

# minutes

MEETING HELD ON **TUESDAY, 20 SEPTEMBER 2011**

## TABLE OF CONTENTS

ITEM NO	TITLE	PAGE NO
	<b>DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS</b>	1
	<b>PUBLIC QUESTION TIME</b>	2
	<b>PUBLIC STATEMENT TIME</b>	4
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	
C41-09/11	REQUESTS FOR LEAVE OF ABSENCE – CRS PHILIPPA TAYLOR AND TRONA YOUNG - [78624]	5
C42-09/11	<b>CONFIRMATION OF MINUTES</b>	5
	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION</b>	6
	<b>DECLARATIONS OF INTEREST</b>	7
	<b>IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS</b>	8
C43-09/11	<b>PETITIONS</b>	9
	<b>REPORTS</b>	10
CJ152-09/11	DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - JULY 2011 – [07032, 05961]	10
CJ153-09/11	PROPOSED CHANGE OF USE FROM SINGLE HOUSE TO CONSULTING ROOM AT LOT 208 (2) GORMAN STREET, GREENWOOD – [83143]	14
CJ154-09/11	PROPOSED VEHICLE ACCESS RESTRICTION AND CLOSURE OF PORTION OF RIGHT OF WAY LOCATED PARALLEL TO SITTELLA TURN AND LAKESIDE DRIVE, JOONDALUP – [100991]	22
CJ155-09/11	PROPOSED AMENDMENT NO 48 TO DISTRICT PLANNING SCHEME NO 2 – NORTH SHORE COUNTRY CLUB – LOT 55 (11) HENDERSON DRIVE, KALLAROO – CONSIDERATION FOLLOWING ADVERTISING – [100418]	26
CJ156-09/11	PROPOSED AMENDMENT NO 59 TO DISTRICT PLANNING SCHEME NO 2 – STRATA PLAN 27557 (93) WANNEROO ROAD, GREENWOOD CONSIDERATION FOLLOWING ADVERTISING – [101489]	32

CJ157-09/11	PROPOSED AMENDMENT NO 60 TO DISTRICT PLANNING SCHEME NO 2 RESERVE 35570, (2F) GULL STREET, MARMION – CONSIDERATION OF SUBMISSIONS – [101668]	37
CJ158-09/11	MINUTES OF EXTERNAL COMMITTEES – [09151, 48543, 00033]	42
CJ159-09/11	MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 8 AUGUST 2011- [26176, 03360, 10116, 72584, 81593, 26173]	44
CJ160-09/11	MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 16 AUGUST 2011 – [50068]	52
CJ161-09/11	MINUTES OF THE COMMUNITY SAFETY AND CRIME PREVENTION WORKING GROUP MEETINGS – [78623]	55
CJ162-09/11	STATUS OF PETITIONS – [05386]	63
CJ163-09/11	LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2011 - [09882, 101515]	66
CJ164-09/11	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2011 (SUBJECT TO FINAL AUDITED ACCOUNTS) - [07882]	69
CJ165-09/11	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2011 - [07882, 101515]	72
CJ166-09/11	TENDER 011/11 – PROVISION OF ELECTRICAL SERVICES - [101602, 101515]	75
CJ167-09/11	TENDER 016/11 – PROVISION OF MECHANICAL SERVICES (AIRCONDITIONING) - [101670, 101515]	81
CJ168-09/11	TENDER 020/11 – LANDSCAPING SERVICES FOR BURNS BEACH ROAD, JOONDALUP - [101740]	87
CJ169-09/11	PETITION OF ELECTORS SEEKING AN ENHANCEMENT OF BYRNE PARK – [25443]	93
CJ170-09/11	PETITION OF ELECTORS REQUESTING THE RETENTION OF SHEOAK TREES IN FLINDERS PARK – [09146]	98
C44-09/11	<b>COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]</b>	106
C45-09/11	<b>MOTION TO GO BEHIND CLOSED DOORS - [02154, 08122]</b>	106
	<b>REPORT OF THE CHIEF EXECUTIVE OFFICER</b>	
CJ171-09/11	CONFIDENTIAL – MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 8 AUGUST 2011 - [51567, 63627]	107
CJ172-09/11	CONFIDENTIAL - MINDARIE REGIONAL COUNCIL SUBLEASE TO LANDFILL GAS AND POWER - [03149]	108

C46-09/11	<b>MOTION TO GO TO OPEN DOORS</b>	109
	<b>MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN</b>	109
	<b>ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING</b>	109
	<b>CLOSURE</b>	109

# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 20 SEPTEMBER 2011

### DECLARATION OF OPENING

The Mayor declared the meeting open at 7.04 pm.

### ANNOUNCEMENT OF VISITORS

#### 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
Cr FIONA DIAZ	South Ward

#### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MR JAMIE PARRY	Director Governance and Strategy
MR MARTYN GLOVER	Director Infrastructure Services
MS MICHELLE NOBLE	Manager Governance and Marketing
MR JOHN HUMPHREYS	Manager Planning Services
MR MARK McCRORY	Media Advisor
MRS LESLEY TAYLOR	Governance Officer
MRS ROSE GARLICK	Governance Officer

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

**PUBLIC QUESTION TIME**

The following questions were submitted prior to the Council meeting on 20 September 2011:

**Mr and Mrs Bailey, Beldon:**

*Re: CJ136-08/11 – Proposed Amendment No 54 to District Planning Scheme No 2 to Rezone Lot 613 Pacific Way, Beldon – Consideration following Advertising*

*Q1 What will the residents of Beldon gain for our suburb from proposed land sales in Beldon?*

*A1 The funds raised from the sale of Lot 613 (11) Pacific Way, Beldon will be allocated to the Joondalup Performing Arts Cultural Facility reserve fund which, when built, will be of benefit to all residents of the City of Joondalup.*

*Q2 What will come of the land required for a future child care centre?*

*A2 It is intended that the land at Lot 613 (11) Pacific Way, Beldon will have an aged persons' housing restriction placed on it to encourage the development of much needed housing infrastructure to provide for the specific needs of the older members of the community who wish to "age in place".*

**Mr J Moore, Sorrento:**

*Re: Notice of the closure of the path from Burns Beach to Ocean Reef*

*Regarding your notice in the papers about the close of the path from Burns Beach to Ocean Reef. Your map shows the road from Iluka to Burns Beach as in existence. I thought it was not open yet.*

*Q1 Is it [the path] now open and if not when will it be opened?*

*A1 Burns Beach Road between Ocean Parade and St Lucia Road as depicted on the notice is not currently constructed and the City is not aware when the developer will complete these works.*

**Mrs M Macdonald, Mullaloo:**

*Re: Proposed Ocean Reef Marina*

*Q1 What environmental reports have been commissioned and received on the proposed Ocean Reef Marina project since April 2009?*

*A1 The City has undertaken a number of studies which will be utilised for environmental reporting on the project and submitted as part of the approval process.*

*Q2 If there are any can I have a copy of them?*

*A2 When the Council formally considers the approval process for the project, the appropriate environmental report and other information will be made available as part of that process.*

- Q3 *Given that the city has stated that any adverse effects of the Marina on the coastline will be “managed” can the City state whether these management techniques would include the installation of groynes on Mullaloo Beach similar to those at Sorrento or the sandbagging of limestone cliffs similar to the one at Watermans to the north or south of the Marina?*
- A3 The management techniques to be implemented have yet to be determined.
- Q4 *Will any consultant who produces a new environmental report on the effects of the marina on sand movements along Mullaloo Beach be informed that the City has since the last report pushed tons of sand on to the beach at Mullaloo from the paths and reduced the height of the paths so dramatically that fences have fallen and sides of the dunes have collapsed?*
- A4 The City will provide any consultant engaged to undertake environmental investigations for the Ocean Reef Marina with all relevant information.
- Q5 *How can the City enter into a memorandum of understanding behind closed doors with the State Government for a project such as Ocean Reef Marina with no environmental reports that include a discussion of rising sea levels, no business plan, no cost benefit analysis and no structure plan?*
- A5 The Memorandum of Understanding between the City and the State Government for the Ocean Reef Marina development is intended to be a high level document that confirms the commitment of both parties toward the project and does not seek to resolve all project details.

**Mr M Sideris, Mullaloo:**

*Re: In response to questions to Council in August where the City advised it purchases electricity power from Landfill Gas and Power Pty Ltd as Government accredited GreenPower (Accredited Renewable Energy).*

Q1 *Advise why this privately listed company Landfill Gas and Power is used when it is not identified by ‘GreenPower’ as a Federal or State Government Accredited Greenpower Renewable Energy supplier?*

A1 GreenPower is a Federal Government accreditation Program for renewable energy. Products accredited under this scheme are subject to auditing of the energy retailers’ sales and purchases. Products that have been accredited under the scheme are eligible to use the “GreenPower” brand. At the time of entering into the Contract with Landfill Gas and Power the City investigated a number options including purchasing Green Power, however the cost of purchasing Green Power was significantly higher than the product being offered by Landfill Gas and Power.

Landfill Gas and Power’s Alternative Renewable Energy Product is produced by one or more facilities that are accredited by the Office of Renewable Energy Regulator (ORER) which are capable of creating Renewable Energy Certificates (RECs). Landfill Gas and Power is also required to self audit the production and sale of renewable energy and report as required to the Office of Renewable Energy Regulator.

The Alternative Renewable Energy sourced from Landfill Gas and Power is produced through the capture of methane gases from Western Australian landfill sites, including the Tamala Park Landfill which is the facility where waste generated within the City of Joondalup is processed. By purchasing locally sourced renewable energy from Landfill Gas and Power, the City is supporting the local renewable energy industry, which is also contributing to the reduction of greenhouse gases resulting from waste generated within the City.

Q2 *Advise for the year 2010/11 and for the month of June 2011, the individual total units of power (in kWatts of energy) consumed for each of the following buildings : City of Joondalup Administration Centre; Civic Centre and Library; Percy Doyle Community Centre; and Craigie Leisure Centre?*

A2 To respond to this request would require considerable research and analysis.

Q3 *Advise when the City last sought public Tenders for the supply of electricity power supply of buildings listed in Q2 above?*

A3 The City does not seek Public Tenders for the supply of electricity power to the buildings listed in Q2 above as the electricity supply is sourced from power suppliers under a WALGA panel contract.

*Re: In response to questions to Council in August as Minuted.*

Q4 *Advise if the Department of Local Government has formally identified and confirmed that the Chief Executive had breached the Local Government Act by his failing to implement a lawful order of this Council as indicated in the August Minutes, and if so, why a subsequent Report on this matter has not been brought before this Council as an Agenda Item?*

A4 As advised in response to a similar question to the August Council meeting, the City responded to correspondence from the Department of Local Government detailing the circumstances relating to the matter. The Department advised that it would take no action other than to write to the Mayor informing him of its view relating to the matter.

## **PUBLIC STATEMENT TIME**

### **Mr G Garton, Hillarys:**

*Re: CJCJ153-09/11 – Proposed Change of Use from Single House to Consulting Room at Lot 208 (2) Gorman Street, Greenwood*

Mr Garton, as the applicant spoke in relation to the proposed change of use at Lot 208 (2) Gorman Street, Greenwood.

### **Mrs S Wilson, Burns Beach:**

*Re: Permanent Premises for the Taoist Tai Chi Society*

Mrs Wilson spoke in relation to the Taoist Tai Chi Society, noting a petition to be presented to Council seeking Council's assistance in locating a suitable venue to provide Taoist Tai Chi classes in the City of Joondalup.



**Ms C McCauley, Greenwood:**

*Re: Permanent Premises for the Taoist Tai Chi Society*

Mrs McCauley spoke in relation to the Taoist Tai Chi Society, noting a petition to be presented to Council seeking Council's assistance in locating a suitable venue to provide Taoist Tai Chi classes in the City of Joondalup.

**APOLOGIES AND LEAVE OF ABSENCE**

Apology – Cr Trona Young

**C41-09/11      REQUESTS FOR LEAVE OF ABSENCE – CRS PHILIPPA TAYLOR AND TRONA YOUNG – [78624]**

Cr Philippa Taylor requested Leave of Absence from Council duties covering the period 28 September to 14 October 2011 inclusive.

Cr Trona Young requested Leave of Absence from Council duties covering the period 20 September 2011 to 7 October 2011 inclusive.

Cr John Chester requested Leave of Absence from Council duties covering the period 25 October 2011 to 7 November 2011 inclusive.

**MOVED Cr Gobbert, SECONDED Cr Hollywood that Council APPROVES the following Requests for Leave of Absence from Council duties:**

- |          |                           |   |
|----------|---------------------------|---|
| <b>1</b> | <b>Cr Philippa Taylor</b> | <b>28 September to 14 October 2011 inclusive.</b> |
| <b>2</b> | <b>Cr Trona Young</b>     | <b>20 September to 7 October 2011 inclusive.</b>  |
| <b>3</b> | <b>Cr John Chester</b>    | <b>25 October to 7 November 2011 inclusive.</b>   |

**The Motion was Put and**

**CARRIED (12/0)**

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

**CONFIRMATION OF MINUTES****C42-09/11      MINUTES OF COUNCIL MEETING, 16 AUGUST 2011**

**MOVED Cr Chester, SECONDED Cr Amphlett that the Minutes of the Council Meeting held on 16 August 2011 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

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

## **ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**

### **CITY OF JOONDALUP BUSINESS FORUM**

Mayor Pickard stated, as part of its commitment to supporting the local business community, the City provided a number of programs and initiatives to promote economic development in Joondalup.

He said that one of these initiatives included the City's popular regular Business Forums, which gave local businesses and key stakeholders an opportunity to network and engage with the City, while sharing thoughts on the future growth and development of the Joondalup region.

Mayor Pickard advised that the next Business Forum, A Vision for Joondalup, will be held on Monday (26 September 2011) at the Joondalup Resort between 8.30 am and 2.00 pm.

The free event will focus on developing a combined vision for the region and some key City stakeholders will discuss and present on what the challenges are for Joondalup's commercial and business sectors over the next five to 10 years.

Mayor Pickard noted the keynote speaker will be former Premier the Honourable Richard Court, AC, who will speak about capitalising on Western Australia's growth.

Mayor Pickard commented that other key agencies presenting at the forum include the:

- Department of Housing;
- Department of Planning;
- Edith Cowan University;
- Joondalup Health Campus;
- LandCorp;
- Lend Lease;
- Western Australia Police Service;
- West Coast Institute of Training; and
- the City.

For information on this Business Forum, please contact the City on 9400 4564 or visit the City's website, [www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

### **CITY OF JOONDALUP INVITATION ART AWARD**

Mayor Pickard advised that some of WA's most talented and well-known contemporary artists will be participating in the City's 14th annual Invitation Art Award exhibition, which opens at Lakeside Joondalup Shopping City on Thursday, 13 October 2011 and runs until Saturday, 1 November 2011.

Recognised as a prestigious exhibition with one of the biggest cash prizes of its kind on offer in WA, the Invitation Art Award is a must-see exhibition. Mayor Pickard encouraged the community to take the time to view the vast array of artworks on display next month.

Mayor Pickard said he believed the Invitation Art Award proudly demonstrated the City's ongoing commitment to the promotion of high calibre West Australian contemporary art and once again was a strong component of Indigenous artists exhibiting in the award.

With 40 artists from a variety of backgrounds, there will be a broad variety of themes, media and artistic styles all vying for the Overall Acquisitive Award of \$15,000. The winning artwork is acquired by the City and becomes part the City's Art Collection.

Mayor Pickard stated other prizes at the Invitation Art Award this year are the Celebrating Joondalup Award, Award for Excellence and the Popular Choice Award.

The Invitation Art Award is the City's premier visual arts event and this year sponsors include Bedshed, West Coast Institute of Training, Community Newspaper Group and Lakeside Joondalup Shopping City.

Mayor Pickard commented that more information on this popular event can be found on the City's website, or by contacting the City on 9400 4924.

## DECLARATIONS OF INTEREST

### Disclosure of Financial Interest

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

### Disclosures 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.

<b>Name/Position</b>	<b>Cr Kerry Hollywood</b>
<b>Item No/Subject</b>	CJ155-09/11 – Proposed Amendment No 48 to District Planning Scheme No 2 – Partial Rezoning of North Shore Country Club – Lot 55 (11) Henderson Drive, Kallaroo – Consideration following Advertising
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hollywood is a Gold Certificate holder of the North Shore Country Club

<b>Name/Position</b>	<b>Cr Geoff Amphlett</b>
<b>Item No/Subject</b>	CJ155-09/11 – Proposed Amendment No 48 to District Planning Scheme No 2 – Partial Rezoning of North Shore Country Club – Lot 55 (11) Henderson Drive, Kallaroo – Consideration following Advertising
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Amphlett is a member of the North Shore Country Club

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ155-09/11 – Proposed Amendment No 48 to District Planning Scheme No 2 – Partial Rezoning of North Shore Country Club – Lot 55 (11) Henderson Drive, Kallaroo – Consideration following Advertising
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Gobbert knows several people that work for Greg Rowe and Associates

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ157-09/11 – Proposed Amendment No 60 to District Planning Scheme No 2 – Reserve 35570 (2F) Gull Street, Marmion – Consideration of Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is a member of the Marmion Angling and Aquatic Club

<b>Name/Position</b>	<b>Cr Geoff Amphlett</b>
<b>Item No/Subject</b>	CJ157-09/11 – Proposed Amendment No 60 to District Planning Scheme No 2 – Reserve 35570 (2F) Gull Street, Marmion – Consideration of Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Amphlett is a member of the Marmion Angling and Aquatic Club

<b>Name/Position</b>	<b>Cr Russ Fishwick</b>
<b>Item No/Subject</b>	CJ157-09/11 – Proposed Amendment No 60 to District Planning Scheme No 2 – Reserve 35570 (2F) Gull Street, Marmion – Consideration of Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Fishwick is a member of the Marmion Angling and Aquatic Club

<b>Name/Position</b>	<b>Cr Mike Norman</b>
<b>Item No/Subject</b>	CJ157-09/11 – Proposed Amendment No 60 to District Planning Scheme No 2 – Reserve 35570 (2F) Gull Street, Marmion – Consideration of Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is a member of the Marmion Angling and Aquatic Club

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

CJ171-09/11	Confidential – Minutes of the Strategic Financial Management Committee Meeting held on 8 August 2011
CJ172-09/11	Confidential – Mindarie Regional Council Sublease to Landfill Gas and Power

**43-09/11                      PETITIONS****1            PETITION IN RELATION TO ANTISOCIAL BEHAVIOUR AND PASSIVE SURVEILLANCE, TIMBERLANE PARK, WOODVALE - [05386, 07100]**

A 48 signature petition has been received from City of Joondalup residents requesting that Council:

- 1        Notes the history of antisocial behaviour in Timberlane Park, Woodvale and the lack of adequate passive surveillance;
- 2        Presents a submission to the State Government to allow the City of Joondalup to acquire a portion of Timberlane Park, Woodvale (Reserve 40169);
- 3        Rezones a portion of Reserve 40169 to allow for aged accommodation, ensuring the retention of some bushland for residential amenity, and sells the land for such purpose;
- 4        Allocates the resulting funds from the sale of the land to enhance community facilities at Timberlane Park and its surrounds, as well as improved surveillance of Timberlane Park, thereby reducing antisocial behaviour and graffiti;
- 5        Advertises for public comment how the portion of Reserve 40169 could be utilised for aged accommodation, whilst retaining some bushland for residential amenity.

**2            PETITION REQUESTING COUNCIL TAKE IMMEDIATE STEPS TO REDUCE BOTH THE VOLUME AND SPEED OF VEHICLES ON DELGADO PARADE, ILUKA – [27473]**

Cr McLean tabled a petition containing 200 signatures on behalf of residents of the City of Joondalup requesting that Council take immediate steps to reduce both the volume and speed of vehicles on Delgado Parade, Iluka.

**3            PETITION REQUESTING UPGRADE OF PUBLIC PARK, CORNER MOOLANDA BOULEVARD AND HARNESS STREET, KINGSLEY - [01184]**

Cr Chester tabled a petition containing 33 signatures on behalf of residents of the City of Joondalup requesting that Council upgrade the public park on the corner of Moolanda Boulevard and Harness Street, Kingsley, the upgrade to include:

- Update play equipment with soft fall;
- Appropriate shading and seating;
- Drink fountain with dog drinking area;
- BBQ facilities; and
- A safe toilet block.

**4            PETITION REQUESTING INVESTIGATION OF SUITABLE VENUES TO PROVIDE TAOIST TAI CHI CLASSES IN THE CITY OF JOONDALUP - [22100]**

Cr Corr tabled a petition containing 156 signatures on behalf of residents of the City of Joondalup requesting that Council investigates options to provide a suitable venue(s) for Taoist Tai Chi classes in the City of Joondalup, noting that the Taoist Tai Chi Society of Australia is a non-profit, volunteer-based, charitable organisation dedicated to promoting health and wellbeing for people of all ages, with a growing membership in the City of Joondalup.

**MOVED Cr McLean, SECONDED Cr Gobbert 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 to address anti-social behaviour and passive surveillance in Timberlane Park, Woodvale;**
- 2 Petition requesting Council take immediate steps to reduce both the volume and speed of vehicles on Delgado Parade, Iluka;**
- 3 Petition requesting Council to upgrade the public park on the corner of Moolanda Boulevard and Harness Street, Kingsley; and**
- 4 Petition requesting that Council investigates options to provide a suitable venue(s) to accommodate Taoist Tai Chi classes in the City of Joondalup.**

**The Motion was Put and**

**CARRIED (12/0)**

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

## **CJ152-09/11 DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - JULY 2011**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Ms Dale Page  
Planning and Development

**FILE NUMBER:** 07032, 05961, 101515

**ATTACHMENTS:** Attachment 1 Monthly Development Applications Determined - July 2011  
Attachment 2 Monthly Building Application Code Variations Decision - July 2011  
Attachment 3 Monthly Subdivision Applications Processed - July 2011

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### **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 July 2011 (Attachments 1 and 2 refer):

- 1 Planning applications (development applications and Residential Design Codes variations);
- 2 Building applications (Residential Design Code variations); and
- 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, Council considered and adopted the most recent Town Planning Delegation (CJ107-06/11 refers).

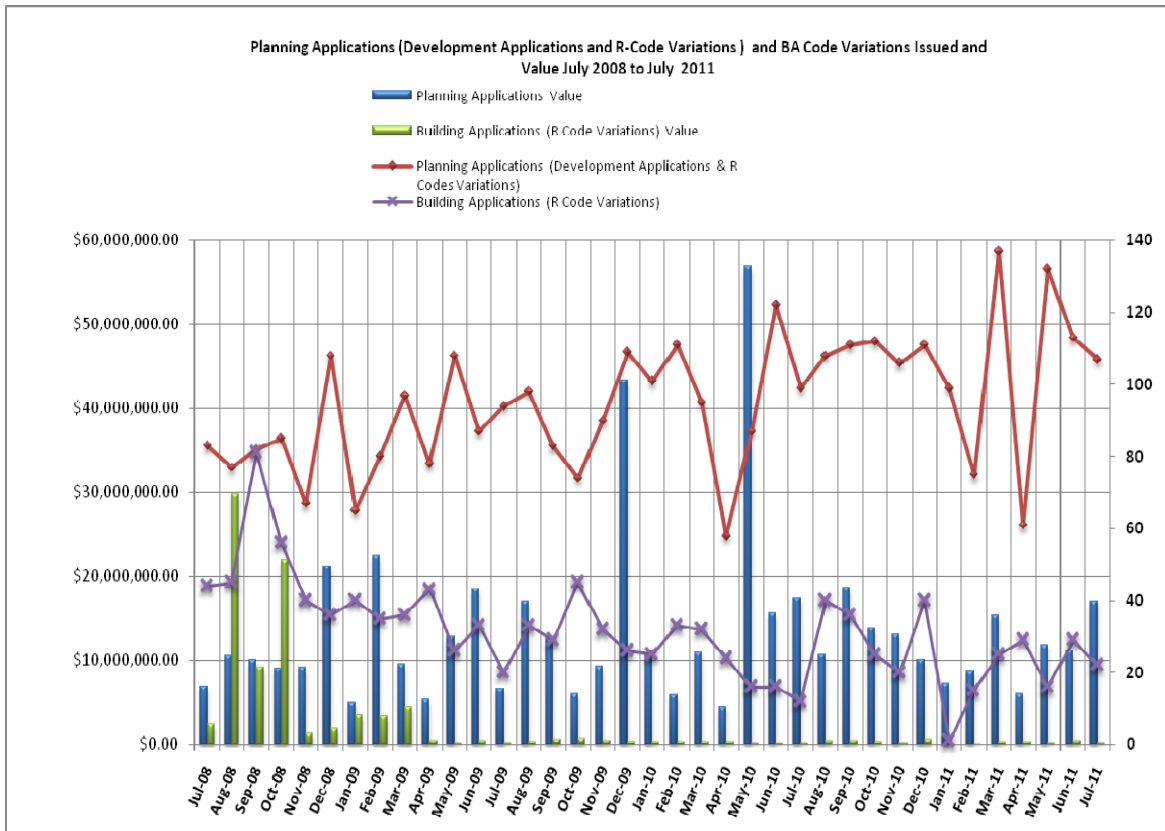
## DETAILS

The number of applications determined under Delegated Authority during July 2011 is shown below:

<b>Approvals determined under delegated authority – July 2011</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Planning applications (development applications & R-Codes variations)	107	\$ 17, 690,626
Building applications (R-Codes variations)	22	\$ 177,130
<b>TOTAL</b>	129	\$ 17,867,756

The number of development applications received during the period for July was 111. (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 July was 154. Of these, 42 were pending additional information from applicants, and 38 were being advertised for public comment.



Subdivision approvals processed under delegated authority From 1 July to 31 July 2011		
Type of approval	Number	Potential additional new lots
Subdivision applications	2	2
Strata subdivision applications	0	0

In addition to the above, 257 building licences were issued during the month of July with an estimated construction value of \$16,951,120.

**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 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 129 applications were determined for the month of July with a total amount of \$61,161.65 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 107 development applications determined during July 2011, consultation was undertaken for 42 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 two subdivision applications processed during July 2011 were not advertised for public comment.

**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 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 Hollywood, SECONDED Cr McLean 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 CJ152-09/11 during July 2011; and**
- 2 Subdivision applications described in Attachment 3 to Report CJ152-09/11 during July 2011.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf130911.pdf](#)*

## **CJ153-09/11 PROPOSED CHANGE OF USE FROM SINGLE HOUSE TO CONSULTING ROOM AT LOT 208 (2) GORMAN STREET, GREENWOOD**

**WARD:** South-East

**RESPONSIBLE DIRECTOR:** Ms Dale Page  
Planning and Development

**FILE NUMBER:** 83143, 101515

**ATTACHMENTS:** Attachment 1 Location Plan  
Attachment 2 Development Plans  
Attachment 3 Map of Submitters

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## PURPOSE

To request Council's approval of an application for a proposed change of use from Single House to Consulting Room at 2 Gorman Street, Greenwood.

## EXECUTIVE SUMMARY

An application for planning approval has been received for a change of use from Single House to Consulting Room at Lot 208 (2) Gorman Street, Greenwood. The applicant is proposing to convert an existing dwelling into a consulting room, for one medical practitioner and two staff. The proposal requests variations to the standards prescribed under the City's District Planning Scheme No 2 (DPS2) with respect to front and side building setback variations, and landscaping size variations. The proposed building setback and landscaping strip dimension variations are greater than the variation able to be approved under Delegated Authority, therefore this proposal is presented to Council for consideration and determination.

The proposal was advertised for public comment and two objections were received.

The proposed development, including the proposed setback and landscaping variations, is considered unlikely to have an impact on the amenity of the locality. On this basis, it is recommended that the application be approved.

## BACKGROUND

**Suburb/Location:** Lot 208 (2) Gorman Street, Greenwood  
**Applicant:** Gavin John Garton and Christopher Robert Mitchell  
**Owner:** Metodija Becvarovski and Domenica Versace  
**Zoning:** **DPS:** Residential  
**MRS:** Urban  
**Site Area:** 681.528m<sup>2</sup>  
**Structure Plan:** Not Applicable.

The subject site is located on the southern corner of Gorman Street and Wanneroo Road in Greenwood.

The site has an area of 681.528m<sup>2</sup>, and contains a single storey brick and tile dwelling of approximately 145m<sup>2</sup>, approved in 1975.

The subject site and surrounding properties are zoned residential under DPS2. Lot 900 on the northern corner of Gorman Street and Wanneroo Road was approved as a Child Care Centre by Council in 2003 (CJ160-07/03 refers).

## DETAILS

The applicant is proposing to convert the existing dwelling to consulting rooms for a podiatrist practitioner. The proposal is for one practitioner and up to two receptionists operating at any one time. There is a total of three separate consulting rooms proposed for the existing building along with ancillary uses (reception, waiting room, change room and the like). All of the proposed new rooms will be located entirely within the existing building.

The conversion to consulting rooms involves the removal of an existing retaining wall, a swimming pool, a fence, a patio and several trees to accommodate car parking. The proposal also includes external rendering of the front of the building.

Five parking bays are proposed to be provided on site to accommodate visitor and staff car parking, with two bays located on the western side of the building and three bays on the eastern side of the building. The access to the car bays is via a one way access driveway which circles the building in an anti-clockwise direction. The driveway is entered via a two way crossover which is located at the western end of the site on Gorman Street.

The applicant anticipates that there will be an additional 20–25 vehicle movements per day generated by the normal operations of the proposed consulting rooms.

A landscaping strip is proposed along the two street boundaries. The proposed landscaping strip has a minimum width of 1.756 metres to the Wanneroo Road boundary in lieu of three metres and a minimum width of 1.505 metres to the Gorman Street boundary in lieu of three metres. The applicant proposes to landscape 21% of the site.

The building has a proposed setback of five metres to the rear (southern) boundary in lieu of six metres required, and a proposed setback of 5.105 metres to the Gorman Street boundary in lieu of nine metres required.

All other standards and requirements of the City's District Planning Scheme No 2 (DPS2), where applicable, are satisfied by this development.

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

Council has the discretion to:

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

### **Legislation/Strategic Plan/Policy Implications**

#### **Legislation**

City of Joondalup District Planning Scheme No 2

A consulting room is a discretionary "D" use in the Residential Zone. A "D" use means:

*"A use class that is not permitted, but to which the Council may grant its approval after following procedures laid down by clause 6.6.2."*

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

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

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

As the proposed use is a 'D' use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for planning approval.

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

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

Clause 4.5 of DPS2 gives Council discretion to consider the variations sought to DPS2 standards.

#### 4.5 *Variations to Site and Development Standards and Requirements.*

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

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

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

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

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

### **Strategic Plan**

**Key Focus Area:** Economic Prosperity and Growth

**Objective:** To increase employment opportunities within the City.

**Policy:**

Not Applicable.

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

The applicant has paid fees of \$270.00 (excluding GST) to cover all costs associated with assessing the application.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed change of land use includes the provision of a bicycle rack adjacent to the entrance and a change room inside the building. The proposal includes landscaping to 21% of the lot. The building will need to comply with the requirements of the Building Code of Australia including sustainability related requirements, in order to obtain a Building Licence.

**Consultation:**

The proposal was advertised via a letter to 13 nearby landowners for a period of 21 days. This included land owners directly abutting the development site and all land owners on Gorman Street (Attachment 3 refers).

A total of two responses were received, being objections to the proposal.

The objections raised the following concerns:

- *It will be a traffic hazard especially with Jelly Beans Child Care being opposite, which is already very busy. There have been numerous accidents on the corner of Gorman Street and Wanneroo Road. We do not need any more businesses to add to this very dangerous and busy corner.*
- *Concerned about the amount of traffic entering and exiting Gorman Street so close to the Wanneroo Road intersection. Gorman Street is used as a short cut by many drivers to and from the Kwinana Freeway to avoid traffic lights at Marangaroo Drive and Warwick Road as well as people entering and exiting Greenwood. Traffic has increased dramatically since the opening of a child care centre several years ago at this intersection. Entry to their parking is close to the intersection and often there is traffic parked in Gorman Street or on the verge close to the intersection. Despite road modifications traffic continues to enter Gorman Street at high speed. Additional traffic near this intersection as a result of a business being established at 2 Gorman Street is in my opinion a recipe for accidents to occur.*

## COMMENT

### Landuse

Consulting Rooms is a discretionary ('D') land use in the Residential Zone. This proposal is considered to be unobtrusive in nature and consistent with the objectives of the Residential Zone.

### Traffic and Carparking

The two objections raised during the public consultation period related to traffic safety and parking. The original proposal utilised an existing crossover from Gorman Street, which is in close proximity to the Wanneroo Road intersection. During the assessment of the application the City requested that the access be moved to the western end of the lot, away from Wanneroo Road, so that the access would achieve the minimum sight distance requirements for access drives on 50km/h roads under the applicable Australian standard. This amendment was subsequently submitted to the City.

The application was also referred to Main Roads Western Australia for comment. Main Roads has no objection to the proposal.

Carparking has been wholly catered for on site in accordance with the requirements of DPS2. In addition, bike racks and a change room are included in the proposal.

The most current traffic data (2008) for Gorman Street indicates that there are 1345 vehicle movements per day. It is considered that the proposed additional traffic movements of 25 per day (2% of current traffic) will be generally limited to the Wanneroo Road end of Gorman Street. Therefore this proposal should not result in a significant increase on traffic volumes and should not affect traffic safety or impact on the amenity of the area.

### Building Setbacks

Under DPS2, the required front setback for non residential buildings is nine metres, and the rear setback is six metres. The applicant is proposing a front setback of 5.105 metres to the front boundary, and a rear setback of five metres to the southern boundary.

The location of the existing building was approved under the relevant planning and building requirements of 1975. The building is considered to be in keeping with the existing dwellings in the area and is not considered to impose undue building bulk on the adjoining properties or on the streetscape. The use of the building for consulting rooms in its current location will not adversely impact on access to sunlight or ventilation to adjoining lots and will not impact significantly on the amenity of adjoining neighbours.

### Landscaping

Under DPS2, a landscaping strip is required no less than three metres wide within the lot along all street boundaries. The proposed landscaping strip has a minimum width of 1.756 metres to Wanneroo Road and 1.505 metres to Gorman Street. The Wanneroo Road landscaping strip is screened from view from Wanneroo Road by a 1.7 metre high brick wall therefore it is considered that this variation is minor in nature. The Gorman street landscaping strip is reduced by the requirement for an access driveway on the site between the house and the boundary line. The proposal includes a 600mm strip of landscaping between the access driveway and the house and it is considered that these two landscaping strips, combined, work to mitigate building bulk on the site. Additionally, the 5.5 metre deep Gorman Street verge is covered with lawn which is considered to contribute towards an aesthetic landscape as viewed from the street. Further to this the proposal includes 21% landscaping which is in excess of the 8% required under DPS2.

### Conclusion

Given the low key nature of the proposed consulting rooms it is considered that the proposal will not result in any detrimental impact on the amenity of the surrounding residential area.

It is therefore recommended that the application be approved subject to the conditions set out below.

## **VOTING REQUIREMENTS**

Simple Majority



**MOVED Cr Chester, SECONDED Cr Corr that Council:**

- 1 EXERCISES discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that:**
  - 1.1 a building setback of five metres in lieu of six metres to the southern boundary is appropriate in this instance;**
  - 1.2 a building setback of 5.105 metres in lieu of nine metres to the front eastern boundary is appropriate in this instance;**
  - 1.3 a minimum landscaping width of 1.756 metres in lieu of three metres to the Wanneroo Road boundary is appropriate in this instance; and**
  - 1.4 a minimum landscaping width of 1.505 metres in lieu of three metres to the Gorman Street boundary is appropriate in this instance;**
  
- 2 APPROVES the application for planning approval, dated 20 May 2011 submitted by Christopher Robert Mitchell & Gavin John Garton on behalf of the owners, Metodija Becvarovski & Domenica Versace for CONSULTING ROOMS (Change of use from residential) at Lot 208 (2) Gorman Street, Greenwood, subject to the following conditions:**
  - 2.1 A maximum of one health practitioner generating their own patient load is permitted to operate from the consulting rooms at any one time;**
  - 2.2 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City. Details of all proposed stormwater disposal systems shall be shown on the Building Licence Application;**
  - 2.3 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City;**
  - 2.4 The lodging of detailed landscaping plans with the Building Licence Application based on water sensitive urban design and Designing Out Crime principles to the satisfaction of the City. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving, treatment of verges and tree planting in the car park, are to be shown on the landscaping plan;**
  - 2.5 Landscaping and reticulation is to be established in accordance with the approved plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City; and**
  - 2.6 A Development Application is required to be submitted to and approved by the City prior to the installation of any signage.**

**The Motion was Put and****CARRIED (12/0)****In favour of the Motion:** Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Taylor

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf130911.pdf](#)

## **CJ154-09/11 PROPOSED VEHICLE ACCESS RESTRICTION AND CLOSURE OF PORTION OF RIGHT OF WAY LOCATED PARALLEL TO SITTELLA TURN AND LAKESIDE DRIVE, JOONDALUP**

<b>WARD:</b>	North	
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development	
<b>FILE NUMBER:</b>	100991, 101515	
<b>ATTACHMENTS:</b>	Attachment 1	Location Plan
	Attachment 2	Schedule of Submissions

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### **PURPOSE**

For Council to consider submissions on the proposed closure of a portion of the Right of Way, and make a recommendation to the Department of Regional Development and Lands on the proposal.

### **EXECUTIVE SUMMARY**

In 2009, planning approval was granted by Council for the development of a 42 unit multiple dwelling development at Lot 201 (88) Lakeside Drive, Joondalup. A condition of approval required that the closure of portion of an adjacent Right of Way (ROW) be initiated, in order to restrict access to the ROW and address potential traffic issues.

The proposed closure has now been advertised with five submissions received, being two letters of support and comments from three service authorities.

It is recommended that Council supports the proposal and requests the Department of Regional Development and Lands to progress the closure of portion of the ROW.

### **BACKGROUND**

<b>Suburb/Location:</b>	Right of Way located parallel to Sittella Turn and Lakeside Drive, Joondalup	
<b>Applicant:</b>	Webborton Holdings Pty Ltd	
<b>Owner:</b>	Crown	
<b>Zoning:</b>	<b>DPS:</b>	Centre
	<b>MRS:</b>	Centre
<b>Site Area:</b>	Not Applicable	
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual Draft Joondalup City Centre Structure Plan	

The subject ROW is located parallel to Sittella Turn and Lakeside Drive, and provides rear vehicular access to dwellings fronting those streets (Attachment 1 refers).

At its February 2009 meeting (CJ038-02/09 refers), Council considered and approved an application for 42 multiple dwellings and a convenience store on Lot 201 (88) Lakeside Drive, Joondalup. A traffic safety audit included consideration of probable traffic generation, the existing road and ROW environment, and the function and classification of the surrounding road network.

The audit recommended the closure to vehicles of the ROW running parallel to Lakeside Drive at its junction with the ROW adjacent to the proposed development at Lot 201 (Attachment 1 refers).

Therefore, a condition of the planning approval for the 42 multiple dwellings states:

*“The provision of removable and lockable bollards at the junction of the two laneways to the north of the subject site, and the closure of the laneway at that point, at the applicant’s expense and to the specifications of the City of Joondalup. The provision of the bollards and the closure of the laneway shall be effected prior to the issue of a Certificate of Classification.”*

Council also resolved as follows:

*“INITIATES the closure of the right of way running parallel to Lakeside Drive at its junction with the right of way adjacent to the development.”*

An application was subsequently made by the proponent to commence the closure process.

## **DETAILS**

The proposal is to close vehicle access to the southern end of the ROW that runs parallel to Sittella Turn and adjacent to Lot 201 (88) Lakeside Drive, Joondalup. The vehicular access restriction is proposed to prevent through traffic accessing the residential development on Lot 201 (88) Lakeside Drive.

Vehicular access to the ROW would be closed by installing lockable bollards (at the applicant’s cost), however, access would remain open for pedestrians and cyclists.

The ability for properties fronting Sittella Turn and Lakeside Drive in the vicinity of the proposed ROW closure to access the rear of the dwellings would not be affected, however, access to the ROW would be from Sittella Turn or Shoveler Terrace.

The vehicular access restriction to the ROW would be achieved by the formal closing of a portion of the ROW which will be reserved for the purpose of ‘Pedestrian Access Way and Public Utilities’ and managed by the City of Joondalup.

It is noted that, due to the current construction on Lot 201, the subject portion of the ROW is currently fenced and closed. Appropriate access and servicing has continued under this arrangement.

**Issues and options considered:**

The options available to Council in considering the proposal are:

- Support the proposal and refer the closure to the Department of Regional Development and Lands for action;
- Support the proposal with modifications, and refer the closure to Regional Development and Lands for action; or
- Refuse to support the proposal.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**                      Land Administration Act 1997

**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:**

In the event that the access closure is not supported, there is a risk that traffic from the multiple dwelling development will use the ROW as a through route to Shoveler Terrace. This would be an inappropriate use of the 6 metre wide ROW and could pose a safety risk to owners abutting the ROW accessing their properties due to an increase in traffic volumes and speed.

**Financial/Budget Implications:**

The applicant has paid a fee of \$1,185 to cover processing of the application.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposed ROW closure was advertised for public comment for a period of 35 days, closing on 28 July 2011, as follows:

- Letters were sent to 69 nearby landowners and residents, and four service authorities;
- A notice was placed in the local newspaper; and
- A notice and documents were placed on the City's website.

A total of five submissions were received, comprising two letters of support and three comments/advice of non-objection from service authorities.

The schedule of submissions is provided at Attachment 2.

## **COMMENT**

The proposal is a result of a traffic safety audit and subsequent condition of approval of the multiple dwelling development at Lot 201 Lakeside Drive, Joondalup.

The advertising of the proposal has not raised any objections, and it is considered appropriate to continue the closure process.

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr McLean that Council, further to its decision of February 2009 (CJ038-02/09 refers):**

- 1 AGREES to the excision of portion of the Right of Way located between Sittella Turn and Shoveler Terrace, Joondalup, as outlined in Attachment 1 to Report CJ154-09/11, for the purpose of creating a new reserve for “Pedestrian Accessway and Public Utilities”;**
- 2 AGREES to accept a Management Order in favour of the City of Joondalup in the event that the closure/excision process is finalised;**
- 3 ADVISES the Department of Regional Development and Lands of Council’s decision; and**
- 4 NOTES that the installation of removable, lockable bollards will be undertaken by the City at the expense of the applicant.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf130911.pdf](#)

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Kerry Hollywood</b>
<b>Item No/Subject</b>	CJ155-09/11 – Proposed Amendment No 48 to District Planning Scheme No 2 – Partial Rezoning of North Shore Country Club – Lot 55 (11) Henderson Drive, Kallaroo – Consideration following Advertising
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hollywood is a Gold Certificate holder of the North Shore Country Club

<b>Name/Position</b>	<b>Cr Geoff Amphlett, JP</b>
<b>Item No/Subject</b>	CJ155-09/11 – Proposed Amendment No 48 to District Planning Scheme No 2 – Partial Rezoning of North Shore Country Club – Lot 55 (11) Henderson Drive, Kallaroo – Consideration following Advertising
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Amphlett is a member of the North Shore Country Club

<b>Name/Position</b>	<b>Cr Liam Gobbert</b>
<b>Item No/Subject</b>	CJ155-09/11 – Proposed Amendment No 48 to District Planning Scheme No 2 – Partial Rezoning of North Shore Country Club – Lot 55 (11) Henderson Drive, Kallaroo – Consideration following Advertising
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Gobbert knows several people that work for Greg Rowe and Associates

**CJ155-09/11 PROPOSED AMENDMENT NO 48 TO DISTRICT PLANNING SCHEME NO 2 – NORTH SHORE COUNTRY CLUB – LOT 55 (11) HENDERSON DRIVE, KALLAROO – CONSIDERATION FOLLOWING ADVERTISING**

**WARD:** Central

**RESPONSIBLE DIRECTOR:** Ms Dale Page  
Planning and Development

**FILE NUMBER:** 100418, 101515

**ATTACHMENTS:**

Attachment 1	Location Plan
Attachment 2	Zoning Plan (Existing and Proposed)
Attachment 3	Schedule of Submissions
Attachment 4	Map of Submitters
Attachment 5	Scheme Amendment Process Flowchart
Attachment 6	Concept Plan

## PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 48 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

## EXECUTIVE SUMMARY

An application has been received that proposes an amendment to DPS2 to rezone a 1,802m<sup>2</sup> portion of the North Shore Country Club site from 'Private Clubs and Recreation' to 'Residential'. The rezoning will facilitate the creation of up to three single residential lots or up to four survey strata lots, at the existing density code of R20. Access to the lots would be from Henderson Drive.

The North Shore Country Club and Residents' Association has indicated that the future subdivision and sale of this land will provide the finance to repair and upgrade the existing Country Club facilities.

The area proposed to be rezoned for future residential lots currently contains car parking. The applicant has provided a concept plan outlining modifications to the existing Country Club layout to accommodate the proposed residential lots.

The proposed scheme amendment was advertised for public comment for a period of 42 days closing on 20 July 2011.

A total of ten submissions were received comprising four objections, which includes a letter containing six names of owners located within the North Shore estate, four no objections which includes two submissions from service authorities; and two comments.

It is recommended that Council adopts the proposed scheme amendment as final, and forwards the proposed amendment to the Western Australian Planning Commission for final approval.

## BACKGROUND

**Suburb/Location:** Lot 55 (11) Henderson Drive, Kallaroo  
**Applicant:** Greg Rowe and Associates  
**Owner:** North Shore Country Club and Residents Assoc Inc.  
**Zoning:** **DPS:** Private Clubs/Recreation  
**MRS:** Urban  
**Site Area:** 20,471m<sup>2</sup> (Only 1,802m<sup>2</sup> is subject to proposed rezoning)  
**Structure Plan:** Not Applicable.

The North Shore Country Club is located on the corners of Northshore Drive, Northshore Avenue and Henderson Drive, Kallaroo (Attachment 1 refers).

The Country Club is a privately owned facility and includes a club room, tennis courts, bowling green and car parking.

At its meeting held on 19 April 2011 (CJ055-04/11 refers), Council resolved as follows:

- “1 CONSENTS to initiate Amendment No 48 to the City of Joondalup District Planning Scheme No 2 to rezone the 1,802m<sup>2</sup> portion of Lot 55 (11) Henderson Drive, Kallaroo from ‘Private Clubs/Recreation’ to ‘Residential’ as indicated on Attachment 2 of Report CJ055-04/11, for the purposes of public advertising for a period of 42 days;
- 2 NOTES that prior to the advertising period commencing, as detailed in part 1 above, the City will forward the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required.”

## DETAILS

The purpose of the proposed scheme amendment is to rezone a 1,802m<sup>2</sup> portion of the North Shore Country Club from the ‘Private Clubs/Recreation’ zone to the ‘Residential’ zone (Attachment 2 refers). This would facilitate the creation of up to three single residential lots or up to four grouped dwellings, with frontage to Henderson Drive, Kallaroo.

### Issues and options considered:

The issues to be considered by Council include:

- The suitability of the proposed amendment; and
- The public submissions received.

The options available to Council in considering the proposal are:

- Adopt the proposed amendment as final;
- Adopt the proposed amendment as final, with modification; or
- Refuse to adopt the proposed amendment.

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

## Legislation/Strategic Plan/Policy Implications

### Legislation

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 19 April 2011. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.



**Strategic Plan**

**Key Focus Area:** 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 \$4,867.32 (including GST) to cover all costs with assessing the request, public consultation and document production. This includes an advertising cost of \$2,325 (excluding GST).

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed amendment would enable the consideration of future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

The proposed scheme amendment would also provide financial sustainability for the applicant by providing revenue to improve the existing facilities for the Country Club members.

**Consultation:**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 20 July 2011, as follows:

- 33 letters were sent to nearby landowners, and four service authorities;
- A sign was placed on the site;
- A notice was placed in the local and the West Australian newspapers; and
- A notice and documents were placed on the City's website.

A total of 10 submissions were received comprising:

- Four objections, which includes a letter containing six names;
- Four no objections which includes two submissions from service authorities; and
- Two comments.

The Schedule of Submissions is provided at Attachment 3 and a map of the location of submitters is provided at Attachment 4.

## COMMENT

The main issues raised in the submissions were:

- Loss of open space;
- Loss of green outlook from adjoining properties;
- High density in a large lot area;
- Increased traffic to and from the site; and
- Lack of transparency in the Club and Committee operations and decision making processes.

### Loss of open space

The subject land is privately owned, not public open space and therefore the proposed scheme amendment will not reduce the available public open space in Kallaroo.

### Loss of outlook from adjoining properties

Any development, or redevelopment, occurring on Lot 55 has the potential to alter the appearance of the site, including reducing or increasing vegetation.

Development of the proposed residential lots will be assessed against the Residential Design Codes (R-codes), the City's policy 'Height and Scale of Building within residential areas' and any other relevant documents. The R-codes and the City's policy does allow for two storey dwellings to be constructed similar to the housing form already developed throughout Kallaroo.

### High density in a large lot area

Comment has been made in regard to the proposal facilitating high density housing in an area where the lots are around 1,000m<sup>2</sup>.

Should the amendment be supported the proposed residential lots will be developed at the density provisions of R20. The development requirements for R20 as provided by the Residential Design Codes are that green title lots need to have an average lot size of 500m<sup>2</sup> and a minimum lot size of 440m<sup>2</sup>. The density of R20 is considered low density. It is proposed that the residential lots will be 600m<sup>2</sup> each which is greater than the average and minimum lot sizes for the R20 density which also applies to all the residential lots in Kallaroo. The existing lot sizes in Kallaroo vary in size from 680m<sup>2</sup> to 1,000m<sup>2</sup> with lots in the immediate area being between 700m<sup>2</sup> and 1,000m<sup>2</sup>.

### Increased traffic to and from the site

The land proposed to be rezoned has been identified on the basis that lots located in this position will have the least impact on the surrounding properties in relation to access and egress from the club site and the future residential lots. The traffic generated from three additional residential lots is not considered to detrimentally impact on the existing traffic volume or flow currently experienced in the immediate area.

### Lack of transparency in the Club and Committee operations and decision making processes

A number of comments were received expressing concern with the scheme amendment being proposed by the club instead of other fundraising ventures being considered. Concern was also expressed as to who was involved in the decision making process as well as issues about the sale of the land and future purchasers of the land.

The club is privately owned and run and not managed in any way by the City. The issues raised relate to the internal management of the club and are not issues in which the City can intervene.

### Conclusion

The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal. It is recommended that the amendment be adopted.

## **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:**

- 1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 ADOPTS Amendment No 48 to the City of Joondalup District Planning Scheme No 2, to rezone the 1,802m<sup>2</sup> portion of Lot 55 (11) Henderson Drive, Kallaroo from 'Private Clubs/Recreation' to 'Residential' as indicated on Attachment 2 to Report CJ155-09/11;**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision; and**
- 4 REFERS Scheme Amendment No 48 and Council's decision to the Western Australian Planning Commission for determination.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4agn200911.pdf](#)*

## **CJ156-09/11 PROPOSED AMENDMENT NO 59 TO DISTRICT PLANNING SCHEME NO 2 – STRATA PLAN 27557 (93) WANNEROO ROAD, GREENWOOD – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD:</b>	South-East
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	101489, 101515
<b>ATTACHMENTS:</b>	Attachment 1      Location Plan Attachment 2      Zoning Plan Attachment 3      Schedule of Submissions Attachment 4      Scheme Amendment Process Flowchart

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### **PURPOSE**

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 59 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

### **EXECUTIVE SUMMARY**

An application has been received that proposes an amendment to Schedule 2 of DPS2 to include two additional permitted land uses, being Showroom and Warehouse at No 93 Wanneroo Road, Greenwood.

The subject site is comprised of six strata lots and accommodates a building with seven commercial tenancies. The site was granted land use approval under the former Town Planning Scheme No 1 as either 'Showroom' or 'Warehouse'. Upon the commencement of DPS2, the subject site was rezoned 'Mixed Use', resulting in non-conforming use rights applying to the approved showroom and warehouse tenancies. The proposed scheme amendment will reinstate the previous approved land uses as permitted uses for the subject site.

At its meeting held on 19 April 2011 (CJ058-04/11 refers), Council resolved to initiate Scheme Amendment No 59 for the purpose of advertising.

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 27 July 2011. One submission, from the applicant, was received, being a comment regarding the preparation of the scheme amendment documents.

It is recommended that Council adopts the proposed scheme amendment as final, and forwards the proposed amendment to the Western Australian Planning Commission (WAPC) for final approval.

## BACKGROUND

**Suburb/Location:** Lots on Strata Plan 27557 (93) Wanneroo Road, Greenwood  
**Applicant:** Gray & Lewis Planning Consultants  
**Owner:** Victor Michael Parin  
**Zoning:** **DPS:** Mixed Use  
**MRS:** Urban  
**Site Area:** 4,590.77m<sup>2</sup>  
**Structure Plan:** Not Applicable.

The subject site, No 93 Wanneroo Road, Greenwood (Attachment 1 refers), is zoned 'Mixed Use'. The subject site is surrounded by vacant lots that are zoned 'Residential'.

At its meeting held on 19 April 2011, Council resolved as follows:

- "1 Pursuant to Part 5 of the Planning and Development Act 2005 CONSENTS to initiate Amendment No 59 to the City of Joondalup District Planning Scheme No 2 to amend Schedule 2 to include two additional uses, being Showroom and Warehouse, on all lots contained within Strata Plan 27557 (93) Wanneroo Road Greenwood, for the purposes of public advertising for a period of 42 days:

No	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-22	93 Wanneroo Road, Greenwood	All lots contained on Strata Plan 27557	Showroom Warehouse

- 2 NOTES that prior to the advertising period commencing, as detailed in part 1 above, the City will forward the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required."

## DETAILS

An application has been received to amend Schedule 2 to include two additional permitted land uses, being Showroom and Warehouse, on No 93 Wanneroo Road, Greenwood.

The existing commercial tenancies were approved under the former Town Planning Scheme No 1 as either Showroom or Warehouse. Upon the commencement of DPS2, the site was zoned 'Mixed Use'. Showroom and Warehouse land uses are not permitted within the 'Mixed Use' zone and as such the approved uses are permitted to continue operating on the basis of a non-conforming use right.

If approved, Scheme Amendment No 59 would reinstate Showroom and Warehouse as permitted uses.

DPS2 defines the following land uses as:

*Showroom: means premises providing large floor space used for the displaying of goods and which may involve the sale by wholesale or retail, or hire of such goods, being goods generally of a bulky nature and without limiting the generality of the foregoing including automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture household appliances, party supplies and second hand goods. The term does not include the sale of foodstuff, liquor or beverages, items of personal adornment, magazines, books, newspapers, paper products and medicinal or pharmaceutical products.*

*Warehouse: means premises used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.*

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

The issues to be considered by Council include:

- The suitability of the proposed scheme amendment; and
- The public submissions received.

The options available to Council in considering the proposal are:

- Adopt the proposed scheme amendment;
- Adopt the proposed scheme amendment, with modification; or
- Refuse to adopt the proposed scheme amendment.

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

### **Legislation/Strategic Plan/Policy Implications**

#### **Legislation**

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 19 April 2011. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

**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 \$6,065.59 (including GST) to cover all costs with assessing the request, public consultation and document production. Advertising costs are estimated to be \$2,325 (excluding GST).

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 27 July 2011, as follows:

- Letters were sent to 26 nearby landowners;
- A sign was placed on the site;
- A notice was placed in the local and the West Australian newspapers; and
- A notice and documents were placed on the City's website.

One submission was received during the advertising period comprising comments from the applicant regarding the City's procedures for creating the scheme amendment documents and making them available for viewing. The schedule of submissions is provided at Attachment 3.

**COMMENT**

In general terms, it is not considered appropriate to locate Showroom or Warehouse uses within the 'Mixed Use' zone as they do not align with the intent of the zone by catering for small scale business in a primarily residential scale environment. Generally, 'Service Industrial', 'Commercial' or 'Business' zones are considered to be more suitable locations for these uses. This said, the proposed scheme amendment is supported given the unique circumstances of the site:

- Showrooms were drafted as a permitted use in 'Mixed Use' zone, however, the Minister required this to be modified, resulting in the existing non-conforming use rights. Therefore, the existing non-conforming use right for the existing Showrooms was an unintended outcome for the subject site.
- The subject site has good exposure and access to Wanneroo Road which supports Showroom and Warehouse uses.
- The continued use of the property for Showroom and Warehouse uses is not considered to adversely impact residential amenity, as the development is in existence and operates without issue.
- The context of the site is not considered to have changed significantly since the original development was approved and therefore it is not inappropriate to consider reinstating the previously approved uses.

The advertising of the proposed scheme amendment has not raised any issues that would warrant not proceeding with the proposal. It is recommended that the proposed amendment be adopted and the amending documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

## VOTING REQUIREMENTS

Simple Majority

## MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967, **ADOPTS Amendment No 59 to the City of Joondalup District Planning Scheme No 2, to include two additional uses, being Showroom and Warehouse, on all lots contained within Strata Plan 27557 (93) Wanneroo Road Greenwood:**

No	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-22	93 Wanneroo Road, Greenwood	All lots contained on Strata Plan 27557	Showroom Warehouse

- 2 **AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 **NOTES the submission received; and**
- 4 **REFERS Scheme Amendment No 59 and Council's decision to the Western Australian Planning Commission for determination.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf130911.pdf](#)



**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ157-09/11 – Proposed Amendment No 60 to District Planning Scheme No 2 – Reserve 35570 (2F) Gull Street, Marmion – Consideration of Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is a member of the Marmion Angling and Aquatic Club

<b>Name/Position</b>	<b>Cr Geoff Amphlett, JP</b>
<b>Item No/Subject</b>	CJ157-09/11 – Proposed Amendment No 60 to District Planning Scheme No 2 – Reserve 35570 (2F) Gull Street, Marmion – Consideration of Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Amphlett is a member of the Marmion Angling and Aquatic Club

<b>Name/Position</b>	<b>Cr Russ Fishwick</b>
<b>Item No/Subject</b>	CJ157-09/11 – Proposed Amendment No 60 to District Planning Scheme No 2 – Reserve 35570 (2F) Gull Street, Marmion – Consideration of Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Fishwick is a member of the Marmion Angling and Aquatic Club

<b>Name/Position</b>	<b>Cr Mike Norman</b>
<b>Item No/Subject</b>	CJ157-09/11 – Proposed Amendment No 60 to District Planning Scheme No 2 – Reserve 35570 (2F) Gull Street, Marmion – Consideration of Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is a member of the Marmion Angling and Aquatic Club

## **CJ157-09/11 PROPOSED AMENDMENT NO 60 TO DISTRICT PLANNING SCHEME NO 2 - RESERVE 35570, (2F) GULL STREET, MARMION – CONSIDERATION OF SUBMISSIONS**

**WARD:** South

**RESPONSIBLE DIRECTOR:** Ms Dale Page  
Planning and Development

**FILE NUMBER:** 101668, 101515

**ATTACHMENTS:**

Attachment 1	Location Plan
Attachment 2	Zoning Plan
Attachment 3	Schedule of Submissions
Attachment 4	Map of Submitters
Attachment 5	Scheme Amendment Process Flowchart

## PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 60 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

## EXECUTIVE SUMMARY

Reserve 35570 is vacant Crown land with a reservation of 'Parks and Recreation' under DPS2. The City currently has a management order over the land for the purpose of 'Parking'.

At its meeting held on 19 April 2011 (CJ059-04/11 refers), Council resolved to initiate Scheme Amendment No 60 for the purpose of public advertising.

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 10 August 2011. A total of eight submissions were received, being three of support, one comment, one objection and three submissions from service authorities.

It is recommended that Council adopts the proposed scheme amendment as final, and forwards the proposed amendment to the Western Australian Planning Commission (WAPC) for final approval.

## BACKGROUND

**Suburb/Location:** Reserve 35570 (2F) Gull Street, Marmion  
**Applicant:** City of Joondalup  
**Owner:** Crown Land  
**Zoning:** **DPS:** Parks and Recreation  
**MRS:** Urban  
**Site Area:** 1,012m<sup>2</sup>  
**Structure Plan:** Not Applicable.

The subject site is currently vacant and is bounded by 'Residential' zoned land with a density of R20 (Attachment 1 refers).

Reserve 35570 is undeveloped Crown land over which the City (formerly as the City of Wanneroo, now as the City of Joondalup) has held a Management Order since 1978, for the purpose of 'parking'. The original intention for the land was to develop it as a car park to alleviate parking issues in the general area.

However, it is recognised that the location of the site is not desirable for use as a car park, and alternative options for car parking in the area need to be investigated.

At its meeting held on 19 April 2011 (CJ059-04/11 refers), Council resolved to initiate Amendment No 60 to the City of Joondalup District Planning Scheme No 2 to remove the Reservation from Lot 95 (2F) Gull Street, Marmion and zone the site to 'Residential' for the purpose of public advertising for a period of 42 days.

## DETAILS

It is proposed that the 'Parks and Recreation' reservation over Reserve 35570 be removed and the site be zoned 'Residential'. The existing density code of 'R20' would remain.

The City has been in negotiations with the State Government in regard to the future use of Reserve 35570. It is proposed that the reservation of the site be removed and the 'Residential' zone be applied. Once this process has been finalised, it is intended that the site will be sold by the State Government and used for residential development.

These negotiations have recently concluded and State Cabinet has given approval for the City to commence the process.

In the event that the proposed zoning of the site is finalised, the City's Management Order over the site would also need to be relinquished.

### Issues and options considered:

The issues to be considered by Council include:

- The suitability of the proposed Scheme Amendment; and
- The public submissions received

The options available to Council in considering the proposal are:

- Adopt the proposed amendment as final;
- Adopt the proposed amendment as final, with modification; or
- Refuse to adopt the proposed amendment.

### Legislation/Strategic Plan/Policy Implications

#### Legislation

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 19 April 2011. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

**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 City, as the applicant, is required to cover the costs associated with the scheme amendment process. The cost incurred for the advertising of the amendment was \$921.45 which included placing a notice in the relevant newspapers and erecting a sign on the subject site.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

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

**Consultation:**

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 10 August 2011 as follows:

- Twenty four letters were sent to nearby landowners, and four letters to service authorities;
- A sign was placed on the site;
- A notice was placed in the local and the West Australian newspapers; and
- A notice and documents were placed on the City's website.

A total of eight submissions were received, being three of support, one comment, one objection and three submissions from service authorities. The schedule of submissions is provided at Attachment 3 and a map of the location of submitters at Attachment 4.

## COMMENT

The proposed 'Residential' zoning is considered an appropriate alternative to the current reservation of 'Parks and Recreation'. The 'Residential' zoning will provide the opportunity for the site to facilitate residential development consistent with the development already occurring on nearby properties on Gull Street.

One objection was received stating the belief that the site would be developed as a local park, and outlining the belief that residential development on the site will impact the future development on their lot. However, given the management order for 'parking' over the site, and its location, there was never an intention to develop the site as a park.

It is understood that in the event that the scheme amendment and subsequent sale of the subject land is effected, the proceeds would be used to provide car parking and community infrastructure in the area.

It is recommended that the proposed amendment be adopted and the amending documents be endorsed and submitted to the WAPC for the Minister for Planning's determination.

## VOTING REQUIREMENTS

Simple Majority

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

- 1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 ADOPTS Amendment No 60 to the City of Joondalup District Planning Scheme No 2, to:**
  - 1.1 Remove the 'Parks and Recreation' reservation from Lot 95 (2F) Gull Street, Marmion; and**
  - 1.2 Zone Lot 95 (2F) Gull Street, Marmion to 'Residential';**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision; and**
- 4 REFERS Scheme Amendment No 60 and Council's decision to the Western Australian Planning Commission for determination.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf130911.pdf](#)*

## **CJ158-09/11 MINUTES OF EXTERNAL COMMITTEES**

**WARD:** All

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

**FILE NUMBER:** 09151, 48543, 00033, 101515

**ATTACHMENTS:**

- Attachment 1 Minutes of the Wanneroo/Joondalup Local Emergency Management Committee meeting held on 4 August 2011.
- Attachment 2 Minutes of the WA Local Government Association State Council meeting held on 7 August 2011

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

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### **PURPOSE**

To submit minutes of external committees to Council for information.

### **EXECUTIVE SUMMARY**

The following minutes are provided:

- Minutes of the Wanneroo/Joondalup Local Emergency Management Committee meeting held on 4 August 2011.
- Minutes of the WA Local Government Association State Council meeting held on 7 August 2011.

### **DETAILS**

#### **Local Emergency Management Committee Meeting – 4 August 2011**

A meeting of the Wanneroo/Joondalup Local Emergency Management Committee (LEMC) was held on 4 August 2011.

The Council's representative on the LEMC is Cr John Chester (Chair).

#### **WA Local Government Association State Council meeting held on 7 August 2011.**

A meeting of the WA Local Government Association (WALGA) State Council was held on 7 August 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.

At this meeting a number of items were of interest to the City of Joondalup as the City had either previously resolved or provided comment to WALGA for its consideration, or items had an impact on the City generally.

For the information of Council, the following matters of interest to the City of Joondalup were agreed to by the WALGA State Council:

### **5.1 Submission into Review of Caring for our Country**

It was resolved by the WALGA State Council as follows:

*“That the interim submission to the ‘Caring for our Country’ review be endorsed, subject to the following points being incorporated in the submission:*

- *A loss of specific local knowledge of biodiversity. This is hard to re-engage as it has been gained in a slow build-up of expertise.*
- *A drop off in community engagement, as the organising body has gone or is depleted.*
- *A minimisation of behaviour change to protect local land and biodiversity.*
- *A huge dollar value drop as volunteers cease or minimise efforts to plant, weed, care for re-vegetation and protection of remnant bush.*
- *Local landowners do not receive sufficient information and support in caring for their own land.”*

At the City of Joondalup Council meeting held on 17 May 2011 (CJ085-05/11 refers), Council considered the Program and resolved to forward its own submission to the Federal Government.

A copy of the submission was also forwarded to WALGA.

### **8 Additional Zone Resolutions**

It was resolved by the WALGA State Council as follows:

*“That the additional Zone Resolutions from the July/August round of Zones meetings as follows be referred to the appropriate policy area for consideration.”*

One of the resolutions adopted was from the WALGA North Metropolitan Zone, which was submitted by the City of Joondalup (resolved by Council at its 28 June 2011 meeting – CJ115-06/11 refers), as follows:

#### **Amendment of the Rates and Charges (Rebates and Deferments) Act 1992 to Extend Entitlements to Include Refuse Charges (Governance and Strategy)**

*“That the North Zone of WALGA recommends to the WALGA State Council that it gives consideration to:*

- 1 *Adopting a policy position that the benefits to eligible pensioners/seniors under the provisions of the Rates and Charges (Rebates and Deferments) Act 1992 should be extended to include Local Government refuse charges; and*

- 2 *Advocating to State Government that the Rates and Charges (Rebates and Deferments) Act 1992 be amended to extend rebate and deferment entitlements of eligible pensioners/seniors to include refuse charges levied by Local Governments.”*

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr Chester, SECONDED Cr Gobbert that Council NOTES the minutes of the:**

- 1 **Wanneroo/Joondalup Local Emergency Management Committee Meeting held on 4 August 2011 forming Attachment 1 to Report CJ158-09/11; and**
- 2 **WA Local Government Association State Council meeting held on 7 August 2011 forming Attachment 2 to Report CJ158-09/11.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 19 refers.*

*To access this attachment on electronic document, click here: [externalminutes130911.pdf](#)*

## **CJ159-09/11 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 8 AUGUST 2011**

**WARD:** All

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

**FILE NUMBER:** 26176, 03360, 101116, 72584, 81593, 26173, 101515

**ATTACHMENTS:**

Attachment 1	Minutes of Policy Committee Meeting held on 8 August 2011
Attachment 2	Draft Alfresco Activities Policy
Attachment 3	Amended Draft Bed and Breakfast Policy
Attachment 4	Modified Short Stay Accommodation Policy
Attachment 5	Amended Draft Alcohol Management Policy
Attachment 6	Amended Draft Alcohol Management Plan

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## PURPOSE

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



## EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 8 August 2011 to consider the following matters:

- Item 1 Alfresco Activities Policy
- Item 2 Draft Bed and Breakfast Policy
- Item 3 Draft Short Stay Accommodation Policy
- Item 4 Alcohol Management Policy and Plan

## BACKGROUND

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

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

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

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

## DETAILS

### Issues and options considered:

The Motions carried at the Policy Committee meeting held on 8 August 2011 are shown below, together with officer's comments:

### Item 1 Alfresco Activities Policy

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

*"That the Policy Committee RECOMMENDS that Council:*

- 1 *APPROVES the following proposed amendments to City Policy – Alfresco Activities, for the purpose of public advertising:*

- 1.1 *Amends Part 4 (v) of Element 4: Shelter, Shade, Barriers and Incidental Structures to replace the words 'visually permeable' with the wording 'clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night' and are readily removable. Canvas and shade cloth type materials will not be permitted;*
- 1.2 *Amends the Responsible Directorate to Planning and Development;*
- 1.3 *Removes repeated text under Part 3 of Element 1: Alfresco Location;*
- 2 *ADVERTISES the proposed amendments to City Policy – Alfresco Activities for public comment for a period of 21 days, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2."*

The following motion was carried:

*"That the Policy Committee RECOMMENDS that Council:*

- 1 *APPROVES the following proposed amendments to City Policy – Alfresco Activities, for the purpose of public advertising:*
  - 1.1 *Amends Part 4 (v) of Element 4: Shelter, Shade, Barriers and Incidental Structures to replace the words 'visually permeable' with the wording 'clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night' and are readily removable. Canvas and shade cloth type materials will not be permitted;*
  - 1.2 *Amends the Responsible Directorate to Planning and Development;*
  - 1.3 *Removes repeated text under Part 3 of Element 1: Alfresco Location;*
- 2 *ADVERTISES the proposed amendments to City Policy – Alfresco Activities for public comment for a period of 21 days, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2;*
- 3 *AGREES that those restaurants that currently have installed shade cloth blinds shall have three years from the adoption of the Policy to comply with the requirements of Part 4 (v) of Element 4 of the Policy."*

#### Officer's Comment

The amended motion is supported.

#### **Item 2 Draft Bed and Breakfast Policy**

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

*"That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADVERTISES the draft City Policy – Bed and Breakfast, as shown in Attachment 1 to this Report, for public comment for a period of 21 days."*

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADVERTISES the draft City Policy – Bed and Breakfast, as shown in Attachment 1 to this Report, for public comment for a period of 21 days, subject to the following amendments:*

Car Parking

- *Point 1 - deletion of the words “For a single dwelling, this will be 2 car bays.”*
- *Point 2 – additional wording to be added at the end of the sentence as follows:*

*“No verge parking is permissible.”*

Management

- *Point 2*
  - *First dot point to be deleted.*
  - *The words “and granted” to be deleted from the second dot point.*
- *Point 3*
  - *First dot point to be deleted.*
  - *The words “and granted” to be deleted from the second dot point.*
- *Point 4 – to be reworded to read:*

*“Separate bathroom facilities are encouraged to be provided for each Bed and Breakfast room.”*
- *An additional point (Point 5) to be added to read:*

*“Access to a dining area must also be provided for guests within the dwelling, along with communal laundry facilities.”*
- *Point 5 to be renumbered to Point 6.*
- *Point 6 to be renumbered to Point 7.*
- *Point 7 to be revised to align with the conditions set out for the Management Plan relating to the Short Stay Accommodation policy.”*

Officer’s Comment

The amended motion is supported.

**Item 3 Draft Short Stay Accommodation Policy**

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADOPTS the modified City Policy – Short Stay Accommodation, as shown at Attachment 1 to this Report, as final.”*

Officer’s Comment

The Committee recommendation is supported.

**Item 4 Alcohol Management Policy and Plan**

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

*“That the Policy Committee RECOMMENDS that Council ADOPTS the draft Alcohol Management Policy and Draft Alcohol Management Plan forming Attachments 1 and 2 to this Report.”*

The following motion was carried:

*“That the Policy Committee RECOMMENDS that Council ADOPTS the draft Alcohol Management Policy and Draft Alcohol Management Plan forming Attachments 1 and 2 to this Report, subject to the following amendments:*

Draft Alcohol Management Policy

- *Title of Policy be amended to read – Alcohol Management.*
- *3 Description*

*Additional points to be added to the end of this section as follows:*

- *“That the City is responsible for assessing development applications for outlets providing access to liquor on the basis of planning grounds under the relevant legislation.*
- *That the final decision on the provision of a liquor licence rests with the Department of Racing, Gaming and Liquor.”*

Draft Alcohol Management Plan

*Strategies – Outcome 1 – Liquor Licence Applications*

*That liquor licences can also be approved for individuals and that community education strategies should include individuals as well as community groups.”*

Officer’s Comment

The amended motion is supported.

**Legislation/Strategic Plan/Policy Implications**

**Legislation**                      Not Applicable.

**Strategic Plan**

Key Focus Area:              Leadership and Governance

Objective:                      To lead and manage the City effectively.

**Policy**

As detailed in this Report.

**Risk Management Considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Officer's comments have been made in relation to each of the Items set out in the Details section of this report.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr McLean that Council:**

- 1 NOTES the unconfirmed minutes of the Policy Committee meeting held on 8 August 2011, forming Attachment 1 to Report CJ159-09/11;**
- 2 APPROVES the following proposed amendments to City Policy – Alfresco Activities, for the purpose of public advertising:**
  - 2.1 Amends Part 4 (v) of Element 4: Shelter, Shade, Barriers and Incidental Structures to replace the words ‘visually permeable’ with the wording ‘clear plastic blinds (cafe blinds) or other clear blinds which can be easily seen through during both the day and night’ and are readily removable. Canvas and shade cloth type materials will not be permitted;**
  - 2.2 Amends the Responsible Directorate to Planning and Development;**
  - 2.3 Removes repeated text under Part 3 of Element 1: Alfresco Location;**
- 3 ADVERTISES the proposed amendments to City Policy – Alfresco Activities as shown in Attachment 2 to Report CJ159-09/11, for public comment for a period of 21 days, in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2;**
- 4 AGREES that those restaurants that currently have installed shade cloth blinds shall have three years from the adoption of the Policy to comply with the requirements of Part 4(v) of Element 4 of the Policy;**
- 5 in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADVERTISES the draft City Policy – Bed and Breakfast, as shown in Attachment 3 to Report CJ159-09/11, for public comment for a period of 21 days, subject to the following amendments:**

#### **Car Parking**

- **Point 1 - deletion of the words “For a single dwelling, this will be 2 car bays.”**
- **Point 2 – additional wording to be added at the end of the sentence as follows:**

**“No verge parking is permissible.”**

#### **Management**

- **Point 2**
  - **First dot point to be deleted.**
  - **The words “and granted” to be deleted from the second dot point.**
- **Point 3**
  - **First dot point to be deleted.**
  - **The words “and granted” to be deleted from the second dot point.**

- **Point 4 – to be reworded to read:**

**“Separate bathroom facilities are encouraged to be provided for each Bed and Breakfast room.”**

- **An additional point (Point 5) to be added to read:**

**“Access to a dining area must also be provided for guests within the dwelling, along with communal laundry facilities.”**

- **Point 5 to be renumbered to Point 6.**

- **Point 6 to be renumbered to Point 7.**

- **Point 7 to be revised to align with the conditions set out for the Management Plan relating to the Short Stay Accommodation policy.**

**6 in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2, ADOPTS the modified City Policy – Short Stay Accommodation, as shown at Attachment 4 to Report CJ159-09/11, as final;**

**7 ADOPTS the draft Alcohol Management Policy and Draft Alcohol Management Plan forming Attachments 5 and 6 to Report CJ159-09/11, subject to the following amendments:**

#### **Draft Alcohol Management Policy**

- **Title of Policy be amended to read – Alcohol Management.**

- **3 Description**

**Additional points to be added to the end of this section as follows:**

- **“That the City is responsible for assessing development applications for outlets providing access to liquor on the basis of planning grounds under the relevant legislation.**
- **That the final decision on the provision of a liquor licence rests with the Department of Racing, Gaming and Liquor.”**

#### **Draft Alcohol Management Plan**

##### **Strategies – Outcome 1 – Liquor Licence Applications**

**That liquor licences can also be approved for individuals and that community education strategies should include individuals as well as community groups.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf130911.pdf](#)*

## **CJ160-09/11 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 16 AUGUST 2011**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	50068, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Unconfirmed Minutes of the Audit Committee Meeting held on 16 August 2011

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

A meeting of the Audit Committee was held on 16 August 2011 to consider the following matters:

- Item 1 Asbestos Management Plan;
- Item 2 CEO's Credit Card Expenditure for the quarter ended 30 June 2011;
- Item 3 Half Yearly Report – Write Off of Monies (1 January 2011 – 30 June 2011); and
- Item 4 Half Yearly Report – Contract Extensions.

### **BACKGROUND**

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

### **DETAILS**

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

The Motions moved at the Audit Committee meeting held on 16 August 2011 are shown below, together with officer's comments.



**Item 1 Asbestos Management Plan**

The following motion was carried:

*“That the Audit Committee NOTES the progress being made by the City in the management of asbestos throughout the City.”*

Officer’s Comment

No further comment required.

**Item 2 CEOs Credit Card Expenditure for the quarter ended 30 June 2011**

The following motion was carried:

*“That the Audit Committee NOTES the Report on the Corporate Credit Card usage of the Chief Executive Officer for the quarter ended 30 June 2011, forming Attachment 1 to this Report.”*

Officer’s Comment

No further comment required.

**Item 3 Half Yearly Report – Write Off of Monies (1 January 2011 – 30 June 2011)**

The following motion was carried:

*“That the Audit Committee RECEIVES the Report of monies written off under Delegated Authority for the period January to June 2011.”*

Officer’s Comment

No further comment required.

**Item 4 Half Yearly Report – Contract Extensions**

The following motion was carried:

*“That the Audit Committee NOTES the Report detailing contracts extended by the Chief Executive Officer during the period January 2011 to June 2011, forming Attachment 1 to this Report.”*

Officer’s Comment

No further comment required.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

Nil.

**Legislation/Strategic Plan/Policy Implications**

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

Part 7 of the Act sets out the requirements in relation to Audits. Division 1A of Part 7 deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee.

**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:**

Not Applicable.

**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 Hollywood, **SECONDED** Cr McLean that Council **NOTES** the unconfirmed minutes of the Audit Committee Meeting held on 16 August 2011, forming Attachment 1 to Report CJ160-09/11.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf130911.pdf](#)

## **CJ161-09/11 MINUTES OF THE COMMUNITY SAFETY AND CRIME PREVENTION WORKING GROUP MEETINGS HELD ON 4 NOVEMBER 2010 AND 20 JULY 2011**

**WARD:** All

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

**FILE NUMBER:** 78623

**ALT FILE NUMBER:** 101515

**ATTACHMENTS:** Attachment 1 Confirmed Minutes of the Community Safety and Crime Prevention Working Group Meeting Held on 4 November 2010  
Attachment 2 Unconfirmed Minutes of the Community Safety and Crime Prevention Working Group Meeting Held on 20 July 2011

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## PURPOSE

To submit the Minutes of the Community Safety and Crime Prevention Working Group (CSCPWG) meetings to Council for noting and endorsement of the recommendations contained therein.

## **EXECUTIVE SUMMARY**

### **Minutes of the Community Safety and Crime Prevention working Group Meeting held 4 November 2010**

A Meeting of the CSCPWG was held on 4 November 2010 to consider the following Item:

Item 1 Status Report On The Juvenile Justice Team Graffiti Paint Out Referral Project.

### **Minutes of the Community Safety and Crime Prevention working Group Meeting held 20 July 2011**

A Meeting of the CSCPWG was held on 20 July 2011 to consider the following Items:

Item 1 Combined Actions of the WA Police, the City of Joondalup and Main Roads in Addressing Hoon Behaviour;

Item 2 Draft Alcohol Management Policy and Plan;

Item 3 Video Surveillance in Public Areas; and

Item 4 Youth Programs With Community Safety Links.

## **BACKGROUND**

At its meeting held on 16 March 2010 (CJ038-03/10 refers), Council resolved to appoint a Community Safety and Crime Prevention Working Group with the objective of providing advice to the Council on community safety and crime issues and assisting the Council in developing a strategic approach to ensure the safety and wellbeing of the wider community of the City of Joondalup.

At its meeting held on 20 July 2010 (CJ119-07/10 refers), Council adopted the Working Plans and Terms of Reference for the Community Safety and Crime Prevention Working Group. A subsequent meeting of Council held on 21 September 2010 (CJ154-09/10 refers), appointed community representatives and qualified professionals who nominated for the Streetscape Working Group.

The Terms of Reference, as adopted by Council (CJ119-07/10 refers), detail the purpose of the Working Group as follows:

2.1 Provide advice to the Council on community safety and crime prevention Issues; and

2.2 Assist the Council in developing a strategic approach to ensure the safety and wellbeing of the wider community of the City of Joondalup.

**DETAILS****Issues and options considered:****Community Safety and Crime Prevention working Group Meeting held 4 November 2010**

The suggestions made by the CSCPWG at the Meeting held on 4 November 2010 are shown below, together with officer's comments.

**Item 1 Status Report On The Juvenile Justice Team Graffiti Paint Out Referral Project.**

Working Group Suggestions	Officer's Comment
<ul style="list-style-type: none"> <li>• The City to explore with the Juvenile Justice Team (JJT) the possibility of providing more direction for the City's young people, suggesting meaningful tasks, in addition to painting out graffiti.</li> <li>• Creating Graffiti Art walls which would be maintained by the City.               <ul style="list-style-type: none"> <li>▪ A prize for the winning graffiti.</li> <li>▪ Report back on some purpose built walls.</li> <li>▪ Keep the Working Group informed on progress.</li> </ul> </li> </ul>	<p>The City has previously made contact with the JJT to explore other options for offenders. At this time the JJT are content with the scope of the referral program and have no plans to alter it.</p> <p>The City already has a mural art program and there are no plans to change it at this time.</p>
<ul style="list-style-type: none"> <li>• Working for seniors/field crews and the like (Cat Haven service given as an example). Talk to JJT about their powers and getting more tenable outcomes.</li> </ul>	<p>Refer response to first dot point.</p>
<ul style="list-style-type: none"> <li>• Council Report (CJ020-02/10 – Public Consultation Committee on Safety and Crime Prevention) to be provided as background information to the Working Group. Two new strategies have been suggested for this Plan.</li> </ul>	<p>Council Report (CJ020-02/10 was provided to Working Group members.</p>
<ul style="list-style-type: none"> <li>• Posters placed in Shopping Centres reminding residents to lock their front doors, possibly flyers in Welcome Packs for new residents.               <ul style="list-style-type: none"> <li>▪ The difficulty of placing posters in some shopping centres was discussed.</li> </ul> </li> </ul>	<p>The City is considering providing crime prevention material with new resident Welcome Packs.</p>

Working Group Suggestions	Officer's Comment
<ul style="list-style-type: none"> <li>• It was suggested that more strategies are required to get individual participants to become involved in community safety and crime prevention.</li> <li>• It was requested that the City investigate the Northern part of Kinross Shopping Centre car park/access to the skate park.</li> <li>• It was suggested that the following could be ways to combat litter: <ul style="list-style-type: none"> <li>▪ An increase in number and size of bins.</li> <li>▪ Clean-up days for hot spots – adopt a spot.</li> </ul> </li> <li>• It was requested by the Working Group if a report on CCTV could be provided for the next meeting, including statistics. <ul style="list-style-type: none"> <li>▪ City Officers suggested the Working Group visit the Surveillance Team, possibly before the commencement of the next meeting.</li> </ul> </li> </ul>	<p>The City continues to assess strategies to involve more residents in community safety and crime prevention</p> <p>The City is continuing to treat the Kinross Skate Park as an area of high priority and is liaising with the shopping centre proprietors about safety measures in their car park.</p> <p>The City is in general terms satisfied with the provision of bins and the frequency with which they are emptied. Specific requests for additional bins are assessed on a case by case basis. The Keep Australia Beautiful Adopt a Spot program is aimed at local volunteers rather than Local Governments. There are two Adopt a Spot groups in the City.</p> <p>A report on CCTV was provided to the Group and the site visit was undertaken.</p>

### **Community Safety and Crime Prevention Working Group Meeting held 20 July 2011**

The Motions moved at the CSCPWG Meeting held on 20 July 2011 are shown below, together with officer's comments.

#### **Item 1 Combined Actions of the WA Police, the City of Joondalup and Main Roads in Addressing Hoon Behaviour**

Discussion took place in relation to the following:

- Challenges faced by the Police and the City in relation to hoon behaviour, together with the complexity of actions required to resolve these behaviours;
- The importance of ensuring increased community awareness of steps to take in relation to hoon behaviour; and
- The potential impact of the introduction of the hoon behaviour law.

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

*"That the Community Safety and Crime Prevention Working Group NOTES the Report on Combined Actions of the WA Police, the City of Joondalup and Main Roads in Addressing Hoon Behaviour."*

The following motion was carried:

*"That the Community Safety and Crime Prevention Working Group:*

- 1 NOTES the Report on Combined Actions of the WA Police, the City of Joondalup and Main Roads in Addressing Hoon Behaviour; and*
- 2 REQUESTS that the City review current Community Safety and Crime Prevention marketing material with particular consideration to hoon behaviour".*

#### Officer's Comment

A review of marketing material will be undertaken.

### **Item 2 Draft Alcohol Management Policy and Plan**

Discussion took place in relation to the availability of alcohol from bulk liquor stores.

The following motion was carried:

*"That the Community Safety and Crime Prevention Working Group GIVES consideration to the Report titled Draft Alcohol Management Policy and Plan."*

#### Officer's Comment

No further comment required.

### **Item 3 Video Surveillance in Public Areas**

Discussion took place in relation to the following:

- Graffiti-related occurrences and issues;
- Expansion of the CTV network;
- Supermarkets responsibilities in relation to shopping trolleys identified in CCTV cameras; and
- Public signage relating to the presence of CCTV surveillance.

The following motion was carried:

*"That the Community Safety and Crime Prevention Working Group NOTES the Report titled Video Surveillance in Public Areas."*

#### Officer's Comment

No further comment required.

**Item 4 Youth Programs With Community Safety Links**

Discussion took place in relation to the following:

- Relevant programs, such as Constable Care and Safety Houses, as well as Restorative and Juvenile Justice Programs.
- Early intervention, focussing on a younger part of the community, together with community, family environment and educating parents;
- Liaison with Council, Church and Community Groups; and
- Accessing assistance and support.

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

*"That the Community Safety and Crime Prevention Working Group NOTES the Report titled Youth Programs with Community Safety Links."*

The following motion was carried:

*"That the Community Safety and Crime Prevention Working Group:*

- 1 NOTES the Report titled Youth Programs with Community Safety Links; and*
- 2 REQUESTS that the City review current Community Safety and Crime Prevention marketing material with particular consideration to families with youth at risk."*

**Officer's Comment**

A review of marketing material will be undertaken.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Local Government Act 1995 – Section 1.3 (2) states:

This Act is intended to result in –

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

**Strategic Plan**

**Key Focus Area:** Leadership and Governance

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

To engage proactively with the community.



**Policy:** Council Policy - Public Participation

**Risk Management Considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Working Groups are mechanisms for actual involvement by the community on matters of social, economic and environmental interest to them and, therefore, for better informing the Council on the needs of current and future generations.

**Consultation:**

Working Groups are a mechanism for community engagement.

**COMMENT**

Effective engagement with the community through Working Groups will have many benefits for the Council including:

- better relationships with the community;
- increased understanding of community issues; and
- better partnerships and networks.

Working Groups, provide mechanisms for direct involvement by the community in the affairs of the City. They will provide an opportunity for community representatives to provide alternative viewpoints for consideration by the Council in determining policy and strategic direction in a less formal and more flexible environment.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 NOTES the:
  - 1.1 confirmed Minutes of the Community Safety and Crime Prevention Working Group Meeting held on 4 November 2010, forming Attachment 1 to Report CJ161-09/11;
  - 1.2 unconfirmed Minutes of the Community Safety and Crime Prevention Working Group Meeting held on 20 July 2011, forming Attachment 3 to Report CJ161-09/11;
- 2 NOTES that the City will review current Community Safety and Crime Prevention marketing material with particular consideration to:
  - 2.1 hoon behaviour; and
  - 2.2 families with youth at risk.

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

- 1 **NOTES the:**
  - 1.1 **confirmed Minutes of the Community Safety and Crime Prevention Working Group Meeting held on 4 November 2010, forming Attachment 1 to Report CJ161-09/11;**
  - 1.2 **unconfirmed Minutes of the Community Safety and Crime Prevention Working Group Meeting held on 20 July 2011, forming Attachment 3 to Report CJ161-09/11;**
- 2 **NOTES that the City will review current Community Safety and Crime Prevention marketing material with particular consideration to:**
  - 2.1 **hoon behaviour; and**
  - 2.2 **families with youth at risk;**
- 3 **REQUESTS the Chief Executive Officer to undertake a review and report to Council on the City of Joondalup's Mural Arts Program in regards to:**
  - 3.1 **the relevance of the current objectives and the Program's effectiveness in meeting those;**
  - 3.2 **the scope of the current Program in terms of locations and facilities that may have a mural artwork applied and the groups or individuals that may be supported/benefit from the creation of a mural artwork; and**
  - 3.3 **the resourcing and funding of the Program.**
- 4 **REQUESTS the Chief Executive Officer to investigate and report to Council on a proposal for an Adopt a Spot Program or similar to help combat the community problem of litter.**

The Motion was Put and

**CARRIED (12/0)**

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

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf130911.pdf](#)

## **CJ162-09/11 STATUS OF PETITIONS**

**WARD:** All

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

**FILE NUMBER:** 05386, 101515

**ATTACHMENTS:** Attachment 1 Status of Petitions – 21 September 2010 to 16 August 2011

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### **PURPOSE**

To advise Council of the status of outstanding petitions.

### **BACKGROUND**

Quarterly reports on outstanding petitions are to be presented to Council.

### **DETAILS**

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

Attachment 1 provides a list of all outstanding petitions, which were received during the period 21 September 2010 to 16 August 2011, with a comment on the status of each petition.

#### **Legislation/Strategic Plan/Policy Implications**

##### **Legislation**

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

"22. Petitions

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

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

### **Strategic Plan**

**Objective:** 1.2 To engage proactively with the community.

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

### **Policy Implications:**

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

### **Risk Management Considerations:**

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

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

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

### **Regional Significance:**

Not Applicable.

### **Sustainability Implications:**

Not Applicable.

### **Consultation:**

Not Applicable.

### **COMMENT**

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

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr McLean that Council:**

- 1 the status of outstanding petitions submitted to Council during the period 21 September 2010 to 16 August 2011, forming Attachment 1 to Report CJ162-09/11;**
- 2 that the petition regarding overflow car parking issues at the Warwick Train Station was considered at the Council Meeting held on 28 June 2011 (CJ112-06/11 refers);**
- 3 that the petition requesting Council not to sell Lot 745 (103) Caridean Street, Heathridge and to develop the site to benefit the residents of Heathridge was considered at the Council Meeting held on 16 August 2011 (CJ138-08/11 refers);**
- 4 that the petition requesting Council not to sell Lot 613 Pacific Way, Beldon and to develop the site to benefit the residents of Beldon was considered at the Council meeting held on 16 August 2011 (CJ136-08/11 refers);**
- 5 that in relation to the petition requesting reinstatement of soccer goals at Sorrento Park, Sorrento, one soccer goal has been reinstalled on a trial basis. The trial period concludes at the end of September 2011, at which time a further update will be provided;**
- 6 that a report in relation to the petition on the enhancement of the park and upgrade of play equipment at Byrne Park, Padbury will be presented to Council at its meeting to be held on 20 September 2011;**
- 7 that a report in relation to the petition requesting the retention of sheoak trees in Flinders Park until substitute trees provide shade, or alternatively provide artificial shade, will be presented to Council at its meeting to be held on 20 September 2011;**
- 8 that a report in relation to the petition requesting that Council addresses the speeding and hooning cars on Meridian Drive, Mullaloo will be presented to Council at its meeting to be held on 11 October 2011;**
- 9 that a report will be presented to Council at its meeting to be held on 22 November 2011 addressing the following petitions:**
  - 9.1 vehicular movement within Hepburn Heights and the request to prepare a Business case to divest 12 Blackwattle Parade, Padbury to provide funds to address residents' concerns; and**
  - 9.2 vehicular movement within Hepburn Heights and a request for a pedestrian overpass over Hepburn Avenue, the request to prepare a Business case to divest 12 Blackwattle Parade, Padbury to provide funds to address residents' concerns;**

- 10** that a report in relation to the petition regarding the Draft Structure Plan for the Craigie Senior High School site and the impact of increased traffic flow on local residents will be presented to Council at its meeting to be held on 13 December 2011.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf130911.pdf](#)

## **CJ163-09/11 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2011**

**WARD:** All

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

**FILE NUMBER:** 09882, 101515

**ATTACHMENTS:**

Attachment 1	CEO's Delegated Municipal Payment List for the month of July 2011
Attachment 2	CEO's Delegated Trust Payment List for the month of July 2011
Attachment 3	Municipal and Trust Fund Vouchers for the month of July 2011

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of July 2011 totalling \$13,325,778.82.

*It is recommended that Council NOTES the CEO's list of accounts for July 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 CJ163-09/11, totalling \$13,325,778.82.*

## 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 July 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 90292 - 90535 and EF019430 – EF019963 Net of cancelled payments	\$10,027,675.23
	Vouchers 854A & 858A – 862A	\$3,283,644.22
Trust Account	Trust Cheques 204322 - 204351 Net of cancelled payments	\$14,459.37
<b>Total</b>		<b>\$13,325,778.82</b>

### 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 Hollywood, SECONDED Cr McLean that Council NOTES the CEO's list of accounts for July 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 CJ163-09/11, totalling \$13,325,778.82.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11agn200911.pdf](#)*



## **CJ164-09/11 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2011 (SUBJECT TO FINAL AUDITED ACCOUNTS)**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	07882, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Financial Activity Statement for the Period Ended 30 June 2011.

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### **PURPOSE**

The June 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 June 2011 Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$12,533,595 when compared to the 2010/11 Revised Budget.

This variance can be summarised as follows:

The **Operating** deficit is \$6,487,130 below budget, made up of higher revenue of \$3,411,964 and lower operating expenditure of \$3,075,166.

Operating revenue is above budget in Grants and Subsidies \$809,544, Contributions, Reimbursements and Donations \$616,446, Fees and Charges \$535,485, Investment Earnings \$1,207,842 and Rates \$208,447. The additional revenue mainly arose from the sale of recyclable materials, early receipt of the 2011/12 General Assistance Grant, Sports and Recreation Fees, Parking Fees and from investments due to higher volume of funds being invested.

The operating expenditure variance includes Employee Costs \$681,929, Materials and Contracts \$1,417,847, Depreciation \$1,241,452 and Interest \$72,321. This is partly offset by adverse variances in Utilities \$205,708, Loss on Asset Disposal \$86,147 and Insurance Expenses \$46,527.

The lower employment cost is mainly attributable to vacancies during the period.

The Materials and Contracts favourable variance is spread across a number of areas including Professional Fees & Costs \$435,972, Administration Costs \$145,199 and Public Relations, Advertising and Promotions \$150,723 offset by an unfavourable variance on External Services Expenses \$236,085.

The **Capital Revenue and Expenditure** deficit is \$7,158,360 below budget and is made up of lower revenue of \$1,706,305 and under expenditure of \$8,864,665.

Capital Expenditure is below budget on Capital Projects \$2,010,368, Capital Works \$6,241,272 and Vehicle and Plant replacements \$609,759.

In Capital Works, the primary areas of projects being below budget for the period include \$319,769 Major Road Construction Projects, \$1,207,234 Parks Equipment Program, \$777,380 Traffic Management works, \$369,871 Paths program, \$1,693,121 for Streetscape Enhancement and \$572,123 for Major Projects.

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 30 June 2011 forming Attachment 1 to Report CJ164-09/11.*

## **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires that a monthly Financial Activity Statement be presented to Council. 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 30 June 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 Hollywood, **SECONDED** Cr McLean that Council **NOTES** the Financial Activity Statement for the period ended 30 June 2011 forming Attachment 1 to Report CJ164-09/11.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12agn200911.pdf](#)*

## **CJ165-09/11 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2011**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	07882, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Financial Activity Statement for the Period Ended 31 July 2011

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

Council adopted the Annual Budget for the 2011/12 Financial Year at its Meeting held on 28th June 2011 (CJ115-06/11 refers). The figures in this Report are compared to the Adopted Budget figures.

The July 2011 Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$2,503,279 when compared to the 2011/12 Adopted Budget.

This variance can be summarised as follows:

The **Operating** surplus is \$2,238,871 above budget, made up of higher revenue of \$360,880 and lower operating expenditure of \$1,877,991.

Operating revenue is above budget in Contributions, Reimbursements and Donations \$256,672, Rates \$153,235, Other Revenue \$75,715 and Investment Earnings \$28,428. The additional revenue mainly arose from the sale of recyclable materials and rates adjustments made since the budget.

The operating expenditure variance includes Employee Costs \$314,230, Materials and Contracts \$1,516,660, and Utilities \$100,260. This is partly offset by adverse variances in Insurance Expenses \$41,607 and Depreciation \$10,862.

The lower employment cost is mainly attributable to outstanding salary increases for the inside workforce.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including External Services Expenses \$688,266, Professional Fees & Costs \$185,525, Computing Costs \$111,057, Accommodation & Property \$115,139 and Contributions & Donations \$105,348.

The **Capital Revenue and Expenditure** deficit is \$255,172 below budget and is made up of higher revenue of \$70,816 and under expenditure of \$184,355.

Capital Expenditure is below budget on Capital Projects \$187,560 and Capital Works \$27,352 and over budget on Vehicle and Plant replacements \$30,556.

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 July 2011 forming Attachment 1 to Report CJ165-09/11.*

## **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 July 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 adopted 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 2011/12 Adopted Budget or have been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr McLean that Council NOTES the Financial Activity Statement for the period ended 31 July 2011 forming Attachment 1 to Report CJ165-09/11.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13agn200911.pdf](#)*

## **CJ166-09/11 TENDER 011/11 - PROVISION OF ELECTRICAL SERVICES**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	101602, 101515
<b>ATTACHMENTS:</b>	Attachment 1      Schedule of Items Attachment 2      Summary of Tender Submissions

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### **PURPOSE**

To seek the approval of Council to accept the Tender submitted by Wanneroo Electric Pty Ltd for the provision of electrical services (Tender 011/11).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 23 July 2011 through state wide public notice for the provision of electrical services for a period of three years with an optional extension of two (2) years. Tenders closed on 9 August 2011.

Seven submissions were received from:

- Wanneroo Electric Pty Ltd
- High Speed Electrics;
- Stateside Electrical Services;
- Enviro Contracting;
- Vision Cabling Systems;
- Oasis Electrical Engineering Pty Ltd; and
- CPD Group Pty Ltd.

The submission from Wanneroo Electric Pty Ltd represents best value to the City and is the lowest priced Tender. The evaluation panel has confidence in its ability to complete the works to the required standards. The company has sufficient resources and the appropriate experience to complete the City's requirements. It is the City's current Contractor for these services and provides similar services to the City of Wanneroo.

*That Council ACCEPTS the Tender submitted by Wanneroo Electric Pty Ltd for the provision of electrical services for a three year period, with an option for a further two years for the requirements as specified in Tender 011/11 at the submitted schedule of rates.*

## **BACKGROUND**

This requirement is for the provision of electrical maintenance services to the City owned buildings, building environs, infrastructure within parks, underpasses and walkways within the City boundaries.

The City currently has a single Contract for the provision of electrical services with Wanneroo Electric Pty Ltd which expires on 30 September 2011.

## **DETAILS**

Tenders were advertised on 23 July 2011 through state wide public notice for the provision of electrical services for a period of three years, with an optional extension of two years. The Tender period was for two weeks and Tenders closed on 9 August 2011.

### **Tender Submissions**

Seven submissions were received from:

- Wanneroo Electric Pty Ltd
- High Speed Electrics;
- Stateside Electrical Services;
- Enviro Contracting;
- Vision Cabling Systems;
- Oasis Electrical Engineering Pty Ltd; and
- CPD Group Pty Ltd.

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	Demonstrated experience in providing similar services	40%
2	Demonstrated understanding of the required tasks	35%
3	Capacity	20%
4	Social and economic effects on the local community	5%

CPD Group Pty Ltd was ranked last with a qualitative score of 35.6%. The company did not adequately demonstrate its experience in providing electrical services, an understanding of the requirements or the capacity to undertake the works.

Oasis Electrical Engineering Pty Ltd achieved a score of 41.6% and was ranked sixth in qualitative assessment. The company did not clearly demonstrate its understanding of the requirements or provide sufficient information demonstrating the similarity of its current clients to the City's needs. The company has one electrician and apprentice to carry out the works. This was considered insufficient by the evaluation panel for the volume of work under the Contract.

Vision Cabling Systems was ranked fifth in the qualitative assessment with a score of 48.2%. The company did not adequately demonstrate its capacity to perform the services and provided examples of project-based electrical services, rather than maintenance services. The response addressing the company's understanding of the requirements was less detailed than the higher scored Respondents and focussed on administrative processes, rather than the electrical services undertaken.

Enviro Contracting achieved a score of 53.8% and was ranked fourth in the qualitative assessment. The company demonstrated sufficient understanding of the requirements and adequate capacity and experience in providing similar electrical maintenance services.

Stateside Electrical Services achieved a score of 57.2% and was ranked third in the qualitative assessment. It demonstrated a satisfactory understanding of the requirements and sufficient resources to meet the City's volume of work. The company demonstrated experience completing electrical works of a project nature, but not maintenance type services.

High Speed Electrics was ranked second in the qualitative assessment with a score of 68.5%. It demonstrated experience in providing similar electrical maintenance services to the City of Perth and is the City's current Contractor for the supply and maintenance of ornamental streetlights. It has the capacity to meet the City's volume of work and demonstrated a good understanding of the requirements.

Wanneroo Electric Pty Ltd achieved a score of 81.6% and was ranked first in the qualitative assessment. It best demonstrated its understanding of the City's requirements, and experience in providing similar services. It has the capacity to meet all the City's required services and as the City's current Contractor, has a thorough understanding of the City's buildings, location of underground services and work methodology.

## 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 62 most commonly used items including labour and their typical usage based on historical data have been used and the table below provides a comparison of the estimated expenditure. The cost of parts and unscheduled equipment hire was not included in the assessment. These items formed approximately 30% of the expenditure against the Contract in 2010/11. 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 scheduled items and labour (excluding parts and equipment hire) for each Tenderer is as follows:

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Wanneroo Electric Pty Ltd	\$517,028	\$532,539	\$548,515	<b>\$1,598,082</b>
High Speed Electrics	\$1,495,049	\$1,539,900	\$1,586,097	<b>\$4,621,046</b>
Stateside Electrical Services	\$1,446,826	\$1,490,230	\$1,534,937	<b>\$4,471,993</b>
Enviro Contracting	\$1,068,248	\$1,100,296	\$1,133,304	<b>\$3,301,848</b>
Vision Cabling Systems	\$2,008,737	\$2,069,000	\$2,131,070	<b>\$6,208,807</b>
Oasis Electrical Engineering Pty Ltd	\$1,113,653	\$1,147,062	\$1,181,474	<b>\$3,442,189</b>
CPD Group Pty Ltd	\$1,033,924	\$1,064,942	\$1,096,890	<b>\$3,195,756</b>

During the last financial year 2010/11, the City incurred \$613,736 for the provision of electrical services and is expected to incur in the order of \$1,792,722 over the three year Contract period and up to \$3,079,299 over a five year period if the extension option is exercised, exclusive of parts and unscheduled equipment hire.

## Evaluation Summary

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

Tenderer	Estimated Contract Price Year 1 (excluding parts/ equipment hire)	Estimated Contract Price Years 1-3 (excluding parts/ equipment hire)	Evaluation Score	Qualitative Rank
Wanneroo Electric Pty Ltd	\$517,028	\$1,598,082	81.6%	1
High Speed Electrics	\$1,495,049	\$4,621,046	68.5%	2
Stateside Electrical Services	\$1,446,826	\$4,471,993	57.2%	3
Enviro Contracting	\$1,068,248	\$3,301,848	53.8%	4
Vision Cabling Systems	\$2,008,737	\$6,208,807	48.2%	5
Oasis Electrical Engineering Pty Ltd	\$1,113,653	\$3,442,189	41.6%	6
CPD Group Pty Ltd	\$1,033,924	\$3,195,756	35.6%	7

Based on the evaluation result the panel concluded that the Tender that provides best value to the City is that of Wanneroo Electric Pty Ltd and is therefore recommended.

### Issues and options considered:

Electrical services are required in the maintenance of the City's buildings, parks infrastructure, underpasses and walkways. The City does not have the internal resources to supply the required services and as such requires an appropriately licensed 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:** Community Wellbeing

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

### Policy:

Not Applicable.

**Risk Management considerations:**

Should the contract not proceed, the risk to the City will be high as the City will not be able to maintain the electrical services of the City's buildings and increase the potential risk to public safety.

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:**

<b>Account No:</b>	Various accounts
<b>Budget Item:</b>	Provision of electrical services
	Expenditure is spread across various activities and cost codes for operational maintenance and capital projects.
<b>Estimated budget Amount 2011/12:</b>	\$500,000 (Assets)
	\$75,000 (Parks)
	\$5,000 (Engineering)
<b>Estimated expenditure 1 July 2011 to 30 September 2011 (Current Contract):</b>	\$145,000
<b>Estimated Contract Cost 1 October 2011 to 30 June 2012:</b>	\$435,000
<b>Balance:</b>	\$0

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Effective maintenance of electrical systems and installation of energy efficient fittings has the potential to reduce the cost of power to the City.

**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 Wanneroo Electric Pty Ltd.

## VOTING REQUIREMENTS

Simple Majority

**MOVED** Cr Hollywood, **SECONDED** Cr McLean that Council **ACCEPTS** the Tender submitted by Wanneroo Electric Pty Ltd for the provision of electrical services for a three year period, with an option for a further two years for the requirements as specified in Tender 011/11 at the submitted schedule of rates.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf130911.pdf](#)*

## **CJ167-09/11 TENDER 016/11 - PROVISION OF MECHANICAL SERVICES (AIRCONDITIONING)**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	101670, 101515
<b>ATTACHMENTS:</b>	Attachment 1     Schedule of Items Attachment 2     Summary of Tender Submissions

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## PURPOSE

To seek the approval of Council to accept the Tender submitted by Australian Airconditioning Services Pty Ltd for the provision of mechanical services (Tender 016/11).

## EXECUTIVE SUMMARY

Tenders were advertised on 23 July 2011 through state wide public notice for the provision of mechanical services for a period of three years, with an optional extension of two years. Tenders closed on 9 August 2011.

Four submissions were received from:

- Australian Airconditioning Services Pty Ltd;
- Haden Engineering Pty Ltd;
- Burke Air Pty Ltd; and
- JMG Air Conditioning and Electrical Services Pty Ltd (Late tender).

The submission from JMG Air Conditioning and Electrical Services Pty Ltd was received after the closing time and was not accepted for evaluation.

The submission from Australian Airconditioning Services Pty Ltd represents best value to the City and is the lowest priced compliant Tender. The company has sufficient resources and the appropriate experience to complete the City's requirements. The company is the City's current Contractor for mechanical services and provides similar services to the Cities of Bayswater and Subiaco.

*That Council ACCEPTS the Tender submitted by Australian Airconditioning Services Pty Ltd for the provision of mechanical services for a three year period, with an option for a further two years for the requirements as specified in Tender 016/11 at the submitted schedule of rates.*

## **BACKGROUND**

This requirement is for the provision of routine and preventative maintenance of mechanical services. This includes the carrying out of inspections, reporting of findings, and where required, undertaking necessary corrective maintenance and repair works of mechanical services for buildings owned by the City.

The City currently has a single Contract for the provision of mechanical services with Australian Airconditioning Services Pty Ltd which expires on 30 September 2011.

## **DETAILS**

Tenders were advertised on 23 July 2011 through state wide public notice for the provision of mechanical services for a period of three years, with an optional extension of two years. The Tender period was for two weeks and Tenders closed on 9 August 2011.

### **Tender Submissions**

Four submissions were received from:

- Australian Airconditioning Services Pty Ltd;
- Haden Engineering Pty Ltd;
- Burke Air Pty Ltd; and
- JMG Air Conditioning and Electrical Services Pty Ltd (Late tender).

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.

The submission from JMG Air Conditioning and Electrical Services Pty Ltd was received after the closing time and was not accepted for evaluation.

## Evaluation Panel

The Evaluation Panel comprised four members:

- one with tender and contract preparation skills; and
- three with the appropriate technical expertise and involvement in supervising the Contract.

The Panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

## Compliance Assessment

The three Offers received within the tender period 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%

Burke Air Pty Ltd scored 59.2% and was ranked last in the qualitative assessment. The company demonstrated its capacity to provide the services and a satisfactory understanding of the requirements; however the number of hours allocated to the scheduled maintenance was significantly below that submitted by the other Tenderers and not considered sufficient to complete all the required tasks. The company did not provide sufficient information demonstrating the currency and similarity of its contracts to the City's requirements.

Haden Engineering Pty Ltd scored 65.9% and was ranked second in the qualitative assessment. It demonstrated the capacity to provide the services and a thorough understanding of the requirements. It has substantial experience providing similar services to local government and other organisations.

Australian Airconditioning Services Pty Ltd scored 74.9% and was ranked first in the qualitative assessment. The company best demonstrated the capacity to provide the services to the City and has a comprehensive understanding of the scope of requirements. It has been the City's Contractor for these services for the past 11 years and also provides similar services to the Cities of Subiaco and Bayswater.

## 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.

To provide a comparison of the rates offered by each Respondent, the prices for scheduled maintenance and an estimate of the hours required for refrigerant and controls technicians and an apprentice were identified and used in the calculation. The cost of materials was not included in the price assessment. Materials form approximately 30% of the expenditure against the Contract.

Tendered prices 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 prices after the first year of the Contract.

The following table provides comparative estimated expenditure during the term of the Contract, based on the tendered prices of each Tenderer for technicians and apprentice labour but excluding materials.

<b>Tenderer</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Total</b>
Australian Airconditioning Services Pty Ltd	\$196,568	\$202,465	\$208,539	<b>\$607,572</b>
Burke Air Pty Ltd	\$204,809	\$210,953	\$217,282	<b>\$633,044</b>
Haden Engineering Pty Ltd	\$264,943	\$272,891	\$281,078	<b>\$818,912</b>

During the last financial year 2010/11, the City incurred \$484,298 for the provision of mechanical services. This was higher than normal expenditure due to some major repairs required in various City buildings. The City is expected to incur in the order of \$927,270 over the three year Contract period, and up to \$1,592,741 over five years if the extension option is exercised, inclusive of materials.

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Estimated Contract Price Year 1 (Excluding materials)</b>	<b>Estimated Contract Price Years 1-3 (Excluding materials)</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>
Australian Airconditioning Services Pty Ltd	\$196,568	\$607,572	74.9%	1
Haden Engineering Pty Ltd	\$264,943	\$818,912	65.9%	2
Burke Air Pty Ltd	\$204,809	\$633,044	59.2%	3

Based on the evaluation result, the Panel concluded that the Tender that provides best value to the City is that of Australian Airconditioning Services and is therefore recommended.

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

The provision of mechanical services is required to maintain the air-conditioning and mechanical services of the City's buildings. The City does not have the internal resources to supply the required goods/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:** Community Wellbeing

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

### 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 service and repair the mechanical services of its buildings.

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, comprehensive knowledge of the mechanical services of the City's buildings and has the capacity to provide the services to the City.

### Financial/Budget Implications:

<b>Natural Account No:</b>	Various accounts
<b>Budget Item:</b>	Provision of Mechanical Services Expenditure is spread across various activities and cost codes for operational maintenance and capital projects.
<b>Estimated Budget Amount 2011/12:</b>	\$300,000
<b>Estimated expenditure 1 July to 30 September 2011 (current Contract)</b>	\$75,000
<b>Estimated Contract cost 1 October 2011 to 30 June 2012</b>	\$225,000
<b>Balance:</b>	\$0

All figures quoted in this report are exclusive of GST.

### Regional Significance:

Not Applicable.

**Sustainability Implications:**

Effective maintenance of the mechanical services of City buildings maintains the efficiency of the systems and provides a pleasant environment for staff and members of the public utilising the facilities.

**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 Australian Airconditioning Services Pty Ltd.

**VOTING REQUIREMENTS**

Simple majority.

**MOVED Cr Hollywood, SECONDED Cr McLean that Council ACCEPTS the Tender submitted by Australian Airconditioning Services Pty Ltd for the provision of mechanical services for a three year period, with an option for a further two years for the requirements as specified in Tender 016/11 at the submitted schedule of rates.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf130911.pdf](#)*

## **CJ168-09/11 TENDER 020/11 - LANDSCAPING SERVICES FOR BURNS BEACH ROAD, JOONDALUP**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	101740, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Summary of Tender Submissions

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### **PURPOSE**

To seek the approval of Council to accept the Tender submitted by Curnow Group Pty Ltd for landscaping services for Burns Beach Road, Joondalup (Tender 020/11).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 20 July 2011 through state wide public notice for landscaping services for Burns Beach Road, Joondalup. Tenders closed on 4 August 2011.

Four submissions were received from:

- Curnow Group Pty Ltd;
- Earthcare Landscapes Pty Ltd;
- GHEMS Holdings Pty Ltd T/as GHEMS Revegetation Environmental; and
- Environmental Industries Pty Ltd.

The submission from Curnow Group Pty Ltd represents best value to the City. The evaluation panel has confidence in the company's ability to complete the works in the required timeframe and the breakdown of price reflects an appropriate understanding of the requirements. It has sufficient resources and the appropriate experience to complete the City's project.

*That Council ACCEPTS the Tender submitted by Curnow Group Pty Ltd for landscaping services for Burns Beach Road, Joondalup for requirements as specified in Tender 020/11 for the fixed lump sum of \$765,920 (GST Exclusive) for completion of the works within 36 weeks from issue of the letter of acceptance.*

### **BACKGROUND**

This requirement is for the provision of major landscaping works on Burns Beach Road, Joondalup. This is part of the East West arterial roads iconic project.

The work under the Contract shall include, but not be limited to:

- Site preparation;
- Brick paving and concrete paving;
- Supply and installation of reticulation systems;
- Lay out and planting of trees;
- Coordination of requirements with the Superintendent for scheduled deliveries of trees;
- Consolidation of planted trees.

## **DETAILS**

Tenders were advertised on 20 July 2011 through state wide public notice for landscaping services for Burns Beach Road, Joondalup. The Tender period was for two weeks and Tenders closed on 4 August 2011.

This Contract is for a fixed lump sum with completion of the works within 36 weeks from issue of the letter of acceptance.

### **Tender Submissions**

Four submissions were received from:

- Curnow Group Pty Ltd;
- Earthcare Landscapes Pty Ltd;
- GHEMS Holdings Pty Ltd T/as GHEMS Revegetation Environmental; and
- Environmental Industries Pty Ltd.

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

### **Evaluation Panel**

The Evaluation Panel comprised of four members:

- one with tender and contract preparation skills; and
- three with the appropriate technical expertise and involvement in supervising the Contract.

The Panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

### **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	40%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Environmental Industries Pty Ltd scored 46.2% and was ranked last in the qualitative assessment. It demonstrated experience in completing works of a similar nature to the City's project and has the capacity to complete the works in the required timeframe. The work methodology addressed the main components of the work; however clarification of the submission revealed that the price did not include the cost of expansion joints in the concrete paving, the depth of material to be removed from site did not meet the specification and the number of hours allocated to the consolidation period tasks was considered insufficient by the Evaluation Panel to cover the 2 kilometres work site. These are important elements in the scope of works and their correction totals \$94,137. These omissions demonstrate a lack of understanding of the requirements and the evaluation panel has strong reservations on the ability of the company to complete the project in accordance with the standards and timeframes required.

GHEMS Revegetation Environmental scored 46.7% and was ranked third in the qualitative assessment. It demonstrated an adequate understanding of the requirements and has the capacity to complete the works in the required timeframe. The company demonstrated experience completing revegetation works, but did not demonstrate sufficient experience undertaking general landscaping works.

Earthcare Landscapes Pty Ltd scored 58% and was ranked second in the qualitative assessment. The company demonstrated experience and understanding of the requirements and provided three examples of completing landscaping works requiring traffic management similar in nature to the City's project. Although the examples were specific to the tender requirements, the company did not supply details of its capacity as fully as Curnow Group Pty Ltd.

Curnow Group Pty Ltd scored 68.4% and was ranked first in the qualitative assessment. The company demonstrated substantial experience completing civil construction projects incorporating landscaping works. A list of eight examples was supplied including six with landscaping, traffic management and civil works equivalent to or larger than the City's project. It has the capacity to complete the works in the required timeframe and demonstrated a thorough understanding of the requirements.

### Price Assessment

Having assessed the compliant Submissions against the specified criteria in detail and with the clarification of any issues, the panel carried out a comparison of the lump sum prices offered by each Tenderer in order to assess value for money to the City.

<b>Tenderer</b>	<b>Lump Sum Price (ex GST)</b>
Curnow Group Pty Ltd	\$765,920
Environmental Industries Pty Ltd	\$547,743 (original) \$641,880 (with clarification)
Earthcare Landscapes Pty Ltd	\$738,556
GHEMS Revegetation Environmental	\$1,089,331

The Evaluation Panel had concerns with the low price submitted by Environmental Industries Pty Ltd. A comparison of all the individual items that made up the lump sum price was undertaken. Three items were identified as being substantially below the other Offers. These were: concrete paving Type D, site works and soil preparation and the consolidation period allowance.

Clarification was sought from Environmental Industries regarding these items. The company responded with an additional cost \$94,137 and stated that it did not allow for soil preparation and removal to a depth of 150 millimetres, or for expansion joints in the concrete paving. These items were specified in the scope of works. The Offer also allowed only one man hour per week to undertake all duties required in the consolidation period. This was considered insufficient by the evaluation panel.

### **Evaluation Summary**

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

<b>Tenderer</b>	<b>Total Contract Price</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>
Curnow Group Pty Ltd	\$765,919.80	68.4%	1
Earthcare Landscapes Pty Ltd	\$738,555.75	58%	2
GHEMS Revegetation Environmental	\$1,089,331	46.7%	3
Environmental Industries Pty Ltd	\$547,743 (original) \$641,880 (with clarification)	46.2%	4

Based on the evaluation result, the Panel concluded that the Tender that provides best value to the City is that of Curnow Group Pty Ltd and is therefore recommended.

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

Landscaping services are required to complete the East West arterial road iconic project. 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

**Policy:**

Not Applicable.

**Risk Management Considerations:**

Should the contract not proceed, the risk to the City will be moderate as the City will not be able to complete the East West arterial roads iconic project. Delivery of native species grown specifically for the project has been timed to coincide with the award of this tender. Any delay may impact on the health and quality of the plants.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company that has demonstrated experience in similar types of landscaping projects and the capacity to complete the project in the required timeframe.

**Financial/Budget Implications:**

<b>Account No:</b>	W1326, W1598 and W1912
<b>Budget Item:</b>	SSE2016 Burns Beach Road Landscaping SSE2022 E/W Arterial Road Intersection Landscaping SSE2034 Burns Beach Road Landscaping
<b>Budget Project Cost 11/12:</b>	\$845,800
<b>Amount Spent To Date:</b>	\$0
<b>Proposed Contract Cost:</b>	\$765,920
<b>Balance:</b>	\$79,880

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

This project uses iconic native plant species from the Joondalup area specifically bred by the City. The use of these species assists in the continuation of species endemic to the Joondalup area.

**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 Curnow Group Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hollywood, SECONDED Cr McLean that Council ACCEPTS the Tender submitted by Curnow Group Pty Ltd for landscaping services for Burns Beach Road, Joondalup for requirements as specified in Tender 020/11 for the fixed lump sum of \$765,920 (GST Exclusive) for completion of the works within 36 weeks from issue of the letter of acceptance.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Motion to go Behind Closed Doors, Page 106 refers.**

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

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf130911.pdf](#)*



## **CJ169-09/11 PETITION OF ELECTORS SEEKING AN ENHANCEMENT OF BYRNE PARK**

<b>WARD:</b>	South-West
<b>RESPONSIBLE DIRECTOR:</b>	Mr Martyn Glover Infrastructure Services
<b>FILE NUMBER:</b>	25443, 101515
<b>ATTACHMENTS:</b>	Attachment 1 Byrne Park Aerial Map Attachment 2 Byrne Park Play Equipment Attachment 3 Santa Ana Park, Currambine

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### **PURPOSE**

To consider the petition requesting an upgrade of Byrne Park, Padbury and the replacement of playground equipment.

### **EXECUTIVE SUMMARY**

A petition of Electors, including 102 eligible signatures, was received by Council at its meeting on 15 February 2011 (C03-02/11 refers). The petition requested that the park be upgraded and the playground equipment replaced. The requested upgrade of the park included planting trees, installation of bore reticulation and the removal of overgrown scrub.

Byrne Park, Padbury is a dry park and is classified as Local Open Space in the City's Parks and Public Open Spaces Classification Framework. There are some trees within the park and these are predominantly WA Peppermint (*Agonis flexuosa*).

The provision of reticulation and the conversion of Byrne Park from a dry park to an irrigated park is not covered under any current Capital Works Program; however, dry parks have previously been converted to irrigated parks as part of adopted programs, or at ratepayers' requests.

It is unlikely that the Department of Water will support a bore licence for Byrne Park at this juncture. Consequently the vegetation nominated by the petitioners could not survive. There is, however, the opportunity to provide additional native trees to provide more shade and native bushes to screen the boundary fences, as these would not require irrigation and would improve the aesthetics of the park.

The playground equipment is not currently listed in the Five Year Capital Works Program for replacement.

*It is recommended that Council:*

- 1 *LISTS the Byrne Park play equipment for replacement in the Five Year Capital Works Program;*
- 2 *REQUESTS that additional native trees and screen bushes be planted in the park to provide more shade and improve the park's presentation;*
- 3 *DOES NOT APPROVE the development of Byrne Park to an irrigated park; and*
- 4 *ADVISES the Petition Organiser of Council's decision.*

## **BACKGROUND**

A petition of Electors, including 102 eligible signatures, was received by Council at its meeting on 15 February 2011, (C03-02/11 refers). The petition requested that the City transform the park by planting new trees and installing new play equipment.

The petition specifically requested the following works be undertaken:

- Nine London Plane trees (*Platanus acerifolia*) be planted to line the pathway.
- Fifteen Jacaranda trees (*Jacaranda mimosifolia*) be planted to provide shade throughout the park and also line the road side of the park along Byrne Close.
- The play equipment be upgraded and installed within a limestone low-walled sandpit area.
- Bore reticulation to be installed so that the park can be reticulated and become a green area.
- A section of overgrown scrub bush on the corner of the park near Byrne Close to be removed.

The petition further requested that the trees be planted in June/July 2011 and funding provided to upgrade the play equipment in the 2011/12 financial year.

Byrne Park, Padbury, is a Dry Park with an area of approximately 3,250m<sup>2</sup> and is classified as a Local Open Space (LOS) in the City's Parks and Public Open Spaces Classification Framework (PPOSCF). The park borders onto Byrne Close in the north and connects via pathways to Warner Drive to the south and Simpson Drive to the west. The park backs immediately onto adjacent residential properties on its eastern, southern and western borders (see Attachment 1, Byrne Park, Aerial Map, Padbury).

Byrne Park currently has the following play equipment (for photographs refer Attachment 2):

- Two x spring rockers.
- One x combination unit.
- One x double swing set.
- One x four seater rocker.
- One x double spring rocker.

There are also some shade trees, a bench seat and footpath links through the park.

The provision of reticulation and the conversion of Byrne Park from a dry park to an irrigated park is not covered under any current capital works program, however dry parks have been previously converted to irrigated parks as part of adopted programs or at ratepayers' requests.

The City has included one dry park for an irrigation upgrade in the 2011/12 capital works program and this project is Bracken Park.

## DETAILS

In the PPOSCF Local Open Spaces are classified under the broad category of Passive Reserves and as such are not used for active sport and recreation, but accommodate the passive recreation needs of the immediate community. The purpose of LOS is to encourage short stay usage for non-organised play, walking and animal activities, if permitted under the City's local laws. The PPOSCF criteria allow for play equipment and seating in LOS.

There are currently 112 dry parks in the City of Joondalup. Twenty-six of these dry parks are LOS including four parks classified as bushland LOS.

The City's current three ground water licences provide the City with a total allocation of 4,117,550kL per annum and the City must demonstrate a reduction in draw from the aquifer below the allocation before the Department of Water will grant any new bore licences.

In 2008/09 the City used 24% in excess of its licence allocation. Measures were put in place to reduce the demand in accordance with the Landscape Master Plan (LMP) and this provided a result of 21% below allocation in 2009/2010 and 7.9% below allocation in 2010/11. The City is currently managing its water demand within the allocation however there is the possibility that the Department of Water could further reduce groundwater allocations to local government.

There is a possibility that dry parks can be redeveloped with some irrigation, however, the Department of Water is reluctant to issue new bore licences. If the City were able to secure a licence then it is anticipated that the dry parks would be developed in accordance with the LMP as was demonstrated in Santa Ana Park in Currabine (Attachment 3 refers).

The City has reviewed the existing dry parks and is currently establishing selection criteria to prioritise the parks for potential upgrades. Based on the draft selection criteria, Byrne Park would not be considered within the next Five Year Capital Works Program.

The petition requests that there be 24 deciduous trees planted, the park be irrigated, remnant bush removed and the play equipment upgraded.

In accordance with the LMP design principles, the City would not support the planting of the deciduous trees, the removal of remnant bushland or the irrigation of the whole park. An alternative would be to provide native trees to augment the existing stock (WA Peppermint *Agonis flexuosa*), as well as some native bushes to screen the boundary fences. This would improve the aesthetics of the park although not fully satisfy the petitioners' request. The City would also consider the rationalisation of the play equipment so that it is more appropriately co-located with improved parent and access amenity.

### Issues and options considered:

- 1 Support the petition – however, as detailed in this report, there are many dry parks in the City of Joondalup with existing play equipment. It would be difficult to provide a groundwater allocation and Byrne Park is lower priority compared to many of the other dry parks.
- 2 Not support the petition – the condition of Byrne Park is typical of dry parks within the City and the amenity it provides to the community is limited.

- 3 Partially support the petition – there are three components to the petition, which are the park upgrade, increased planting and the playground upgrade. It is recommended that the lead petitioner be advised that the replacement of the playground equipment will be considered in the current five year Capital Works Program, the park will be provided with additional native trees and bushes to improve the aesthetics of the park and the park upgrade will be listed for consideration with the other dry parks in the City, subject to prioritisation, budget support and Department of Water approval for groundwater supply.

### **Legislation/Strategic Plan/Policy Implications**

#### **Legislation**

Australian Standards for play equipment AS 4685.1-6 (amended 2006 and 2008) and AS/NZS 4422 1996 (amended 1999) apply. The standards are not retrospective but will apply to new equipment that is supplied and installed.

#### **Strategic Plan**

**Key Focus Area:** Community Wellbeing

**Objective:** To facilitate healthy lifestyles within the community.

**Policy** Not Applicable.

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

Not Applicable.

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

##### Cost Estimate for Byrne Park Development

Demolition & earthworks	\$ 9,000.00
Play equipment replacement - 150m <sup>2</sup> with rubber softfall	\$ 85,000.00
<b><u>Total</u></b>	<b><u>\$ 94,000.00</u></b>

The cost of the additional native trees and bushes would be in order of \$5,000 and this will be sourced from the 2011/12 Operations Budget.

If irrigation were to be considered the overall cost would be in order of \$210,000.

All figures quoted in this report are exclusive of GST.

There is currently no capital works budget allocated for this park.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**Financial

Byrne Park is a LOS with play equipment that is more than ten years old. It is, therefore, amongst the group of playground equipment that require higher levels of maintenance and should be listed for replacement.

Environmental

Draw on groundwater from the Gnangara Mound by the City is restricted, and licensed by the Department of Water

Social

Social sustainability is reflected through applying selection criteria that demonstrates social equity, in those parks with the least infrastructure, or further away from existing and/or accessible infrastructure, will be given preference for the upgrade from dry park to irrigated park.

**Consultation:**

A petition with 102 eligible signatories was received from residents residing near Byrne Park, Padbury. If approved by Council the replacement of the play equipment would be subject to the appropriate level of consultation.

**COMMENT**

The park has the potential to be re-developed as a user-friendly community asset, similar to that carried out at Santa Ana Park in Currambine, however, there are many other dry parks in the City of Joondalup that have play equipment and are considered a higher priority for irrigating, compared to Byrne Park.

The City can, however, provide additional native trees and bushes that do not require irrigation, but will improve the presentation of the park.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council:**

- 1** LISTS the Byrne Park play equipment for replacement in the Five Year Capital Works Program;
- 2** REQUESTS that additional native trees and screen bushes be planted in the park to provide more shade and improve the park's presentation;
- 3** DOES NOT APPROVE the development of Byrne Park to an irrigated park; and
- 4** ADVISES the Petition Organiser of Council's decision.

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

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

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf130911.pdf](#)*

## **CJ170-09/11 PETITION OF ELECTORS REQUESTING THE RETENTION OF SHEOAK TREES IN FLINDERS PARK**

**WARD:** South-West

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

**FILE NUMBER:** 09146, 101515

**ATTACHMENTS:**

Attachment 1	Sheoak species and anticipated canopy spread of newly planted Tuart trees
Attachment 2	Photograph of playground with newly planted Tuart trees
Attachment 3	Summer shading at Flinders Park playground including Sheoak trees to be retained and removed.

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### **PURPOSE**

The purpose of this report is for Council to consider a petition requesting the retention of Sheoak (*Casuarina*) trees until replacement trees have reached a height suitable for providing shade to the playground facility located in Flinders Park, Hillarys, or until artificial shade is provided.

## EXECUTIVE SUMMARY

At the ordinary Meeting of Council held on 28 June 2011, a 274 signature petition was received requesting that Sheoak trees marked for felling be left standing until such time as the trees recently planted by the Friends of Flinders/Broadbeach Park are mature enough to provide shade for the children, and keep the metal playground equipment cool, or alternatively, until the City of Joondalup provides artificial shade.

The City is currently in the process of removing Sheoak trees located within ten metres of playground equipment situated within public open space in accordance with Council's direction of 25 September 2007 (CJ199-09/07 refers).

This report considers the options available to the City to continue to provide shade to the playground and discusses the advantages and disadvantages.

*It is recommended that Council, BY AN ABSOLUTE MAJORITY:*

1 *NOTES its decision of 25 September 2007 (Item CJ199-09/07), being:*

*"That Council:*

1 *AGREES to implementing a six (6) year rolling program that progressively removes Sheoaks within 10 metres of play equipment within the public open spaces, and replants with a suitable native species;*

2 *NOTES that Sheoaks will no longer be planted within close proximity to play equipment."*

2 *Acknowledging that Council is in the fourth year of the rolling program referred to in Part 1 above, AMENDS the resolution for years four to six of the rolling program to read as follows:*

*"That Council:*

1 *AGREES to progressively remove female Sheoaks located within 10 metres of play equipment within the following public open spaces, and replants with a suitable native species:*

1.1 *Flinders Park (three female trees);*

1.2 *Byrne Park (two female trees);*

1.3 *Montague Park (three female trees);*

1.4 *Gradient Park (one female tree);*

2 *NOTES that Sheoaks will no longer be planted within close proximity to play equipment."*

3 *ADVISES the Petition Organiser of Council's decision.*

## BACKGROUND

The City is currently in the process of removing Sheoak trees located within ten metres of playground equipment situated within public open space as a result of the report, "Assessment of Sheoaks within the City's Parks" (CJ199-09/07 refers) which was presented to Council on 25 September 2007. The report was presented as a result of Council wanting to identify locations where Sheoaks were in close proximity to childrens' playground areas, the costs associated with their removal and alternative native trees to replace the Sheoaks. The basis of the report was that the seed cones that are produced on Sheoak trees can cause discomfort and possible injury to the bare feet of children that come into contact with them. Council resolved as follows:

*"That Council:*

- 1 *AGREES to implementing a six (6) year rolling program that progressively removes Sheoaks within 10 metres of play equipment within the public open spaces, and replants with a suitable native species;*
- 2 *NOTES that Sheoaks will no longer be planted within close proximity to play equipment."*

As a result of Council's resolution the City identified that there were 24 of the 216 playgrounds that had Sheoak trees within ten metres of play equipment. The table below describes the removal program beginning in 2008 and concluding in 2013. Once removed, a native tree is planted in place of the Sheoak tree to ensure the amenity of the park is maintained.

<b>Park</b>	<b>Suburb</b>	<b>Year Tree to be Removed</b>	<b>Number of Trees</b>
Lysander	Heathridge	2008	2
Faversham	Heathridge	2008	6
Picnic Cove	Edgewater	2008	1
Trigg Point	Ocean Reef	2008	1
Finney	Marmion	2008	2
Braden	Marmion	2008	5
Springvale	Warwick	2008	4
Tom Simpson	Mullaloo	2009	2
Anemone	Mullaloo	2009	1
Korella	Mullaloo	2009	2
Triton	Mullaloo	2009	1
Flinders	Hillarys	2010	7
Pinnaroo Point	Hillarys	2010	12
Whitford Nodes	Hillarys	2010	3
Hillarys	Hillarys	2010	9
Montague	Kallaroo	2011	7
Byrne	Padbury	2011	3
Hilton	Duncraig	2012	2
Galston	Duncraig	2012	2
MacDonald	Padbury	2012	2
Wentworth	Padbury	2013	2
Gradient	Beldon	2013	1

The above program has been implemented by the City and is currently on schedule, with the exception of the removal of the trees at Flinders Park.



A petition was presented to Council at the ordinary Council meeting on Tuesday 28 June 2011 requesting the Sheoak trees surrounding the playground at Flinders Park be retained until adequate shade is provided by recently planted trees or, alternatively, by artificial shade. There were a total of 274 signatures received on the petition, which indicates the level of importance to the community on this issue. The scheduled removal of the trees at Flinders Park has been postponed as a result of the petition and the pending Council decision on the future of the existing trees.

## DETAILS

Casuarinas or Sheoak trees, as they are commonly known, take on the look of a slender conifer and are commonly grown in areas throughout the world. The tree has delicate branches, is very tolerant of windswept locations and can grow up to 10-15 metres in height. The Sheoak tree is dioecious, that is, there is a male and female form of the tree and only the female tree has the unfortunate natural characteristic of developing and dropping seed cones.

There are currently seven Sheoak trees located around the playground at Flinders Park. Four of the seven trees (*Casuarina equisetifolia*) are male and do not have seed cones and the remaining three trees (*Casuarina obesa*) are female and do have seed cones (Attachment 1 refers). The playground itself is made up of swing sets, rockers, a combination unit, sand softfall and has been in place for approximately ten years.

In May of this year the Friends of Flinders/Broadbeach Park group was formed which consists of a number of local residents. One of the first events the group held was a community planting day which took place on 15 May 2011. The City supplied 20 Tuart trees (*Eucalyptus gomphocephala*) and agreed with the group on the locations of where the trees were to be planted. Six of the Tuart trees were planted in close proximity to the Flinders Park playground with the intention of these trees providing shade in the future (Attachment 2 refers). The newly planted trees will take a minimum of five years before they start to make a significant impact in regards to shade.

As the male Sheoaks do not have the offending cones it would be appropriate that these are retained. The City has also estimated the impact of the summer shadowing (Attachment 3 refers) and confirmed that the three female Sheoaks have minimal or no contribution to the shade on the play equipment and therefore can be removed.

It is also noted that there are trees to be removed at seven other parks between 2011 and 2013 that may result in a similar response from the community, for example, Byrne Park. The City has identified that there are six female trees at these parks, (in addition to Byrne Park) that need to still be removed.

**Issues and options considered:**

The following options have been considered:

**Option 1**

Remove existing Sheoak trees that are located within ten metres of the playground as per the decision made by Council on 25 September 2007.

Advantages	Disadvantages
<p>No replacement planting will be required as a result of the efforts of the Friends of Flinders/Broadbeach Park planting day where a number of trees were planted around the playground. The hazards the seed cones present to playground users would be eliminated. In addition, Council would remain consistent with its 2007 decision to remove the trees.</p>	<p>There would be an initial loss of visual amenity and habitat for fauna until the replacement trees reach a suitable height. In addition, there would be limited shade provided to the playground area for many years.</p> <p>Four of the Sheoaks are male and do not produce the seed cones, therefore do not require removal.</p>

**Option 2**

Consider an artificial shade structure as an alternative to trees as suggested in the petition.

Advantages	Disadvantages
<p>Artificial shade structures generally provide the greatest coverage of shade over playgrounds if designed and installed correctly. Shade could be provided instantly once the structure is erected and the Sheoak trees would be removed as part of this process, which would eliminate the seed cone hazard.</p>	<p>The cost to install a shade structure at the existing playground is estimated to be \$30,000. The City's Capital Works Program does have a specific program relating to installation of shade structures, however in the 2011/2012 Shade Structure Program all of the budgeted funds have been allocated to Penistone Park and Montague Park.</p>

**Option 3**

Retain the Sheoak trees until the trees planted by the Friends of Flinders/Broadbeach Park reach a height where sufficient shade is provided to the playground area.

Advantages	Disadvantages
<p>The shade provided by the Sheoak trees will be retained until the trees planted by the Friends Group reach a height that provides adequate shade to the playground. The visual amenity to the park would remain untouched providing enjoyment for park users and will also provide habitat for fauna. City officers would monitor the shade situation at the playground and in consultation with the Friends of Flinders/Broadbeach Park decide when sufficient shade is provided by the replacement trees and then at that point remove the Sheoak trees. It is anticipated that this will be in five to 10 years.</p>	<p>If Council is to agree to retain the Sheoak trees that have been identified for felling until such a time that the recently planted trees are mature enough to provide shade it would contravene the decision adopted by Council in 2007. The seed cones would remain a potential risk until the replacement trees reach a height that provides adequate shade, this could be anywhere from five to 10 years.</p>

**Option 4**

Retain the four male Sheoak (*Casuarina equisetifolia*) and remove the three female Sheoak (*Casuarina obesa*).

Advantages	Disadvantages
<p>The shade to play equipment in the playground is retained. The trees that could potentially cause injury to the children using the play equipment are removed.</p>	<p>Nil</p>

**Legislation/Strategic Plan/Policy Implications**

**Legislation:** S5.25 of the Local Government Act 1995

**Strategic Plan:**

**Key Focus Area:** Community Wellbeing

**Objective:** To facilitate healthy lifestyles within the community.

**Policy:**

Not Applicable.

**Risk Management Considerations:**

If the Sheoak trees are removed it will take many years before the replacement trees provide the quality of shade provided by existing trees. This could increase the risk to playground users being exposed to unnecessary UV radiation. However, if the male Sheoak trees are retained, the female Sheoak trees are removed and the newly planted trees reach a height that provide desired shade levels, playground users, in particular children, have a greatly reduced exposure to UV radiation and personal injury.

**Financial/Budget Implications:**

A breakdown of costs associated with the removal of the three Sheoak trees is outlined below:

Removal of existing three Sheoak trees	\$1000
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The City would accommodate these costs within the Operation Services budget.

There would be no replacement planting costs as a result of the new trees being planted by the Friends of Flinders/Broadbeach Park in May 2011.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

If Council was to progress with the removal of all of the Sheoak trees there would be an initial loss of visual amenity until the replacement trees reach a suitable height.

**Consultation:**

Not Applicable.

**COMMENT**

It is recommended that Council supports the petitioners' request in part to retain the Sheoak trees by retaining the four male Sheoak trees and removing three female Sheoak trees at this time.

It is further proposed that the female Sheoak trees only be removed progressively from the following public open spaces, (identified in the list of parks containing Sheoaks detailed within this report) and replanted with a suitable native species:

- 1 Byrne Park (two female trees);
- 2 Montague Park (three female trees);
- 3 Gradient Park (one female tree).

As the proposed recommendation is significantly different to the intent of Council's resolution of 25 September 2007, it is necessary to amend this recommendation in accordance with the requirements of the Local Government Act 1995.

## VOTING REQUIREMENTS

Absolute Majority

**MOVED** Cr Norman, **SECONDED** Cr Hamilton-Prime that Council, **BY AN ABSOLUTE MAJORITY:**

1 **NOTES** its decision of 25 September 2007 (Item CJ199-09/07), being:

“That Council:

- 1 **AGREES** to implementing a six (6) year rolling program that progressively removes Sheoaks within 10 metres of play equipment within the public open spaces, and replants with a suitable native species;
- 2 **NOTES** that Sheoaks will no longer be planted within close proximity to play equipment.”

2 Acknowledging that Council is in the fourth year of the rolling program referred to in Part 1 above, **AMENDS** the resolution for years four to six of the rolling program to read as follows:

“That Council:

- 1 **AGREES** to progressively remove female Sheoaks located within 10 metres of play equipment within the following public open spaces, and replants with a suitable native species:
  - 1.1 **Flinders Park** (three female trees);
  - 1.2 **Byrne Park** (two female trees);
  - 1.3 **Montague Park** (three female trees);
  - 1.4 **Gradient Park** (one female tree);
- 2 **NOTES** that Sheoaks will no longer be planted within close proximity to play equipment.”

3 **ADVISES** the Petition Organiser of Council’s decision.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18agn200911.pdf](#)

**C44-09/11                    COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]**

**MOVED** Cr Hollywood, **SECONDED** Cr McLean that Pursuant to the Standing Orders Local Law 2005 – Clause 48 – Adoption of recommendations en bloc, Council **ADOPTS** the following Items CJ152-09/11, CJ154-09/11, CJ156-09/11, CJ159-09/11, CJ160-09/11, CJ162-09/11, CJ163-09/11, CJ164-09/11, CJ165-09/11, CJ166-09/11, CJ167-09/11 and CJ168-09/11.

**The Motion was Put and**

**CARRIED (12/0)**

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

**C45-09/11                    MOTION TO GO BEHIND CLOSED DOORS - [02154, 08122]**

**MOVED** Cr Amphlett, **SECONDED** Cr Hollywood 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 the following Confidential Items:

**CJ171-09/11                    Minutes of the Strategic Financial Management Committee Meeting held on 8 August 2011, as this Item contains information that has a commercial value to a person;**

**CJ172-09/11                    Mindarie Regional Council Sublease to Landfill Gas and Power, as this item relates to a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;**

**2** **PERMITS** the following employees to remain in the Chamber during discussions on Confidential Items CJ171-09/11 and CJ172-09/11, while the meeting is sitting behind closed doors as detailed in part 1 above:

- **Chief Executive Officer, Mr Garry Hunt;**
- **Director Corporate Services, Mr Mike Tidy;**
- **Director Governance and Strategy, Mr Jamie Parry;**
- **Director Infrastructure Services, Mr Martyn Glover;**
- **Manager Planning Services, Mr John Humphreys;**
- **Manager Governance and Marketing, Ms Michelle Noble;**
- **Governance Officer, Mrs Lesley Taylor;**
- **Governance Officer, Mrs Rose Garlick.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Members of staff (with the exception of Chief Executive Officer, Director Governance and Strategy, Director Corporate Services, Director Infrastructure Services, Manager, Planning Services, Manager Governance and Marketing and two Governance Officers) and members of the public and press left the Chamber at this point; the time being 7.38 pm.*

**REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ171-09/11 CONFIDENTIAL - MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 8 AUGUST 2011****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services**FILE NUMBER:** 51567, 63627, 101515**ATTACHMENTS:**

Attachment 1 Minutes of the Strategic Financial Management Committee Meeting held on 8 August 2011

*(Please Note: This attachment is confidential and will appear in the official Minute Book only)*

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This Item is Confidential – Not for Publication

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

**MOVED Cr Amphlett, SECONDED Cr McLean that Council:**

- 1 **NOTES** the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 8 August 2011, forming Attachment 1 to Report CJ171-09/11;
- 2 **REQUESTS** a further status report on the overall progress of the proposed disposal of the 14 City owned freehold sites be submitted to the next Strategic Financial Management Committee meeting;
- 3 **SUPPORTS** the initiation of an Amendment to District Planning Scheme No 2 to Lot 971 (52) Creaney Drive, Kingsley to rezone the land from 'Civic and Cultural' to Commercial and Residential/R40; (Restricted Use – Aged Persons Housing) and where possible existing grass trees be relocated and trees offset to alternate locations throughout the City; and
- 4 **NOTES** that detailed reports on the following four properties, being:
  - Lot 1001 (14) Camberwarra Drive, Craigie;
  - Lot 971 (52) Creaney Drive, Kingsley;
  - Lot 549 (11) Moolanda Boulevard, Kingsley; and
  - Lot 977 (15) Burlos Court, Joondalup;

will be submitted to the next Strategic Financial Management Committee meeting.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 20 refers*

*Confidential - appended hereto in the official Minute Book only*

## **CJ172-09/11 CONFIDENTIAL - MINDARIE REGIONAL COUNCIL SUBLEASE TO LANDFILL GAS & POWER**

**WARD:** All

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

**FILE NUMBER:** 03149, 101515

**ATTACHMENTS:** Attachment 1 Sublease between Mindarie Regional Council and  
Landfill Gas & Power

*(Please Note: This attachment is confidential and will appear in the  
official Minute Book only)*

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This Item is Confidential – Not for Publication

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

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

- 1 CONSENTS to the sublease between Mindarie Regional Council and Landfill Gas and Power Pty Ltd as set out at Attachment 1 to this Report; and**
- 2 AUTHORISES the Mayor and the Chief Executive Officer to execute the sublease on behalf of the City.**

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 21 refers*

*Confidential - appended hereto in the official Minute Book only*



**C46-09/11                    MOTION TO GO TO OPEN DOORS**

**MOVED Cr Fishwick, SECONDED Cr Hamilton-Prime 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 (12/0)**

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

*One member of the public returned to the Chamber. No members of the press were present.*

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motions in relation to:

CJ171-09/11                    Confidential – Minutes of the Strategic Financial Management Committee Meeting held on 8 August 2011

CJ172-09/11                    Confidential – Mindarie Regional Council Sublease to Landfill Gas and Power

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

There being no further business, the Mayor declared the Meeting closed at 7.51 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, JP  
Cr J CHESTER  
Cr B CORR  
Cr C HAMILTON-PRIME  
Cr M NORMAN  
Cr R FISHWICK  
Cr F DIAZ

