUND

Suburb/Location:	Lot 1594 (52) Delamere Avenue, Currambine
Applicant:	Not Applicable
Owner:	City of Joondalup
Zoning:	DPS: Civic and Community Purposes (WAPC Covenant 1989274)
Site Area:	2 hectares
Structure Plan:	Currambine District Centre Structure Plan

Plans for the development of a community facility in Currambine were first submitted in 1995. The parcel of City owned land on Lot 1594 Delamere Avenue, Currambine was set aside for community use and has a Western Australian Planning Commission covenant restricting the use of the site to accommodating community facilities.

Needs assessments for a proposed Community Centre were conducted in 2000 and 2005 and architectural concept plans were drawn up in 2002. All these documents were considered out of date and a new Feasibility Study was commissioned. The Feasibility Study was completed in October 2009. Since that time the following actions have been undertaken:

- Preliminary Concept Design for the internal spaces and associated car parking has been developed.
- Community consultation on the preliminary Concept Design for the internal building spaces and car parking (CJ214-12/10 refers).
- Preliminary Concept Plan developed for the remainder of the Delamere Avenue Public Open Space.

Delamere Park is classified as regional open space in accordance with the Public Parks and Open Spaces Classification Framework. The infrastructure and features associated with this classification of park are as follows:

- Floodlighting for safety and security.
- Toilet facilities.
- Capacity for 100 cars to park within or around the perimeter of the park grounds.
- Footpaths.
- Barbecues.
- Shelters.
- Play equipment.
- Bench seating.

DETAILS

Proposed Community Centre

In line with Council resolution CJ214-12/10, community consultation was undertaken to gain community feedback on the preliminary Concept Design for the internal building spaces and car parking for the proposed Currambine Community Centre. An overview of the detail of the consultation methodology, responses and themes from respondents is provided below.

Methodology

A survey was selected as the appropriate methodology for gaining community feedback and respondents were asked to identify the extent to which they supported, or did not support the provisions for internal building spaces and car parking as shown in the draft Concept Plan. Respondents were also able to make additional comments on the proposed development.

To assist respondents, a brochure was attached to the survey showing the layout of the building and the location of the parking spaces (Attachment 1 refers). Information was provided on the activities that could be carried out within specified areas of the building. The community consultation was open for the period 11 April to 6 May 2011.

Distribution

Two copies of the survey and brochure were distributed via direct mail to 3,200 households and owners of property within a one kilometre radius of the site, which is the catchment area for the proposed Community Centre. One copy was intended for completion by an adult, the other by a young person residing at the same address.

An online version of the survey and brochure was made available on the City's website for the wider community. The opportunity to participate using this facility was advertised in community newspapers and by signage at the site.

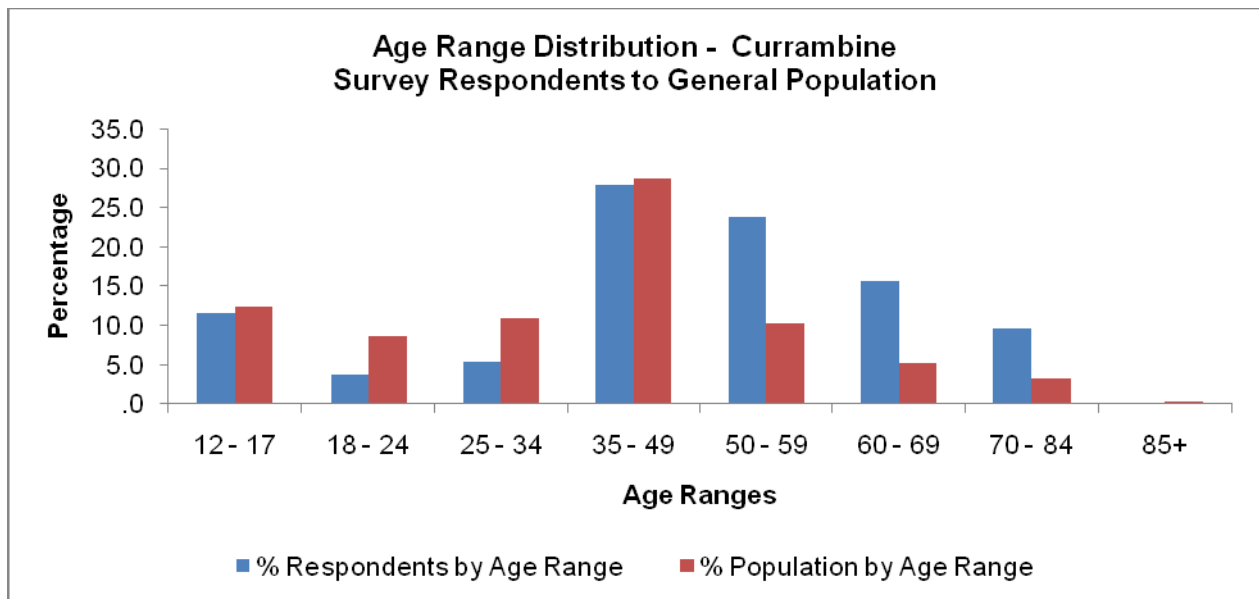
Responses

571 surveys were returned to the City, indicating an overall response rate of 18%. On this occasion, more women (57.4%) than men (39.8%) returned the surveys, indicating the likely user group for the proposed centre.

Respondent Age Ranges

Age Range	Number	%
12 - 17	66	11.6
18 - 24	21	3.7
25 - 34	31	5.4
35 - 49	159	27.8
50 - 59	136	23.8
60 - 69	89	15.6
70 - 84	55	9.6
85+	1	.2
Total	558	97.7
No response	13	2.3
	571	100.0

A comparison of respondent age ranges with ABS statistics showed that the interests of people aged between 12 to 17 and 35 to 49 were well represented, whereas the interests of people aged 50+ were over represented. This data indicates that local Baby Boomers have considerable interest in the development and what it may have to offer in future.



Levels of support

Most levels of support came from people aged between 35 and 49 (n=159), the largest group of respondents.

All internal spaces and the parking provisions received strong levels of community support. The top three internal spaces were:

- the main hall/function room (90.1%).
- the multi-purpose/activity room (89.1%).
- the open landscaped courtyard (88.8%).

The lowest level of support was indicated for the program suite at (67.6%). Given that the activities indicated for that space in the brochure referred to general use by government or non-government organisations, this outcome was anticipated.

Tables 1 to 11 (Attachment 2 refers) show overall levels of support for each internal building space and the car parking for the proposed Currambine Community Centre.

Additional Comments

Of 571 returned surveys, 201 contained additional comments. Not all comments received concerned the internal spaces or the provisions for parking. A number concerned issues of safety and security given the proximity of the centre to the existing bottle shop and a new tavern. Some respondents felt that additional security measures would be needed to prevent anti-social behaviour and potentially damage to the centre and its grounds.

“I am... concerned about the tavern as those venues seem to be the new death zones for our young adults so can adequate monitoring, cameras and guidelines be enacted to discourage thugs and offer better protection for our young to have a safe night out.” (Female, 50 – 59, Iluka).

The table below identifies internal spaces in the draft Concept Plan and key points from the feedback received.

Internal space	Key Points from Comments
Studio/fitness room 15 comments	<ul style="list-style-type: none"> • Is this needed given existing facilities in the area? • Queries concerning adequacy of showers/lockers
Program Suite 2 comments	<ul style="list-style-type: none"> • Purpose queried
Reception and offices 3 comments	<ul style="list-style-type: none"> • Proximity to youth area queried • Location at far end of building away from car park
Youth Meeting Area 13 comments	<ul style="list-style-type: none"> • Adjacent open space in courtyard/adjacent to park for youth activities • More windows • Provision of bike racks • Safety and security for youth (from others) • Library • Focus on 'active' rather than passive entertainment • Access to state of the art digital technologies

Internal space	Key Points from Comments
Main hall/function room 6 comments`	<ul style="list-style-type: none"> • Better access to kitchen and storage areas
Children's area 15 comments	<ul style="list-style-type: none"> • Safety and security for children – outside area/distance from car park • Size of Children's Area queried – could it be larger given local demand
Open Landscaped courtyard 13 comments	<ul style="list-style-type: none"> • Safety and security • Non-smoking area • Cafe/kiosk • Child/youth friendly space with suitable activities • Veggie patch • Shade

Analysis of respondent comments by age range was undertaken to ascertain if any recurrent themes emerged that were specific to people at different life stages, for example youth, households with children, mid life and old age as this could reflect their interests and expectations concerning the proposed Community Centre.

The table below shows details in the age ranges where there is sufficient commentary to identify recurrent themes:

Age Range	No people	Theme	Direct quotation/s
12 – 17	16	Being physically active in and around the Centre was important to this group. They liked the idea of unstructured activities in the outdoor areas and access to computer technologies inside.	Maybe a skatepark /longboard park and maybe a gaming centre (PS3 and Xbox) maybe a lazer tag arena. (Male, Iluka).
			I love it but I strongly agree that there should be bigger playgrounds and more activities in the landscape park. (Female, Currambine).
35 – 49	50	A place for us. Most people in this group welcomed the imminent development of the centre and a number were enthusiastic about what it would mean for the local community.	Something the Currambine area requires so... more community mindedness can develop and be fostered....Great initiative, looking forward to its development. (Male, Currambine). (Male, Currambine).
			...it looks fantastic. Currambine has needed a 'heart' and this looks like it. Thank you. (Female, Currambine).

Age Range	No people	Theme	Direct quotation/s
50 – 59	54	Parking, access and security. Most people in this group queried the amount of parking given the potential for large community events, the suitability of its location at the rear of the building and how safe it would be for visitors to the centre.	If you had a function for 300 persons there doesn't seem to be a lot of parking. (Female, Currambine).
			Car parking seems far away - particularly for parents with young children or elderly users at the centre. (Male, Connolly).
			More parking bays and situated closer to the community centre. Not safe walking that distance, especially alone at night (Female, Ocean Reef).

Commentary on Parking Provisions

Forty two people commented on the provisions for parking and two recurrent themes were identified:

- Mismatch between the numbers of people who might attend a function (300 people) and the number of parking bays (63);
- Distance of the parking area from the building.

Some comments indicated concerns about safety and security of people walking to and from the car park at night and others felt there should be some provisions for people with disabilities, families with very young children and in one instance, people with bulk craft materials. A drop off point near the entrance was suggested as a solution.

Five people expressed dissatisfaction with the parking arrangements, in particular the likelihood of negative consequences for Delamere Avenue residents in terms of congestion and road safety.

Consultation Findings

Statistically speaking, most respondents approve of the arrangements for each internal space and the parking provisions. However, the comments do indicate some doubts about the adequacy of the parking provisions given the potential for large functions at the venue.

Proposed Delamere Park

A draft Concept Plan for Delamere Avenue Public Open Space has been developed based on the landscape features the community would like to see within the open space. These main features include an amphitheatre for outdoor events, barbecue outdoor entertainment area, children's playground and as much parkland as possible. The draft concept plan also takes into consideration the following issues:

1 Crime Prevention through Environmental Design

Depending on how the surrounding commercial sites, such as the tavern and bottle shop will be used in the future, there may be issues regarding litter, anti-social behaviour in the parkland. As it is difficult to forecast how the surrounding commercial sites will ultimately affect the park, the site has been designed to easily deal with these issues should they arise in the future.

As the site slopes to the west, the main communal hub areas such as the barbecue area, playground, amphitheatre and parking have been located to the north and east of the park to allow passive surveillance from properties along Delamere Avenue and the new residential development to the north. It is proposed that the tree species will enable under pruning to provide clear sightlines and the shrubs within the garden bed behind the playground and barbecue area will be no higher than 600 millimetres to allow passive surveillance from surrounding residential areas.

It is proposed for low level park lighting to be installed to the barbecue area, playground and along the path linking the car park and entry to Hobson's Gate to deter vandalism and anti-social behaviour. It is proposed that the car park be lit to Australian Standards to deter hooning and anti-social behaviour.

2 Toilets

Provision has been made for an automatic toilet adjacent to the public car park. It is anticipated that the park will attract regular visitors and will be used by the City for community events. Consequently there is a need for a public toilet. The automatic unit is recommended because it provides a high level of security.

3 Car Parking

The car park is designed to service the community centre and parkland. The future car park site to the south and additional car parking at the commercial site north of the community will provide ample overflow parking to the site.

4 Landscape Features of the Draft Concept Design

The main landscape features include:

- informal grass area for ball sports;
- children's playground with rubber soft fall under surfacing;
- outdoor barbecue entertainment area with two sheltered picnic settings and one barbecue with two hot plates and central bench;
- adult gym equipment;
- grassed amphitheatre with limestone walls;
- stage area for amphitheatre which could be a future community art project;
- 2.1 metres wide universally accessible circular path network for walking, running or bike riding;
- benches placed along the path system;
- low level lighting to the main communal areas and car park;
- retained areas of high value conservation heathland which will be fenced off with standard 1.2 metres high pine and wire strands.

With respect to the stakeholder consultation in the 2009 Feasibility Study, the elements proposed for the park compared to wishes of the stakeholders are in the following table:

External Spaces and Facilities	Included / Not Included	Reason for Not Including
Parkland	Included	
Amphitheatre for outdoor events	Included	
Outdoor exercise equipment and circuit	Included	
Children's Playground	Included	
Barbecue and outdoor entertainment area	Included	
Community Garden	Not Included	The City is considering an alternative site.
Multi-purpose courts – netball, tennis, basketball	Not Included	The Park is designated passive recreation.
Young people's meeting and activity zone	Not Included	Although there is no activity zone, it is considered that the design of the park will provide a place for young people to meet.
Men's shed – older men	Not Included	Other sites within the City may be considered more appropriate.
Water feature and play area	Not Included	Not in keeping with Landscape Master Plan principles.
Mini golf	Not Included	The topography of the park is not conducive to this sport.
Shed for maintenance and cars – young people	Not Included	Not considered appropriate for this site.
Skate park	Not Included	Council has approved a new skate park at Mirror Park, Ocean Reef.

Issues and options considered:

There are a number of options that are available for consideration for constructing a Community Centre and developing the Public Open Space at Lot 1594 Delamere Avenue, Currambine:

- 1 Not develop either the Community Centre or Delamere Park (the Public Open Space adjacent to the Community Centre);
- 2 Develop only the Community Centre over the 2011/12 and 2012/13 financial years;
- 3 Develop only Delamere Park in 2011/12;
- 4 Develop both the Community Centre and Delamere Park over the 2011/12 and 2012/13 financial years;
- 5 Develop the Community Centre over the 2011/12 and 2012/13 financial years and defer development of Delamere Park until 2013/14.

Legislation/Strategic Plan/Policy Implications:

Legislation Appropriate development approvals will be sought.

Strategic Plan

Key Focus Area: Community wellbeing

Objective: Ensure the City's facilities and services are of a high quality and accessible to everyone. Facilitate healthy lifestyles within the community.

Policies: Council Policy - Community Consultation and Engagement Policy.
Master Planning Process – correlates with Stages 1, 2 and 3.

Risk Management considerations:

Not providing a Community Centre in Currambine could be seen by residents as not meeting an identified need for community facilities in Currambine, Joondalup, Burns Beach, Iluka, Kinross and Connolly.

This risk needs to be balanced in terms of programs operating from the Centre to ensure an appropriate level of usage, together with recognising the creation of a new City asset that will require management and potentially replacement in future.

Not developing the adjacent Public Open Space in Delamere Park could lead to increased opportunity for vandalism and anti-social behaviour near the Community Centre and will detract from the overall aesthetics of the site.

Financial/Budget Implications:

An amount of \$4.5 million in total has been listed for consideration in the 2011/12 and 2012/13 Capital Works Programs for the proposed Currambine Community Centre. An amount of \$0.5 million has also been included in the 2012/13 Budget for the development of Delamere Park (the Public Open Space adjacent to the proposed Community Centre).

The anticipated cost for the proposed 1,540 square metre Community Centre building, based on current building rates of \$2,500 per square metre, is \$3.85 million (excluding fit-out, landscaping, car parking, footpath and internal courtyard).

The preliminary estimated cost of the landscaping of Delamere Park is \$1.39 million.

All figures quoted in this report are exclusive of GST.

Regional Significance:

It is anticipated that a Community Centre and regional open space in Currambine will predominantly draw its catchment from Currambine, Joondalup, Burns Beach, Iluka, Kinross and Connolly.

Sustainability Implications:

Community Centre

Community Centres provide a focal point for the delivery of programs, activities and services within local communities. The original Feasibility Study has identified that in the study area there is a shortage of facilities and programs for young people, a shortage of programs and activities for active seniors and frail older people, a need to offer kitchen facilities and cooking programs that promote healthy eating, and a facility that provides for the delivery of cultural activities such as drama, dance, music performances and art exhibitions. These needs have been confirmed through the community consultation.

The social benefits from Community Centres include creating a community hub/meeting place; providing opportunities for community socialisation and engagement through the delivery of programs, activities and services; and a facility from which a range of community services can be made available.

The preliminary Concept Design provides for environmentally friendly features such as water tanks, photovoltaic panels, use of natural lighting and provision of shade. The design will also include end-of-journey facilities such as showers and a bike rack. Natural surveillance and other CPTED principles have also been incorporated into the design.

Should the new Community Centre proceed, it will become a new City asset and as such will require ongoing management in accordance with the City's Asset Management Strategy. As with most other community buildings, although some income will be generated from facility hire, it is unlikely that this will fully cover the cost of the Centre's operation. This is a common issue with community facilities.

Delamere Park

Delamere Park is located within Groundwater Licence 155582. There is currently sufficient capacity within the allocation to accommodate the irrigation requirements for the public open space. The City will apply for a bore licence from the Department of Water for the site and it is anticipated that this will be supported in recognition of the water conservation activities that the City is engaged in.

Consultation:

Community Centre

Community consultation on the preliminary Concept Design for the internal building spaces and associated car parking for the proposed Currambine Community Centre was undertaken as per the process described in the Details section.

Delamere Park

Delamere Park will be a passive recreation focus for the residents of Currambine, Joondalup, Burns Beach, Iluka, Kinross and Connolly. It will be constructed in accordance with the City's Landscape Master Plan principles. It is therefore appropriate that the consultation associated with the draft Concept Plan be conducted in accordance with the generic consultation and communication plan for Landscape Master Planning projects (Attachment 4 refers).

COMMENTCommunity Centre

Overall the outcomes from the community consultation are positive in terms of support for the internal building spaces for the proposed Currambine Community Centre. Based on comments from the community, the car parking will require further consideration in terms of number of bays and location.

Given the positive support from the community and the need for a Community Centre identified in the 2009 Feasibility Study, it is recommended that the proposed Currambine Community Centre proceed to final design and the development of a tender specification for the construction.

Delamere Park

The draft Concept Plan for Delamere Park responds to five of the top seven elements that stakeholders in the 2009 Feasibility Study suggested could be included in the park. In consideration that there is good quality remnant heathland on the park, this has been retained to provide a buffer between the park and adjoining commercial properties.

It is recommended that community consultation be undertaken on the draft Concept Plan for Delamere Park in accordance with the generic consultation and communication plan for Landscape Master Planning projects.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 NOTES the outcomes of the community consultation undertaken on the preliminary Concept Design for the internal building spaces and car parking associated with the proposed Currambine Community Centre;**
- 2 REQUESTS that the Chief Executive Officer finalise the design and prepare a tender specification for the construction of a Community Centre on Lot 1594 Delamere Avenue, Currambine;**
- 3 APPROVES proceeding to community consultation on the draft Concept Plan for Delamere Park included in Attachment 3 of Report CJ123-07/11 in accordance with the generic consultation and communication plan for Landscape Master Planning projects.**

AMENDMENT MOVED Cr Taylor, SECONDED Cr Corr that Part 3 of the Motion be amended to read as follows:

“3 *APPROVES proceeding to community consultation on the draft Concept Plan for Delamere Park included in Attachment 3 of Report CJ123-07/11 with the addition of a small skateboarding area in accordance with the generic consultation and communication plan for Landscape Master Planning projects.*”

The Amendment was Put and

LOST (1/10)

In favour of the Amendment: Cr Taylor **Against the Amendment:** Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean and Norman

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

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf120711.pdf](#)

CJ124-07/11 MINUTES OF THE JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY STEERING COMMITTEE HELD ON 14 JUNE 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt, Chief Executive Officer

FILE NUMBER: 07019, 101515

ATTACHMENTS: Attachment 1 Minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee Meeting Held on 14 June 2011

PURPOSE

To submit the minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee (JPACF) to Council for noting.

EXECUTIVE SUMMARY

At its meeting held on 14 June 2011, the Joondalup Performing Arts and Cultural Facility Steering Committee considered the following matters:

- Item 1 Joondalup Performing Arts and Cultural Facility Steering Committee - Terms of Reference
- Item 2 Joondalup Performing Arts and Cultural Facility Steering Committee: Roles and Responsibilities

BACKGROUND

At its meeting held on 22 June 2010 (CJ103-06/10 refers), Council endorsed the Project Philosophy and Parameters and the formation of a Steering Committee for the Joondalup Performing Arts and Cultural Facility (JPACF). Further, Council endorsed the Terms of Reference for the Steering Committee at its meeting held on 21 September 2010 (CJ150-09/10 refers):

The endorsed Terms of Reference for the JPACF Steering Committee are:

- To provide advice and make recommendations to Council on:
 - The architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;
 - The core components to be included in the Joondalup Performing Arts and Cultural Facility;
 - The capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility;
 - The options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.
- The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks.

DETAILS

The Motions carried at the Joondalup Performing Arts and Cultural Facility Steering meeting are set out below, together with officer's comments.

Item 1 Joondalup Performing Arts and Cultural Facility Steering Committee - Terms of Reference

The following motion was carried:

"That the Committee NOTES the Terms of Reference for the Joondalup Performing Arts and Cultural Facility Steering Committee."

Officer's Comment

No comment required.

Item 2 Joondalup Performing Arts and Cultural Facility Steering Committee: Roles and Responsibilities

The following motion was carried:

"That the Committee NOTES the roles and responsibilities of the Joondalup Performing Arts and Cultural Facility Steering Committee and its members, including:

- 1 Code of Conduct; and
- 2 Confidentiality requirements."

Officer's Comment

No comment required.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

Legislation/Strategic Plan/Policy Implications

Legislation The Local Government Act 1995
The Local Government (Administration) Regulations 1996
The City of Joondalup Standing Orders Local Law 1995

Policy Council Policy – Code of Conduct

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr McLean that Council **NOTES** the unconfirmed minutes of the Joondalup Performing Arts and Cultural Facility Steering Committee meeting held on 14 June 2011, forming Attachment 1 to Report CJ124-07/11.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf120711.pdf](#)

CJ125-07/11 ICLEI WATER CAMPAIGN MILESTONE 4

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry, Director Governance and Strategy

FILE NUMBER: 78616

ATTACHMENTS: Nil

PURPOSE

The purpose of this report is to provide advice to the Elected Members on the successful achievement of Milestone 4 of the ICLEI Water Campaign™ Program.

EXECUTIVE SUMMARY

The City of Joondalup joined the ICLEI Water Campaign™ in 2007. The Water Campaign™ is an international Program that aims to improve water quality and promote water conservation by building the capacity of local government.

The ICLEI Water Campaign™ Program works on a framework of five milestones. There are two modules of the Water Campaign™, Corporate and Community. The Corporate module focuses on improving water management within City operations whilst the Community module focuses on improving water management in both the residential and non-residential community sectors. Both modules include the focus areas of water quality and water conservation.

The City has achieved Milestone 4 of the Water Campaign™ through the:

- reduction of over 100,087 kilolitres of corporate water consumption since the 2007/08 financial year.
- reduction of over 211,020 kilolitres of community water consumption since the 2007/08 financial year.
- implementation of water quality improvement projects since the 2006/07 financial year.
- implementation of water quality improvement projects since the 2006/07 financial year.

BACKGROUND

At its meeting held on 22 May 2007 (CJ083-05/07 refers), Council 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 summary document.
- 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.

The City has previously completed the Corporate and Community modules for Milestones 1, 2 and 3 of the Water Campaign™ Program. The City has recently completed Milestone 4 Corporate and Community of the Water Campaign™ and will be recognised for this achievement at a ceremony on the 4 August 2011.

DETAILS

Achieving Milestone 4 of the ICLEI Water Campaign™ demonstrates the City's progress towards the implementation of strategic and practical water quality and water conservation measures. To achieve this Milestone the City implemented *The City of Joondalup's Water Actions Summary* which was developed as a requirement of Milestone 3 of the Water Campaign™ Program which was adopted by Council on 21 July 2009 (CJ155-07/09 refers).

The City achieved Milestone 4 of the Water Campaign™ through improved water management of the following:

Corporate Water Conservation:

- Achieving a reduction of over 100,087 kilolitres of corporate water consumption since the 2007/08 financial year.

This reduction was achieved through various projects including the installation of water saving devices at the Craigie Leisure Centre, monitoring and review of ground water irrigation practices and the implementation of hydrozoning and ecozoning techniques.

Community Water Conservation:

- Achieving a reduction of over 211,020 kilolitres of community water consumption since the 2007/08 financial year.

This can be attributed in part to the implementation of programs such as Living Smart, Great Gardens, Switch Your Thinking and the Environmental Education Program.

Corporate Water Quality:

- Implementation of water quality improvement projects since the 2006/07 financial year.

Projects that have been implemented include the Yellagonga Wetlands Water Monitoring Study, Midge Management Program and trialling of weed control methods to determine best practice management.

Community Water Quality:

- Implementation of water quality improvement projects since the 2006/07 financial year.

Projects that have been implemented include the Green Frog Project, Great Gardens Workshops and Managing Midges Community Education Project.

ICLEI Oceania will award the City the Water Campaign™ Milestone 4 Award at the upcoming ICLEI Oceania Recognition and Briefing breakfast on Thursday 4 August 2011.

Milestone 5, the final Milestone of the ICLEI Water Campaign™, will involve tracking and reporting on progress towards the goals set at Milestone 2 and setting directions for future actions to improve water management practices. Milestone 5 will be undertaken during the 2011/12 financial year.

Legislation/Strategic Plan/Policy Implications

Legislation:

Not Applicable.

Strategic Plan

Key Focus Area: The Natural Environment

- Objective:**
- 2.1: To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.
 - 2.2: To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Policy Implications

Participation in the ICLEI Water Campaign™ Program is consistent with the objectives within the City's Sustainability Policy.

Risk Management considerations:

The reduced rainfall and drying climate that Western Australia is currently experiencing has made it necessary for the City to monitor and report on current water management practices. If the City does not actively address water conservation and water quality within its own operations there are risks that; the City will not be seen as leading by example within the community, water availability may be reduced to maintain public open space, and financial costs may increase to supply scheme water to facilities and parks in order to maintain amenity.

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 may be put at risk.

Financial/Budget Implications:

All costs associated with Projects implemented as part of the Water Campaign™ Program will be met within existing Budgets. The implementation of sustainable water practices developed through the Water Campaign™ Program will reduce costs to the City through the reduction of corporate water consumption.

Regional Significance:

Western 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.

There are 42 local government authorities within Western Australia that are currently undertaking the ICLEI Water Campaign™ with 10 having achieved Milestone 4 or higher in both the Corporate and Community modules. The City of Stirling is working towards Milestone 1 Corporate and Community and the City of Wanneroo is currently working towards Milestone 3 Corporate and Community.

Sustainability Implications:

Facing a drying climate means that the City will encounter challenges in maintaining amenity and conducting its operations with decreased availability of water. Participating in the ICLEI Water Campaign™ Program demonstrates the City's commitment to implementing sustainable water management practices. Reducing water consumption will also enable the City to become more sustainable and ensure that water resources, particularly groundwater, are maintained well into the future.

Consultation:

Not Applicable.

COMMENT

Following the achievement of Milestone 4, the City will progress towards achieving Milestone 5, the final Milestone of the ICLEI Water Campaign™.

Milestone 5 involves tracking and reporting on progress towards the goals set at Milestone 2 and setting directions for future actions to improve water management practices. The City will be required to achieve the following actions to achieve Milestone 5:

- Undertake a re-inventory of corporate and community water consumption.
- Reassess the water quality priority areas set at Milestone 1.

Milestone 5 will be undertaken during the 2011/12 financial year.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Chester, **SECONDED** Cr Norman that Council **NOTES** that the City has achieved Milestone 4 of the ICLEI Water Campaign™ and will be recognised for this achievement at the ICLEI Oceania Recognition and Briefing breakfast on Thursday, 4 August 2011.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

CJ126-07/11 MINUTES OF EXTERNAL COMMITTEES

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry, Director Governance and Strategy

FILE NUMBER: 00033, 101515, 03149

ATTACHMENTS:

Attachment 1	Minutes of the Mindarie Regional Council – Special Council Meeting held on 30 May 2011
Attachment 2	Minutes of the WA Local Government Association State Council held on 1 June 2011.

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Mindarie Regional Council – Special Council Meeting held on 30 May 2011;
- Minutes of the WA Local Government Association State Council held on 1 June 2011

DETAILS

Mindarie Regional Council – Special Council Meeting held on 30 May 2011

A Special Meeting of the Mindarie Regional Council (MRC) was held on 30 May 2011.

The Council's representatives on the MRC are Cr Fishwick (Chair) and Cr Hollywood. Cr Fishwick was an apology and Cr Hollywood was in attendance at this meeting.

For the information of Council, the following matter of interest to the City of Joondalup was resolved at the MRC Special Council meeting:

7.1 BUDGET PLANNING FINANCIAL YEAR 2011/12

It was resolved by the MRC as follows:

1 That Council:

- (i) note and approve the Business Plan 2011/12 with the following amendments:
 - Objective One, first dot point
 1. delete : existing waste processing projects
 2. insert : efficient and low cost facilities
 - Objective One, second dot point
 1. delete : Optimise
 2. insert : Maximise
- (ii) approve and adopt Members' Gate Fee of \$123.00 (ex GST) effective 1 July 2011;
- (iii) approve and adopt the Budgeted Schedule of Fees and Charges relating to commercial and casual users, at Attachment Four effective 1 July 2011. The approved fees will be advertised in accordance with Section 6.19 of the Local Government Act;
- (iv) authorise the funding of the additional cost of \$1,065,366 pertaining to the permanent repairs of RRF Composters from the Reserve for RRF Operational Requirements. \$476,500 of this amount is to be funded from the interest earned on this Reserve Account and the balance of \$588,865 from the Reserve balance of \$5,000,000;
- (v) approve the establishment of a Reserve for Members' Revenue Equalisation Account and transfer \$1.93 million pertaining to the Members' Under/Over Account relating to the previous years to 30 June 2010 (forms part of the Retained Surplus of \$24.3 million at 30 June 2010) to this Reserve Account;

The purpose of the Reserve for Members' Revenue Equalisation Account would be as follows:

- recover any under-recovery in the Members' Tipping Fees arising from lower revenue, increased expenditure and related matters;
 - fund any exceptional or extra-ordinary expenditure;
- (vi) approve the establishment of the Reserve for Capital Expenditure and transfer \$1.1 million from the Operating Surplus projected for 2011/12 and arising from Non-Members to this Reserve Account.

The purpose of this Reserve would be to fund the Capital Expenditure of the Regional Council;

- (vii) authorise the closure of the Reserve for Site Monitoring and transfer the balance of \$141,663 on this Reserve Account to the Provision for Post Closure Management (Site Monitoring);
- (viii) note the Administration's intention to review the existing 20 year Financial Plan in conjunction with the review of the Strategic Plan in the second half of 2011;

2. That:

- (i) a Process Review Committee be formed in accordance with Section 5.8 of the Local Government Act 1995 to appoint a firm of process consultants to review and make recommendation on the appropriate size, scope and structure of the Council's operations;
- (ii) the Process Review Committee comprise the following members in accordance with Section 5.9(2)(d) of the Local Government Act 1995:
 - Chairman, Cr Russ Fishwick;
 - Deputy Chairman, Cr Laura Gray;
 - Cr Bissett;
 - Director City Businesses City of Wanneroo, Karen Caple (Chair of Strategic Projects Committee);
 - Chief Executive Officer Town of Cambridge, Jason Buckley (Chair Budget Working Group);
- (iii) the Process Review Committee terms of reference be authorised in accordance with Section 5.16 of the Local Government 1995 as follows:
 - To approve the terms of reference for the appointment of process consultant;
 - To advertise and review applications for the assignment;
 - To recommend to Council the preferred consultant;
 - To recommend to Council the appropriate budget allocation for the assignment;
 - To receive reports from the consultant and give directions where required; and
 - To review the findings of the consultant and make recommendations to the Council;
- (iv) this work be funded from within the 2011/12 budget.

WA Local Government Association State Council held on 1 June 2011.

A meeting of the WA Local Government Association (WALGA) State Council was held on 1 June 2011.

The Council's representative on the WALGA State Council is Cr Amphlett. Mayor Troy Pickard is the President of WALGA and is, therefore, in attendance at the meetings.

The only Item considered to be of significance to the City at the WALGA State Council meeting was the WALGA Constitutional Review. This matter was considered by Council at its meeting held on 28 June 2011 (Item CJ102-06/11 refers).

VOTING REQUIREMENTS

Simple Majority

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

- 1 Mindarie Regional Council – Special Council Meeting held on 30 May 2011 forming Attachment 1 to Report CJ126-07/11;**
- 2 WA Local Government Association State Council held on 6 April 2011 forming Attachment 2 to Report CJ126-07/11.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

To access this attachment on electronic document, click here: [Externalminutes120711.pdf](#)

CJ127-07/11 MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 13 JUNE 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy, Director Corporate Services

FILE NUMBER: 51567, 63627, 101515

ATTACHMENTS: Attachment 1 Minutes of the Strategic Financial Management Committee Meeting held on 13 June 2011

PURPOSE

To submit the minutes of the Strategic Financial Management Committee (SFMC) to Council for noting.

EXECUTIVE SUMMARY

At its meeting held on 13 June 2011, the Strategic Financial Management Committee considered the following matters:

- Item 1 Further examination of part of City Freehold Lot 549 (11) Moolanda Boulevard, Kingsley for potential disposal.
- Item 2 Further examination of City Freehold Lot 971 (52) Creaney Drive, Kingsley for potential disposal.

BACKGROUND

At its meeting held on 2 November 2004 (CJ249-11/04 refers), Council established the SFMC with the following Terms of Reference:

- 1 Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;
- 2 In particular advise Council on:
 - (a) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;
 - (b) Levels of service delivery – determine:
 - (i) which services to be provided;
 - (ii) Standards of service. Such standard will be determined with reference to:
 - best industry practice standards where applicable;
 - internally agreed standards which will be determined with reference to local community expectations;
 - (c) Preparation of the Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;
 - (d) Alignment of the Plan for the Future to the Council's Strategic Plan;
 - (e) Consideration of public submissions to the Plan for the Future;
 - (f) Final acceptance of the Plan for the Future;
- 3 Policy development and review of policies with financial implications for the City.

DETAILS

The Motions carried at the Strategic Financial Management Committee meeting are set out below, together with officer's comments.

Strategic Financial Management Committee Meeting held 13 June 2011

ITEM 1 Further examination of part of City Freehold Lot 549 (11) Moolanda Boulevard, Kingsley for potential disposal.

The following motion was carried:

"That the Strategic Financial Management Committee RECOMMENDS that Council:

- 1 *SUPPORTS in principle the disposal of an area of approximately 2,800m² of Lot 549 (11) Moolanda Boulevard, Kingsley by private treaty to Freemasons WA;*
- 2 *REQUESTS the CEO to conduct more detailed negotiations with Freemasons WA;*

- 3 *REQUESTS that a further report be submitted to the Strategic Financial Management Committee following these negotiations, in order to further consider the disposal of the property at Lot 549 (11) Moolanda Boulevard, Kingsley.*”

Officer's Comment

No comment required.

ITEM 2 Further examination of City Freehold Lot 971 (52) Creaney Drive, Kingsley for potential disposal.

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

“That the Strategic Financial Management Committee RECOMMENDS that Council:

- 1 *SUPPORTS the disposal of Lot 971 (52) Creaney Drive, Kingsley subject to the consideration of a Business Plan;*
- 2 *REQUESTS the preparation of a Business Plan in accordance with Section 3.59 of the Local Government Act 1995 in order to consider disposal of the property listed in (1) above;*
- 3 *INITIATES an amendment to District Planning Scheme No. 2 to rezone approximately 9,400m² of Lot 971 (52) Creaney Drive, Kingsley from Civic and Cultural zone to 'Mixed Use' zone.”*

The following motion was carried:

“That this Report be DEFERRED to allow a further Report to be submitted to the Strategic Financial Management Committee on the options for:

- 1 *Disposal of the site at Lot 971 (52) Creaney Drive, Kingsley on the basis of rezoning from 'Civic and Cultural' zone to 'Mixed Use' zone such that both 'Commercial' and 'Aged Housing' occurs on the site;*
- 2 *Retention of the land at Lot 971 (52) Creaney Drive, Kingsley for potential use for recreation purposes.”*

Officer's Comment

The amended recommendation is supported

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

Nil.

Legislation/Strategic Plan/Policy Implications

In accordance with Section 2.7 of the *Local Government Act 1995*, Council has the responsibility to oversee the allocation of the local government's finances and resources.

Section 5.8 of the *Local Government Act 1995* provides for a local government to establish a committee to assist the Council.

Strategic Plan

Key Focus Area: Organisational Development

Objective: 4.1 To manage the business in a responsible and accountable manner;

Strategy: 4.1.1 Ensure financial viability and alignment to plan.

Policy Not Applicable.

Risk Management considerations:

The main risk considerations related to the SFMC are of an economic nature and pertain principally to issues of sustainability.

Financial/Budget Implications:

The Terms of Reference of the SFMC include promoting and advocating sound financial advice to the Council on strategic financial management issues.

Regional Significance:

Not Applicable.

Sustainability Implications:

The terms of reference of the SFMC are consistent with establishing a sustainable financial plan for the future by advising Council on funding for capital works projects, levels of service and preparation of the Strategic Financial Plan.

Consultation:

Not Applicable.

COMMENT

Relevant officer's comments regarding the matters considered by the Committee are detailed within this Report.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Corr that Council:

- 1 NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 13 June 2011, forming Attachment 1 to Report CJ127-07/11;**
- 2 in relation to the Report on further examination of part of City Freehold Lot 549 (11) Moolanda Boulevard, Kingsley for potential disposal:**
 - 2.1 SUPPORTS in principle the disposal of an area of approximately 2,800m² of Lot 549 (11) Moolanda Boulevard, Kingsley by private treaty to Freemasons WA;**
 - 2.2 REQUESTS the Chief Executive Officer to conduct more detailed negotiations with Freemasons WA;**
 - 2.3 REQUESTS that a further report be submitted to the Strategic Financial Management Committee following these negotiations, in order to further consider the disposal of the property at Lot 549 (11) Moolanda Boulevard, Kingsley;**
- 3 REQUESTS a further Report on the examination of City Freehold Lot 971 (52) Creaney Drive, Kingsley for potential disposal to be submitted to the Strategic Financial Management Committee on the options for:**
 - 3.1 Disposal of the site at Lot 971 (52) Creaney Drive, Kingsley on the basis of rezoning from 'Civic and Cultural' zone to 'Mixed Use' zone such that both 'Commercial' and 'Aged Housing' occurs on the site;**
 - 3.2 Retention of the land at Lot 971 (52) Creaney Drive, Kingsley for potential use for recreation purposes.**

It was requested that Part 3 of the Motion be voted upon separately.

MOVED Cr Amphlett, SECONDED Cr Corr that Council:

- 1 NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 13 June 2011, forming Attachment 1 to Report CJ127-07/11;**
- 2 in relation to the Report on further examination of part of City Freehold Lot 549 (11) Moolanda Boulevard, Kingsley for potential disposal:**
 - 2.1 SUPPORTS in principle the disposal of an area of approximately 2,800m² of Lot 549 (11) Moolanda Boulevard, Kingsley by private treaty to Freemasons WA;**
 - 2.2 REQUESTS the Chief Executive Officer to conduct more detailed negotiations with Freemasons WA;**
 - 2.3 REQUESTS that a further report be submitted to the Strategic Financial Management Committee following these negotiations, in order to further consider the disposal of the property at Lot 549 (11) Moolanda Boulevard, Kingsley.**

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

MOVED Cr Amphlett, SECONDED Cr Corr that Council:**3 REQUESTS a further Report on the examination of City Freehold Lot 971 (52) Creaney Drive, Kingsley for potential disposal to be submitted to the Strategic Financial Management Committee on the options for:**

- 3.1 Disposal of the site at Lot 971 (52) Creaney Drive, Kingsley on the basis of rezoning from ‘Civic and Cultural’ zone to ‘Mixed Use’ zone such that both ‘Commercial’ and ‘Aged Housing’ occurs on the site;**
- 3.2 Retention of the land at Lot 971 (52) Creaney Drive, Kingsley for potential use for recreation purposes.**

The Motion was Put and**CARRIED (10/1)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor **Against the Motion:** Cr Corr

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf120711.pdf](#)

CJ128-07/11 LIST OF PAYMENTS MADE DURING THE MONTH OF MAY 2011

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy, Director Corporate Services
FILE NUMBER:	09882, 101515
ATTACHMENTS:	Attachment 1 CEO’s Delegated Municipal Payment List for the month of May 2011
	Attachment 2 CEO’s Delegated Trust Payment List for the month of May 2011
	Attachment 3 Municipal and Trust Fund Vouchers for the month of May 2011

PURPOSE

To present to Council the list of accounts paid under the CEO’s delegated authority during the month of May 2011 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of May 2011 totalling \$11,151,416.77

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for May 2011 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to Report CJ128-07/11, totalling \$11,151,416.77

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 2011. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 89723 - 89961 and EF018028 – EF018563 Net of cancelled payments	\$6,241,216.43
	Vouchers 827A – 836A & 839A – 840A	\$4,846,422.05
Trust Account	Cheques 204222 - 204268 Net of cancelled payments	\$63,778.29
Total		\$11,151,416.77

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 City's Annual Budget as adopted or revised 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 incurred in accordance with the Annual Budget as adopted and revised by Council or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr McLean that Council **NOTES** the Chief Executive Officer's list of accounts for May 2011 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ128-07/11, totalling \$11,151,416.77.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf120711.pdf](#)

CJ129-07/11 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MAY 2011

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy, Director Corporate Services
FILE NUMBER:	07882, 101515
ATTACHMENTS:	Attachment 1 Financial Activity Statement for the Period Ended 31 May 2011

PURPOSE

The May 2011 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Mid Year Budget Review for the 2010/11 Financial Year at its Meeting held on 15th February 2011 (CJ030-02/11 refers). The figures in this Report are compared to the Revised Budget figures.

The May 2011 Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$13,833k when compared to the 2010/11 Revised Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$7,320k above budget, made up of higher revenue of \$2,684k and lower operating expenditure of \$4,636k.

Operating revenue is above budget in Rates \$304k, Contributions, Reimbursements and Donations \$766k, Fees and Charges \$470k, Investment Earnings \$1,062k and Other Revenue \$107k. Grants and Subsidies revenue is \$46k below budget. Additional revenue arose from sale of recyclable materials, Sports and Recreation Fees, Interim Rates and from investments due to higher funds being invested.

The operating expenditure variance includes Employee Costs \$1,788k, Materials and Contracts \$2,731k, Depreciation \$182k and Interest \$70k. This is partly offset by an adverse variance in Utilities \$118k.

Lower employment costs is due to a combination of outstanding budgeted salary increases and vacancies during the period.

The Materials and Contracts favourable variance includes External Contract services \$981k, Furniture and Equipment repairs and maintenance \$409k and Professional Fees \$434k primarily due to timing differences.

- The **Capital Revenue and Expenditure** deficit is \$6,742k below budget and is made up of lower revenue of \$422k and under expenditure of \$7,164k.

Capital Expenditure is below budget on Capital Projects \$1,688k, Capital Works \$5,255k and Vehicle and Plant replacements \$144k.

In Capital Works, the primary areas of projects being below budget for the period include \$339k Major Road Construction Projects, \$1,057k Parks Equipment Program, \$871k Traffic Management works, \$365k Paths program, \$879k for Streetscape Enhancement and \$367k for Major Projects. It should be noted that at the end of May 2011 there was \$2.6 million of purchase order commitments not included in actual capital works expenditure.

Further details of the material variances are contained in appendix 3 of Attachment 1 to this Report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 May 2011 forming Attachment 1 to Report CJ129-07/11.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. Council approved at its meeting held on 11 October 2005 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 2011 is appended as Attachment 1.

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: 1.3 To lead and manage the City effectively.

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:

Not Applicable.

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 provisions of 2010/11 Revised Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr McLean that Council **NOTES** the Financial Activity Statement for the period ended 31 May 2011 forming Attachment 1 to Report CJ129-07/11.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf120711.pdf](#)

CJ130-07/11 TENDER 012/11 - PROVISION OF TRAFFIC MANAGEMENT AND CONTROL SERVICES

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy, Director Corporate Services	
FILE NUMBER:	101624, 101515	
ATTACHMENTS:	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the Tenders submitted by Total Road Services T/as TRS Traffic Management and WARP Group Pty Ltd (Conforming Offer) for the provision of traffic management and control services (Tender 012/11).

EXECUTIVE SUMMARY

Tenders were advertised on 16 April 2011 through statewide public notice for the provision of traffic management and control services. Tenders closed on Friday, 6 May 2011. Eight submissions were received from:

- Total Road Services Pty Ltd T/as TRS Traffic Management.
- WARP Group Pty Ltd (Conforming Offer).
- WARP Group Pty Ltd (Alternative Offer).
- Quality Traffic Management Pty Ltd t/as QTM.
- Carringtons Traffic Services.
- Vigilant Traffic Management Pty Ltd.
- Traffic Response Group Pty Ltd.
- Global Traffic Management Pty Ltd.

The submissions from TRS Traffic Management and WARP Group Pty Ltd (Conforming Offer) represent the best value to the City. Both companies have sufficient resources and considerable experience in providing similar services to local governments including the Cities of Wanneroo, Stirling, Perth, Gosnells and Bayswater.

It is recommended that Council ACCEPTS the Tenders submitted by Total Road Services T/as TRS Traffic Management and WARP Group Pty Ltd (Conforming Offer) for the provision of traffic management and control services for a one year period, with two optional one year extensions for requirements as specified in Tender 012/11 at the submitted Schedule of Rates.

BACKGROUND

This requirement is for the provision of temporary traffic management and control services to provide for the safe movement of traffic and the protection of persons and property through and around the Work Sites within the City.

The City previously had a panel Contract for these services with two Contractors which expired on 2 June 2011. Services are currently being provided by quotation.

The Tender was advertised with the intent of appointing a single Contractor. After consideration of the Offers received, and the volume of work the City requires, it was decided that a panel of Contractors would better suit the requirements of the City. Two short-listed Tenderers were asked for their willingness to be appointed to a panel of two Contractors. Both accepted this request.

The Tender has provision under clause 4.16.3(a) to accept one or more Offers.

DETAILS

Tenders were advertised on 16 April 2011 through statewide public notice for the provision of traffic management and control services. The Term of the Contract is for one year, with two one year extensions. This is intended to allow the City to review the delivery of traffic management services over the next 12 months.

The Tender period was for three weeks and Tenders closed on Friday, 6 May 2011.

Tender Submissions

Eight submissions were received from:

- Total Road Services Pty Ltd T/as TRS Traffic Management.
- WARP Group Pty Ltd (Conforming Offer).
- WARP Group Pty Ltd (Alternative Offer).
- Quality Traffic Management Pty Ltd t/as QTM.
- Carringtons Traffic Services.
- Vigilant Traffic Management Pty Ltd.
- Traffic Response Group Pty Ltd.
- Global Traffic Management Pty Ltd.

The Schedule of Items as listed in the Request For Tender (RFT) is provided in Attachment 1.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 2.

Evaluation Panel

The Evaluation Panel comprised of four members:

- one with tender and contract preparation skills.
- 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.

Compliance Assessment

The following Offers were assessed as fully compliant:

- WARP Group Pty Ltd (Conforming Offer).
- Carringtons Traffic Services.
- Vigilant Traffic Management Pty Ltd.
- Global Traffic Management Pty Ltd.

The following Offers were not fully compliant:

- Total Road Services Pty Ltd T/as TRS Traffic Management.
- WARP Group Pty Ltd (Alternative Offer).
- Quality Traffic Management Pty Ltd t/as QTM.
- Traffic Response Group Pty Ltd.

TRS Traffic Management, WARP Group Pty Ltd (Alternative Offer) and QTM submitted individual rates for traffic cones and signs rather than the single combined price for after-care (Items 7 and 8) prescribed in the Schedule of Rates. Although not fully compliant with the City's Schedule of Rates, the submissions from TRS Traffic Management and QTM remained for further assessment on the basis that these rates would be clarified prior to the price assessment. The Alternative Offer from WARP Group Pty Ltd which was identical to the Conforming Offer apart from items 7 and 8 did not require clarification, as the conforming Offer WARP Pty Ltd submitted met all the City's requirements.

Traffic Response Group Pty Ltd did not provide a response to the compliance criterion, Conflict of Interest. However, the Offer was included for further assessment on the basis that the company would be requested to provide a response to the criterion before final consideration.

Qualitative Assessment

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

Qualitative Criteria		Weighting
1	Capacity	45%
2	Demonstrated experience in providing similar services	30%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

Global Traffic Management Pty Ltd scored 34.2% and was ranked last in the qualitative assessment. It is a national company with no depot at present in Perth. It did not demonstrate any experience providing traffic control services in Western Australia or an adequate understanding of the requirements. It has previously provided its services to the following interstate Councils: Cities of Manningham, Geelong, Shepparton and Toowoomba. It did not provide evidence of any resources available in Perth and does not supply water filled barriers, which is an item required on the Schedule of Rates.

Traffic Response Group Pty Ltd scored 35.3% and was ranked sixth in the qualitative assessment. It demonstrated sufficient understanding of the requirements, however, it did not demonstrate adequate capacity to meet the City's volume of work or experience in providing a similar volume of services to any of its current clientele. The City of Subiaco is one of its current Clients.

Vigilant Traffic Response Pty Ltd scored 60.7% and was ranked fifth in the qualitative assessment. It demonstrated understanding of the requirements and some experience providing services to local government including the City of Stirling and the Town of Vincent. The company is operating at 50% capacity and the City's Contract would represent the remaining 50% of its operating capacity. The company has been in operation for two years only and does not operate from a depot. Its capacity in terms of the number of vehicles, equipment and personnel is comparatively low and may represent an element of risk to the City.

Carringtons Traffic Services scored 66.3% and was ranked fourth in the qualitative assessment. It is an experienced company that demonstrated its capacity to meet the City's volume of work and an understanding of the requirements. It currently provides its services to the Cities of Subiaco, Nedlands, Fremantle, Melville and Rockingham plus the Towns of Kwinana and Vincent and the Shire of Mundaring.

QTM scored 67.9% and was ranked third in the qualitative assessment. It demonstrated experience in providing similar services to other local governments including the Cities of Belmont, South Perth, Canning, Swan and Nedlands and the Shire of Busselton. It has the capacity to meet the City's volume of work.

WARP Group Pty Ltd scored 68.8% and was ranked second in the qualitative assessment for both the conforming and alternative Offers. It demonstrated its capacity and understanding of the City's requirements. It has significant experience undertaking similar services to local governments including the Cities of Perth, Gosnells, Belmont, South Perth and Rockingham.

WARP Group Pty Ltd is one of the City's current Contractors for traffic management and control services.

TRS Traffic Management scored 75.7% and was ranked first in the qualitative assessment. It has the capacity to meet the City's volume of work and has demonstrated significant experience in providing similar services to local government including the Cities of Wanneroo, Stirling and Bayswater. TRS Traffic Management also scored highly in its social and economic effects on the local community because of its location in Joondalup. TRS Traffic Management made a commitment in its submission that priority would be given to the City in the event there is a conflict in the booking time and date of work.

TRS Traffic Management is one of the City's current Contractors for traffic management and control services.

Price Assessment

Following the qualitative assessment, the Panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

Tendered rates are fixed for the first year of the Contract, but are subject to a price variation on each anniversary date thereafter limited to the percentage change in the Perth CPI (All Groups) Index from the corresponding quarter of the previous year.

For estimation purposes, a 3% annual CPI increase was applied to the tendered rates after the first year of the contract.

The following table provides comparative estimated expenditure during the term of the Contract, using the tendered rates for all scheduled items. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City.

The City sought and received clarification for the after-care rates for items 7 and 8 from TRS Traffic Management and QTM, as required in the RFT, and these were used in the price assessment. The complying Offer from WARP Group Pty Ltd was identical to its Alternative Offer, apart from items 7 and 8 and was used in the price assessment.

The following table summarises the tendered price of each Tenderer.

Respondent	Year 1	Year 2	Year 3	Total
Vigilant Traffic Management Pty Ltd	\$561,609	\$578,457	\$595,811	\$1,735,877
WARP Group Pty Ltd (Conforming)	\$574,861	\$592,107	\$609,870	\$1,776,838
Total Road Services Pty Ltd T/as TRS Traffic Management	\$579,545	\$596,931	\$614,839	\$1,791,315
Carringtons Traffic Services	\$587,595	\$605,223	\$623,379	\$1,816,197
Quality Traffic Management Pty Ltd T/as QTM	\$631,313	\$650,252	\$669,759	\$1,951,324
Traffic Response Group Pty Ltd	\$644,802	\$664,146	\$684,071	\$1,993,019
Global Traffic Management Pty Ltd	\$716,666*	\$738,166*	\$760,311*	\$2,215,143*

* Global Traffic Management Pty Ltd do not supply water filled barriers. The company's prices above do not include this item.

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the Evaluation Panel.

Tenderer	Price Ranking	Estimated Contract Price Year 1	Estimated Total Contract Price	Evaluation Score	Qualitative Rank
Total Road Services Pty Ltd T/as TRS Traffic Management	3	\$579,545	\$1,791,315	75.7%	1
WARP Group Pty Ltd (Conforming)	2	\$574,861	\$1,776,838	68.8%	2
WARP Group Pty Ltd (Alternative)	-	-	-	68.8%	2
Quality Traffic Management Pty Ltd T/as QTM	5	\$631,313	\$1,951,324	67.9%	3
Carringtons Traffic Services	4	\$587,595	\$1,816,197	66.3%	4

Tenderer	Price Ranking	Estimated Contract Price Year 1	Estimated Total Contract Price	Evaluation Score	Qualitative Rank
Vigilant Traffic Management Pty Ltd	1	\$561,609	\$1,735,877	60.7%	5
Traffic Response Group Pty Ltd	6	\$644,802	\$1,993,019	35.3%	6
Global Traffic Management Pty Ltd	7	\$716,666*	\$2,215,143*	34.2%	7

* Global Traffic Management Pty Ltd do not supply water filled barriers. The company's prices above do not include this item.

Based on the evaluation result, the Panel concluded that the Tenders that provide best value to the City are those of Total Road Services Pty Ltd T/as TRS Traffic Management and of WARP Group Pty Ltd (Conforming Offer) and it is therefore recommended that both be accepted.

Issues and options considered:

Traffic management and control services are an essential component of the City's maintenance and capital works programs. 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 progress a range of innovative and high quality urban development projects within the City.

Policy Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City requires traffic management and control services to assist in the capital works and maintenance programs and for community events.

It is considered that the Contract will represent a low risk to the City as the recommended Respondents are well-established companies with significant industry experience and the capacity to provide the services to the City.

Financial/Budget Implications:

Natural Account Numbers	Various accounts
Budget Item:	Traffic management and control services Expenditure is spread across various activities and cost codes for operational maintenance and capital works.
Estimated Budget Amount 2011/12:	\$654,000
Estimated Expenditure 1 July 2011 to 31 July 2011 (Current quotation):	\$ 52,651
Estimated Contract cost 1 August 2011 to 30 June 2012	\$528,917
Balance:	\$ 72,432

All figures quoted in this report are exclusive of GST.

During the last financial year 2010/11, the City incurred \$631,808 for the provision of traffic management and control services and is expected to incur in the order of \$575,000 in the first year and \$1,800,000 over the three year Contract period should the extension options be exercised.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Tenders that provide best value to the City are those of Total Road Services Pty Ltd T/as TRS Traffic Management and of WARP Group Pty Ltd (Conforming Offer) and it is therefore recommended that both be accepted.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr McLean that Council ACCEPTS the Tenders submitted by Total Road Services Pty Ltd T/as TRS Traffic Management and WARP Group Pty Ltd (Conforming Offer) for the provision of traffic management and control services for a one year period, with two optional one year extensions for requirements as specified in Tender 012/11 at the submitted Schedule of Rates.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf120711.pdf](#)

CJ131-07/11 TENDER 018/11 - PROVISION OF TREE MAINTENANCE SERVICES

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy, Director Corporate Services

FILE NUMBER: 101715, 101515

ATTACHMENTS: Attachment 1 Schedule of Items
Attachment 2 Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the Tender submitted by Geoff's Tree Service Pty Ltd for the provision of tree maintenance services (All Services) (Tender 018/11).

EXECUTIVE SUMMARY

Tenders were advertised on Saturday, 14 May 2011 through statewide public notice for the provision of tree maintenance services. Tenders closed on 31 May 2011. Three submissions were received from:

- Tree Amigos Tree Surgeons Pty Ltd.
- Geoff's Tree Service Pty Ltd.
- Essential Tree Services.

The submission from Geoff's Tree Service Pty Ltd for all services was the lowest priced option and represents best value to the City. The company demonstrated extensive experience providing similar services to local governments including the Cities of Wanneroo, Bayswater and Belmont and the Towns of Vincent and Bassendean. It was a previous Contractor to the City between 1994 and 2008. It has the capacity to meet the City's volume of work for both categories of work and demonstrated a thorough understanding of the work requirements.

That Council ACCEPTS the Tender submitted by Geoff's Tree Service Pty Ltd for the provision of tree maintenance services (All Services) for a three year period for requirements as specified in Tender 018-11 at the submitted Schedule of Rates.

BACKGROUND

The City requires a Contractor or Contractors to undertake tree maintenance services in relation to trees and shrubs within the City including those near power lines.

The tender was advertised with two alternative options:

- either a single Contractor to provide all services covered within the scope of requirements; or
- alternatively separate Contractors for general tree and shrub maintenance and for tree maintenance services near power lines.

The City currently has a single Contract for the provision of tree maintenance services with Tree Amigos Tree Surgeons Pty Ltd which expires on 10 August 2011.

DETAILS

Tenders were advertised on Saturday, 14 May 2011 through statewide public notice for the provision of tree maintenance services for a period three years. The Tender period was for two weeks and Tenders closed on 31 May 2011.

Tender Submissions

Three submissions were received from:

- Tree Amigos Tree Surgeons Pty Ltd.
- Geoff's Tree Service Pty Ltd.
- Essential Tree Services.

The schedule of items as listed in the Request For Tender is provided in Attachment 1.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 2.

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.

Compliance Assessment

All Offers received were fully compliant and were considered for further evaluation.

Qualitative Assessment

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

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

The submission from Essential Tree Services scored 37.2% and was ranked last in the qualitative assessment. The company did not demonstrate adequate capacity or understanding of the City's requirements. It has just three employees which is considered insufficient by the Evaluation Panel to meet the City's quantity of work. This applies to the separate provision of services for either category of general tree and shrub maintenance or tree maintenance near power lines. While its owner has had prior experience as an employee of another company undertaking work for the Cities of Wanneroo and Joondalup, Essential Tree Services has had limited experience providing similar services as a sub-contractor for the Housing Corp and John Holland.

Geoff's Tree Service Pty Ltd scored 78.4% and was ranked second in the qualitative assessment. It demonstrated extensive experience in providing similar services to local governments including the Cities of Wanneroo, Bayswater and Belmont and the Towns of Bassendean and Vincent. The company was a previous Contractor of the City between 1994 and 2008. It has the capacity to meet the City's volume of work for both categories of work and demonstrated a thorough understanding of the work requirements. The qualitative score is not significantly lower than the first ranking score.

Tree Amigos Tree Surgeons Pty Ltd scored 78.5% and was ranked first in the qualitative assessment. It demonstrated experience providing similar services to the City of Melville and the Metropolitan Cemeteries Board. It is the City's current Contractor. It has the capacity to meet the City's volume of work for both categories of work and demonstrated a comprehensive understanding of the work requirements.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each tenderer to assess value for money to the City.

Tendered rates are fixed for the first year of the Contract, but are subject to a price variation on each anniversary date thereafter limited to the percentage change in the Perth CPI (All Groups) Index from the corresponding quarter of the previous year.

For estimation purposes, a 3% annual CPI increase was applied to the tendered rates after the first year of the contract.

To provide an estimated expenditure over a 12 month period the ten 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 following table provides comparative estimated expenditure during the term of the contract, based on the tendered rates for each Respondent:

Tenderer	Category	Year 1	Year 2	Year 3	Total
Geoff's Tree Service Pty Ltd	All Services	\$446,850	\$460,256	\$474,063	\$1,381,169
	General Only	\$339,220	\$349,397	\$359,878	\$1,048,495
	Power line Only	\$207,000	\$213,210	\$219,606	\$ 639,816
Tree Amigos Tree Surgeons Pty Ltd	All Services	\$644,560	\$663,897	\$683,814	\$1,992,271
	General Only	\$403,931	\$416,049	\$428,530	\$1,248,510
	Power line Only	\$305,085	\$314,238	\$323,665	\$ 942,988
Essential Tree Services	All Services	\$649,950	\$669,448	\$689,532	\$2,008,930
	General Only	\$524,050	\$539,771	\$555,965	\$1,619,786
	Power line Only	\$125,900	\$129,677	\$133,567	\$ 389,144

During the last financial year 2010/11, the City incurred \$431,446 for the provision of tree maintenance services and is expected to incur in the order of \$1,381,000 over the three year Contract period.

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the evaluation panel.

Tenderer	Category	Price Rank	Estimated Contract Price Year 1	Estimated Total Contract Price	Evaluation Score	Qualitative Rank
Tree Amigo Tree Surgeons Pty Ltd	All Services	2	\$644,560	\$1,992,271	78.5%	1
	General Only	2	\$403,931	\$1,248,510		
	Power Line Only	3	\$305,085	\$942,988		
Geoff's Tree Service Pty Ltd	All Services	1	\$446,850	\$1,381,169	78.4%	2
	General Only	1	\$339,220	\$1,048,495		
	Power Line Only	2	\$207,000	\$639,816		

Essential Tree Services	All Services	3	\$649,950	\$2,008,930	37.2%	3
	General Only	3	\$524,050	\$1,619,786		
	Power Line Only	1	\$125,900	\$389,144		

Based on the evaluation result, the Panel concluded that the Tender that provides best value to the City is that of Geoff's Tree Service Pty Ltd for all services and is therefore recommended.

Issues and options considered:

Tree maintenance services are required to maintain the health and appearance of the City's streetscape trees and shrubs. 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 and 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 Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City does not have the internal resources to undertake large-scale pruning across the City. The City requires this pruning to reduce the risk of property damage from verge trees and also to meet Western Power guidelines regarding pruning of trees around power lines.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to meet the volume of work required by the City.

Financial/Budget Implications:

Natural Account Numbers	Various accounts
Budget Item:	Tree maintenance services Expenditure is spread across various activities and cost codes for operational maintenance and capital works.
Estimated Budget Amount 2011/12:	\$450,000
Estimated Expenditure 1 July 2011 to 10 August 2011 (Balance of current Contract):	\$ 47,938
Committed:	\$ 0
Estimated Contract cost to 11 August 2011 to 30 June 2012:	\$397,200
Balance:	\$ 4,862

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$1,381,000.

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The provision of tree maintenance services enhances the appearance of the City's streetscape trees and shrubs. It also provides an important tool in reducing the risk of damage to property and persons by diseased or damaged trees.

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 Geoff's Tree Service Pty Ltd.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr McLean that Council **ACCEPTS** the Tender submitted by Geoff's Tree Service Pty Ltd for the provision of tree maintenance services (All Services) for a three year period for requirements as specified in Tender 018/11 at the submitted Schedule of Rates.

The Motion was Put and **CARRIED (11/0)** by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf120711.pdf](#)

CJ132-07/11 TENDER 019/11 - SUPPLY AND APPLICATION OF TURF ENHANCEMENT PRODUCTS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy, Director Corporate Services
FILE NUMBER:	101716, 101515
ATTACHMENTS:	Attachment 1 Schedule of Items Attachment 2 Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the Tender submitted by D & E Parker Lawn Services T/as Lawn Doctor for the supply and application of turf enhancement products (Tender 019/11).

EXECUTIVE SUMMARY

Tenders were advertised on Saturday, 14 May 2011 through state wide public notice for the supply and application of turf enhancement products. Tenders closed on Tuesday, 31 May 2011. Five submissions were received from:

- D & E Parker Lawn Services Pty Ltd T/as Lawn Doctor.
- R & A Lovegrove Contracting T/as Lovegrove Turf Services.
- Turfmaster Pty Ltd T/as Turfmaster Facility Management.
- AKC Pty Ltd T/as Baileys Fertilisers.
- GW Absolute Flooring Pty Ltd T/as Eco Synthetic Grass.

The submission from Lawn Doctor represents best value to the City. It demonstrated the capacity to undertake the City's volume of work and a comprehensive understanding of the work requirements. The company has substantial experience providing similar services to local government including the Cities of Swan, Wanneroo, Nedlands, the Town of Victoria Park and also the Department of Education. It is the City's current Contractor for the supply and application of turf enhancement products.

It is recommended that Council ACCEPTS the Tender submitted by D & E Parker Lawn Services Pty Ltd T/as Lawn Doctor for the supply and application of turf enhancement products for a three year period for requirements as specified in Tender 019/11 at the submitted Schedule of Rates.

BACKGROUND

This requirement is for the supply and application of turf enhancement products to various sporting ovals and landscaped areas within the City.

The City has 59 sporting ovals with an average size of two hectares. Leaf tissue and soil analysis is undertaken five times per year to determine the fertilising requirements for these Sites.

The schedule of rates has been divided into landscaped areas and sporting ovals. Landscaped areas are defined as areas located within parks or streetscapes where the Contractor requires vehicles specially designed to accurately access small and restricted areas.

The City currently has a single Contract for the supply and application of turf fertiliser with Lawn Doctor which expires on 24 August 2011.

DETAILS

Tenders were advertised on Saturday, 14 May 2011 through state wide public notice for the supply and application of turf enhancement products for a period of three years. The Tender period was for two weeks and Tenders closed on Tuesday, 31 May 2011.

Tender Submissions

Five submissions were received from:

- D & E Parker Lawn Services Pty Ltd T/as Lawn Doctor.
- R & A Lovegrove Contracting T/as Lovegrove Turf Services.
- Turfmaster Pty Ltd T/as Turfmaster Facility Management.
- AKC Pty Ltd T/as Baileys Fertilisers.
- GW Absolute Flooring Pty Ltd T/as Eco Synthetic Grass.

The Schedule of Items as listed in the Request For Tender is provided in Attachment 1.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 2.

Evaluation Panel

The Evaluation Panel comprised 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.

Compliance Assessment

The following Offers were assessed as fully compliant:

- D & E Parker Lawn Services Pty Ltd T/as Lawn Doctor.
- R & A Lovegrove Contracting T/as Lovegrove Turf Services.
- Turfmaster Pty Ltd T/as Turfmaster Facility Management.

The following Offers were assessed as non-compliant:

- AKC Pty Ltd T/as Baileys Fertilisers.
- GW Absolute Flooring Pty Ltd T/as Eco Synthetic Grass.

Baileys Fertilisers did not submit rates for liquid fertilisers and wetting agents. These are required by the City. The rates submitted for granular fertilisers and wetting agents were valid for 30 days, then subject to a CPI increase. This is not in accordance with the clause 4.3(d) of the conditions of tendering where Offers are to be valid for 90 days and clause 5.33 of the conditions of Contract, where pricing is fixed for the first 12 months of the Contract.

Eco Synthetic Grass submitted an Offer with no pricing, no response to the qualitative criteria and did not respond to all the compliance criteria. The Offer was not able to be assessed.

Qualitative Assessment

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

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

Both Turfmaster Facility Management and Lovegrove Turf Services scored 68.3% and were ranked equal second in the qualitative assessment. Both demonstrated the capacity to meet the City's volume of work.

Lovegrove Turf Services demonstrated a comprehensive understanding of the work requirements. It demonstrated a satisfactory level of experience in providing similar services to local government including the Cities of South Perth, Canning, Cockburn, Swan, Bunbury, Armadale, the Town of Bassendean and Shires of Kalamunda, and Roebourne. The information supplied by Lovegrove Turf Services addressing its experience did not include the currency of Contracts and the scope was not described to the level of detail provided by the first ranked Tenderer.

Turfmaster Facility Management has extensive experience in providing similar services to many local governments including the Cities of Rockingham, Wanneroo, Stirling, Belmont, Subiaco, Gosnells and Cockburn. It demonstrated a satisfactory understanding of the work requirements, but did not provide sufficient details addressing the methods used in the application of turf enhancement products, vehicles and equipment compared to the other submissions.

Lawn Doctor was ranked first in the qualitative assessment with a score of 75.3%. It best demonstrated the capacity to undertake the City's volume of work. The company has substantial experience providing similar services to local government including the Cities of Swan, Wanneroo, Nedlands, the Town of Victoria Park and also the Department of Education. It is the City's current Contractor. Lawn Doctor provided a comprehensive response addressing all the requirements of the tender specification, the methods and equipment utilised for both granular and liquid applications.

The company is based in Joondalup and employs local residents and uses local suppliers.

Price Assessment

Following the qualitative assessment, the Panel carried out a comparison of the submitted rates offered by each Tenderer to assess value for money to the City.

Tendered rates are fixed for the first year of the Contract, but are subject to a price variation on each anniversary date thereafter limited to the percentage change in the Perth CPI (All Groups) Index from the corresponding quarter of the previous year.

For estimation purposes, a 3% annual CPI increase was applied to the tendered rates after the first year of the contract.

The following table provides comparative estimated expenditure during the term of the contract, based on the tendered rates of each Tenderer.

To provide an estimated expenditure over a 12 month period, the 14 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 estimated cost of the Contract for each Tenderer is as follows:

Estimated Cost	Lawn Doctor	Turfmaster Facility Management	Lovegrove Turf Services
Year 1	\$209,847	\$202,222	\$251,513
Year 2	\$216,142	\$208,289	\$259,059
Year 3	\$222,626	\$214,538	\$266,830
Total Estimated Cost	\$648,615	\$625,049	\$777,402

During the 2010/11 financial year, the City incurred \$199,291 for the supply and application of turf enhancement products and is expected to incur in the order of \$649,000 over the three year Contract period.

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the Evaluation Panel.

Tenderer	Price Rank	Estimated Contract Price Year 1	Estimated Total Contract Price	Evaluation Score	Qualitative Rank
Lawn Doctor	2	\$209,847	\$648,615	75.3%	1
Turfmaster Facility Management	1	\$202,222	\$625,049	68.3%	2
Lovegrove Turf Services	3	\$251,513	\$777,402	68.3%	2

Based on the evaluation result, the Panel concluded that the Tender that is most advantageous to the City is that of Lawn Doctor and is therefore recommended.

Issues and options considered:

The supply and application of turf enhancement products is required to maintain the health and appearance of the City's sporting ovals and landscaped areas. 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 Part 4 of the *Local Government (Functions and 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 Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be moderate as the health and appearance of turf on sporting ovals and landscaped areas will suffer.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with significant industry experience and the capacity to provide the services to the City.

Financial/Budget Implications:

Natural Account Numbers	Various Accounts
Budget Item:	Supply and application of turf enhancement products. Expenditure is spread across various activities and cost codes for parks and landscaped areas.
Estimated Budget Amount 2011/12:	\$250,000
Estimated Expenditure 1 July 2011 to 24 August 2011 (Balance of current Contract):	\$ 33,215
Committed:	\$ 0
Estimated Contract Cost 25 August 2011 to 30 June 2012:	\$174,872
Balance:	\$ 41,913

All figures quoted in this report are exclusive of GST.

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$649,000.

Regional Significance:

Not Applicable.

Sustainability Implications:

The supply and application of turf enhancement products maintains the health of turf, reduces the need for water and enhances the amenity of public open spaces.

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 D & E Parker Lawn Services Pty Ltd T/as Lawn Doctor.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr McLean that Council ACCEPTS the Tender submitted by D & E Parker Lawn Services Pty Ltd T/as Lawn Doctor for the supply and application of turf enhancement products for a three year period for requirements as specified in Tender 019/11 at the submitted Schedule of Rates.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf120711.pdf](#)

CJ133-07/11 LANDSCAPE MASTER PLANNING PROJECTS IN PARKS – WORK PRINCIPLES AND THE USE OF MULCH

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover, Director Infrastructure Services

FILE NUMBER: 53597

ATTACHMENTS: Nil.

PURPOSE

To present to Council the work principles, for Landscape Master Planning projects.

EXECUTIVE SUMMARY

At its meeting held on 14 December 2010, Council requested that the Chief Executive Officer prepare a report on the communication and consultation plan, mulch selection, zoning options and work practices for Landscape Master Plan projects (CJ228-12/10 refers). A report was presented to Council on the communication and consultation plan and zoning options for the Landscape Master Plan (LMP) projects at its meeting held on 15 February 2011 (CJ029-02/11 refers).

In consideration of the concerns associated with the delivery of the LMP this report provides details on the work practices for LMP projects, such as alignment of other infrastructure projects in the park with the LMP, the project selection criteria, the timing of the works, mulch selection and associated construction issues such as dust suppression when applying mulch.

LMP projects are specifically associated with water conservation, however, there is an opportunity to align individual capital works programs into one large project. Once a park has been scheduled as a LMP project, other works scheduled for the park in the five year capital works program may be brought forward provided they have been listed for replacement in accordance with adopted asset replacement principles.

Works may include but are not limited to elements of the park's equipment, stormwater drainage, parking, pathways and buildings capital works programs. Works will be undertaken at a time and in a way that does not inconvenience associated sporting clubs.

It is proposed that the City continues to use the mulch from the Green Waste Recycling facility in Wangara as long as certain conditions are satisfied. These conditions include:

- monthly testing of the mulch at Wangara;
- dust suppression measures be used when mulch is delivered and spread; and
- that any visible rubbish be collected after spreading.

The use of mulch is limited to areas that are not used for passive recreation or by spectators. Mulched ecozones will be densely planted with water wise local native trees and shrubs.

It is recommended that Council:

- 1 *ENDORSES the work practices for Landscape Master Planning projects, as set out in Report CJ133-07/11;*
- 2 *SUPPORTS the proposed use of mulch from the Green Waste Recycling Facility in Wangara, on the condition that testing, dust suppression, rubbish removal and application requirements are satisfied.*

BACKGROUND

At its meeting held on 14 December 2010 (CJ228-12/10 refers), it was resolved that Council:

- “7 SEEKS a report from the Chief Executive Officer detailing the community consultation and communication plan for Landscape Master Plan projects including but not limited to identification of appropriate mulch, zone classifications and works principles.”*

At its meeting held on 15 February 2011 (CJ029-02/11 refers), a report was presented to Council which addressed the community consultation and communication plan for LMP projects and zone classification. Council approved the following:

- “1 The Generic Communication and Consultation Plan for Landscape Master Planning Works and Park Development;*
- 2 The provision of three hydrozones and two ecozones for Landscape Master Planning projects as follows:*
 - Zone 1 Hydrozone (Irrigated - high activity)*
 - Zone 2 Hydrozone (Irrigated - medium activity)*
 - Zone 3 Hydrozone (Irrigated - low activity)*
 - Zone 4 Ecozone (Non-irrigated – dry grass)*
 - Zone 5 Ecozone (Non-irrigated – mulched)”*

DETAILS

The work principles for Landscape Master Planning projects are as follows:

Project Delivery

The delivery of these projects is an opportunity to align individual capital works programs into one large project. As part of the consultation process the nature and timing of works will be presented to the community as a single upgrade project.

Project Consultation

Council previously approved a Generic Consultation and Communication Plan for LMP works at its meeting held on 15 February 2011 (CJ029-02/11 refers).

Project Selection

The prioritisation of active parks that have been nominated to receive LMP upgrades is based on a balanced consideration of the condition and effectiveness of irrigation and the user needs of the park.

There may also be other park equipment that may have been listed for replacement in accordance with adopted asset replacement principles. Although the LMP is specifically associated with water conservation, the provision of a general facelift can add value to the project and increase community benefit.

It is therefore proposed that future LMP park projects be aligned with other infrastructure projects in the park by incorporating capital works elements that have already been nominated in the five year capital program for implementation in the same financial year. The inclusion of other infrastructure projects in the LMP project would depend on whether they are at or near the point in time where their replacement is recommended and they have already been listed for consideration in the five year capital works program.

The proposed scope of works for LMP projects is inclusive of, but not limited to, the following:

Capital Works Programs	Projects
Parks Development	<ul style="list-style-type: none"> • Irrigation; • Hydrozoning; and • Ecozoning.
Parks Equipment	<ul style="list-style-type: none"> • Playgrounds; • Park signage; • Bench seats; • Barbeque facilities; • Picnic shelter; • Drinking fountains; • Tennis court resurfacing; • Cricket pitch and practice net improvements; • Replace football, soccer and rugby goals; • Footpaths; and • Vehicle access.

Stormwater Drainage	<ul style="list-style-type: none"> • Drainage sump improvements.
Parking Facilities	<ul style="list-style-type: none"> • Car park improvements.
Path Replacement	<ul style="list-style-type: none"> • Upgrade of public access ways; and • Pathways along streets surrounding the park.
Major Building Construction Works	<ul style="list-style-type: none"> • Building and toilet upgrades and refurbishment.

Timing of Works

Works that have the potential to interfere with sporting clubs will be undertaken at a time when there is minimal disturbance to the operation of the facilities. In cases where parks host winter and summer sport, works on the playing surface will be scheduled to occur in between the end of winter sport season and the start of summer season to ensure the spring growing period is utilised.

Mulch

Australian Standard AS 4454 is the standard that sets out the minimum requirement for composts, soil conditioners and mulches. The scope of the standard applies to organic products and mixtures of organic products that are to be used to amend the physical and chemical properties of natural or artificial soils and growing media.

Generally, compliant mulch can be described as clean, contaminant free and pasteurised; that is having been heated to remove potential pathogens.

The short term use of AS 4454 mulch provides a number of benefits:

- Increased water retention and penetration of soils (so less irrigation operating time is needed).
- A reduction in the requirement to add trace elements (fertiliser) to the soil.
- A reduction in the amount of chemical fertiliser required to maintain the same plant growth.
- Improved resistance of plants to disease or fungal problems and so a reduced need for soil fumigants or pesticides.
- Often improved plant appearance.

The long-term (more than two to three years) use of AS 4454 mulch will provide the following benefits:

- Increased organic matter in the soil.
- Nutrient retention in the soil.
- Moisture retention.
- Improved chemical exchange.
- Plant health.
- Soil stabilisation.

Mulch which meets Australian Standard AS 4454 will:

- Be high in nutrients.
- Provide trace element fertilisers.
- Be free of weeds.
- Be free of disease and pathogens.
- Be safe for humans.
- Be safe for pets.
- Provide moisture retention.

The City currently sources mulch from the Green Waste Recycling Facility in Wangara through an agreement with the City of Wanneroo. The Wangara mulch complies with AS 4454, except for some minor contamination with plastics or metals. The Wangara mulch is produced from the shredding of green waste that is delivered to the facility from the City of Joondalup and City of Wanneroo. The City pays for the green waste to be collected by the City of Wanneroo under contract and to be processed into mulch. The City is not charged for the supply of mulch back to the City for landscaping except for cartage. The product is pasteurised, stable and contains no manure or compost.

The mulch that is used is ideal for fulfilling its main purpose to retain soil moisture, suppress weed growth and to return organic material to the soil. Discussions with the City of Perth and City of Stirling have revealed that the majority of the mulches used by these local governments are essentially the same as that used by the City of Joondalup.

Other mulch products, such as pine bark, are available but are generally utilised in high profile gardens or parks as it provides an attractive dark coloured presentation. Pine bark can be purchased in various sizes however it is expensive, at approximately \$20 to \$40 per cubic metre although it does not need to be replenished as frequently as the Wangara mulch. It does, however, tend to be light in weight and does not stay in place in heavy rains so cannot be used on sloping ground. Pine bark may also attract termites and is not compliant with the standard AS 4454 because it is not pasteurised. For these reasons, it is not recommended that the City use pine bark mulch on LMP projects and instead continues to source mulch from the Wangara Green Waste Recycling Facility.

Due to the large volumes of mulch that are processed, and the irregularity of demand, some of the mulch produced at the Green Waste Recycling Facility may have been in windrows for a long period of time which can lead to an accumulation of dust. While it is not feasible to quality test every truck load of mulch when delivery is made to large projects it is possible to conduct regular tests at the Wangara site and take measures to ensure the mulch does not give cause for concern during and after application. These include:

- Conduct regular (monthly) tests of the material at Wangara to ascertain compliance.
- Dust suppression measures by having a fixed (reticulation) or mobile (water truck) source to dampen the site when mulch is being delivered and spread; and
- Hand collection of any visible contamination from the mulched areas after spreading to remove small amounts of rubbish such as shredded pieces of plastic which may be mixed in with the mulch.

Mulch ecozones will only be proposed for areas of parks that are not used for recreation or by spectators. The most likely application would be around dense stands of trees or shrubs that are difficult to maintain with mowing equipment. All mulch ecozones will be planted with waterwise local native trees and shrubs.

Finally, all mulched areas will be replenished approximately every two years or as required depending on the breakdown of the mulch.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan Landscape Master Plan 2009-2019

Key Focus Area: KFA4 - Parks

Objective:

- 1 To ensure that City parks are managed to high levels of amenity to encourage increased physical activity in the City.
- 2 To ensure that the City's water consumption complies with regulatory requirements.
- 3 To develop skills among staff in the application of ecozoning and hydrozoning techniques through pilot projects.

Policy

Not Applicable.

Risk Management considerations:

Failure to implement the LMP works in accordance with the proposed Philosophy and Key Parameters may lead to an adverse reaction from the community toward the City. The risk of the City encountering the type of community reaction will be significantly reduced if the proposed work practices are followed.

There are also risks associated with the use of mulch as follows:

- **Dust:** can be minimised by wetting mulch down during and after installation.
- **Legionnaire's Disease:** the risk to the community from this disease is extremely low and can be further reduced by spreading mulch as soon as possible after delivery. Providing the community with the facts about Legionnaire's Disease will further minimise negative feedback through education.
- **Odour:** the odour associated with mulch is due to the breakdown of the mulch by microbial activity and is more prevalent in old mulch. The odour is generally eliminated within days of the mulch being spread. The use of fresh mulch as proposed minimises the odour.
- **Quality:** the size and age of the mulch can be controlled by the City being more selective about the mulch that is taken from the stockpiles at the Green Waste Facility in Wangara and conducting monthly testing of the material at Wangara to ascertain compliance.

Financial/Budget Implications:

The costs associated with the Philosophy and Key Parameters discussed are included in the capital works budget for the LMP project.

Regional Significance:

The City irrigates using groundwater sourced from the Gngangara Mound, which extends from Yanchep south to the Swan River, so the City's water consumption can certainly have a regional impact. Some of the parks that will be upgraded through this program are classified as Regional Parks and will therefore benefit visitors from throughout the greater Perth region.

Sustainability Implications:

The City irrigates its reserves with groundwater from the Gngangara Mound which is under increasing pressure from a number of sources across the Perth region. Climate change and reduced water availability may significantly limit irrigation to City parks and reserves into the future. The sociological and environmental principles behind landscape master planning aim to ensure the provision of a range of high quality public open space whilst implementing water efficiency approaches.

Consultation:

Council previously approved the generic consultation and communication plan for LMP works at its meeting held on 15 February 2011 (CJ029-02/11 refers).

COMMENT

The City's residents and sporting clubs have demonstrated a high level of interest with respect to the parks and reserves that they use for their passive and active recreation. This interest is heightened where the City has considered the parks and reserves for LMP projects. Therefore, the City needs to carefully consider community needs and expectations in the planning and delivery of LMP projects. A proposal which makes significant changes to the landscape, such as reducing the amount of turf area in a park, will always generate interest in a community in terms of the benefits and costs. However, aligning infrastructure upgrades with the LMP projects will increase the level of benefit associated with the project.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr McLean that Council:

- 1 **ENDORSES** work practices for Landscape Master Planning projects, as set out in Report CJ133-07/11;
- 2 **SUPPORTS** the proposed use of mulch from the Green Waste Recycling Facility in Wangara, on the condition that testing, dust suppression, rubbish removal and application requirements are satisfied.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution prior to consideration of Item CJ134-07/11, Page 103 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

C29-07/11 COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]

MOVED Cr Amphlett, SECONDED Cr McLean that Pursuant to the Standing Orders Local Law 2005 – Clause 48 – Adoption of recommendations en bloc, Council ADOPTS the following Items CJ119-07/11, CJ120-07/11, CJ122-07/11, CJ124-07/11, CJ126-07/11, CJ128-07/11, CJ129-07/11, CJ130-07/11, CJ131-07/11, CJ132-07/11 and CJ133-07/11.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

REPORT OF THE CHIEF EXECUTIVE OFFICER

C30-07/11 MOTION TO GO BEHIND CLOSED DOORS - [02154, 08122]

MOVED Cr Hollywood, SECONDED Cr Amphlett that Council:

- 1 in accordance with Sections 5.23(2)(a) of the Local Government Act 1995 and Clause 67 of the City’s Standing Orders Local Law 2005, RESOLVES to close the meeting to members of the public to consider Item CJ134-07/11 as this item contains a matter affecting an employee or employees which relate to matters being discussed at the meeting:**

- 2 PERMITS the following employees to remain in the Chamber during discussions on Item CJ34-07/11 while the meeting is sitting behind closed doors as detailed in part 1 above:-**
 - **Chief Executive Officer, Mr Garry Hunt;**
 - **Director Governance and Strategy, Mr Jamie Parry;**
 - **Director Planning and Development, Ms Dale Page;**
 - **Director Corporate Services, Mr Mike Tidy;**
 - **Director Infrastructure Services, Mr Martyn Glover;**
 - **Manager Governance and Marketing, Ms Michelle Noble;**
 - **Governance Officer, Mrs Lesley Taylor.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Members of staff (with the exception of Chief Executive Officer, Director Governance and Strategy, Director Planning and Development, Director Corporate Services, Director Infrastructure Services, Manager Governance and Marketing and Governance Officer) and members of the public and press left the Chamber at this point, the time being 8.11 pm.

**CJ134-07/11 CONFIDENTIAL ITEM - INSIDE WORKFORCE
COLLECTIVE AGREEMENT – 2010**

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt, Chief Executive Officer

FILE NUMBER: 100269

ATTACHMENTS: Nil.

This Item is Confidential – Not for Publication

A full report was provided to Elected Members under separate cover.

MOVED Cr McLean, SECONDED Cr Amphlett that Council ENDORSES:

- 1 the City of Joondalup (Inside Workforce) Workplace Agreement 2010 with a nominal expiry date of 30 June 2013 providing for a wage increase of 4.25% for each year of operation with three increases over the life of the Agreement;**
- 2 subject to the outcome of a secret ballot of the inside workforce, the Chief Executive Officer undertaking the requirements to lodge an application with Fair Work Australia for the City of Joondalup (Inside Workforce) Workplace Agreement 2010 to be certified.**

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

Appendix 14 refers

Confidential - appended hereto in the official Minute Book only

C31-07/11 MOTION TO GO TO OPEN DOORS

MOVED Cr McLean, SECONDED Cr Amphlett that in accordance with Clause 67 (5) of the City's Standing Orders Local Law 2005, the meeting be now held with OPEN DOORS.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

No members of the public or press were present.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion in relation to Item CJ134-07/11 – Confidential Item – Inside Workforce Collective Agreement – 2010.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 8.35 pm; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr P TAYLOR
Cr L GOBBERT
Cr G AMPHLETT
Cr J CHESTER
Cr B CORR
Cr C HAMILTON-PRIME
Cr M NORMAN
Cr R FISHWICK

